Pandemic Proofing

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Published by Penn Law: Legal Scholarship Repository,
October 11
Distinguished Jurist Lecture
SPEAKER Hon. Richard A. Posner, United States Seventh Circuit Court of Appeals and Senior Lecturer, University of Chicago Law School
SPONSORED BY Institute for Law and Economics
LOCATION TBA
TIME 4:30 p.m. – 5:30 p.m.

October 12
The Constitution of Iraq: One Year On
SPONSORED BY Penn Law & the National Constitution Center
LOCATION Penn Law & the National Constitution Center
TIME 11 a.m. – 9:30 p.m.

November 17
Law Review Symposium
TOPIC “Liability for Global Warming: Law, Economics, and Science”
LOCATION TBA
TIME 9 a.m. – 2 p.m.

November 15
The Owen J. Roberts Memorial Lecture
SPEAKER Justice Richard J. Goldstone
TOPIC “The First Decade of South Africa’s Constitutional Court”
SPONSORED BY Alumni and Development Office
LOCATION Levy
TIME 4:30 p.m. – 5:30 p.m.

November 29
Law and Entrepreneurship Lecture
SPEAKER Pam Daley L'79
SPONSORED BY Institute for Law and Economics
LOCATION S-245A
TIME 4:30 p.m. – 5:30 p.m.

March 1
Church-State Debate
SPEAKERS Rev. Barry Lynn of Americans United for Separation of Church and State and Professor Douglas W. Kmeic of Pepperdine University
TOPIC The future of the separation of church and state
SPONSORED BY American Constitution Society and The Federalist Society
LOCATION Levy
TIME 6:30 p.m. – 8:30 p.m.
FEATURES

Pandemic Proofing
BY JAMES L. GARDNER
16
After disappearing from the news for a while, accounts of avian flu are beginning to resurface, once again raising questions about our ability to stave off a pandemic. That word conjures medieval scourges, quarantines, decimated populations, and panic in the streets. What would we do, given the well-documented problems with vaccine development and distribution, if an epidemic occurred? In an effort led by Penn Law, a team of public health experts and bioethicists are searching for answers, and trying to create a stronger line of defense, not only for this country but for the world.

A Campus Crossroad
BY LARRY TEITELBAUM
24
Law connects to almost any field of study. Proof lies in the growing number of Penn students venturing to Penn Law to make those connections. Students in communications, history, business, engineering, and medicine are all using their newfound knowledge to better understand their disciplines. Thus, their decision to attend law school is becoming all the more logical.

Five All-Stars 40 and Under
BY SALLY FRIEDMAN, ANDY GREENBERG, PETER NICHOLS, ROBERT STRAUSS, AND LARRY TEITELBAUM
27
Productive careers take time to blossom. Tell that to these alumni, most of whom are under 40 years old. In a relatively short time, these young alumni have risen to visible, important roles in their respective professions. They have been placing themselves at the center of the great debates on evolution, terrorism, national health care and wiretapping, and at the forefront of technology.

Berger Recalls Early Role in Space Program
BY LARRY TEITELBAUM
41
It seems far removed from his days as a judge and head of a thriving law firm. But long ago, after World War II, the Honorable Harold Berger participated in a top-secret project, so hush-hush that some of his friends still don’t know about it: He monitored test rockets in a run-up to the space program.

DEPARTMENTS

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To the Penn Law Community:

I AM OFTEN REMINDED when I read or watch the news how much of a role the law plays in virtually all of our most pressing issues. But I am also aware that no one discipline holds a monopoly on ideas nor contains all the answers. In today’s world, where problems cross borders and defy predictable silos, it is incumbent upon us to widen our scope of vision if we are to solve our problems, whether they be diplomatic, economic, or scientific.

As it turns out, one such problem presents grave challenges to our resources and ingenuity, but opportunities as well. I refer to the rising threat of pandemics. Last year at this time, concerns about bird flu riddled the news. Policy-makers, abetted by the media, rang their hands about a vaccine shortage, and America’s lack of preparedness. Although such talk has receded, overshadowed by more disquieting developments around the world, I suspect it is premature to dismiss these potential perils. Better to put a protocol in place, should the threat re-materialize. This is exactly what Penn Law professor Eric Feldman and a team of bioethicists, doctors and public health experts are intent on doing, as documented in our cover story. Feldman and company will soon embark on a project of incredible dimensions. Their goal is to develop an equitable system of development and distribution that could decrease episodes of communicable disease in the developing world and, best case, control future epidemics.

Suffice to say, this interdisciplinary effort involving other parts of Penn, scholars from Columbia and the University of Tokyo shines a spotlight on your law school. We are in position to clarify a multitude of issues and create a battle plan for leaders and health organizations involved in the fight against pandemics. Of course, this is but one example of the important interdisciplinary work going on every day at the Law School on subjects as diverse as international tax inequities, the implications of the information revolution on health care, and the effect of international tribunals on the policies of sovereign states.

The benefits of this interdisciplinary culture can be seen as well among our students, increasing numbers of which take classes with students from other schools on campus. As you will read in our story titled “A Campus Crossroad,” infusing different points of view leads to stimulating discussion and perhaps attracts a range of excellent students to law school.

Speaking of interesting backgrounds, this issue would not be complete without stories about alumni; in this case, five inspiring (and aspiring) young alumni. Each shows what one can do with a law degree; each exhibits an astonishing level of accomplishment at a relatively early stage in their careers; and each leaves me feeling that the world is in good hands.

Mike
THE BRIEF
LAW SCHOOL
NEWS & EVENTS

Fitts Reappointed to Second Term as Law School Dean

MICHAEL A. FITTS has been reappointed as dean of Penn Law School for a second term that will run through June 30, 2012. In announcing the reappointment, Penn President Amy Gutmann pointed to faculty growth, expansion of interdisciplinary and international programs, and the subsequent rise in the Law School’s reputation as key factors that recommended Dean Fitts for another term. She also referred to the Dean’s successful efforts to double the school’s endowment, to more than double its annual donations, and to build stronger ties with the school’s alumni, donor, and professional constituencies.

“Penn Law has become a school of choice for students from the United States and abroad,” Dr. Gutmann said. “We are confident that Michael Fitts is the ideal leader to continue to take Penn Law to new heights.”

Dean Fitts has been affiliated with Penn Law since 1985, when he joined the faculty after serving as an attorney adviser in the Office of Legal Counsel at the U.S. Department of Justice. He was appointed dean in 2000.

Top Sports Agent Promotes Win-Win Vision of Marketing Athletes to the Global Village

SPORTS AGENT PHILIP de PICCIOTTO L’81 sounded like a futurist at this year’s SHiLS LECTURE, forecasting the dawn of a new era in communications that will turn the world of marketing on its head.

He said in the years to come he sees a profusion of goods and services, with free trade opening up new channels of distribution; a proliferation of media outlets competing for mind-share; and a shift in power from distributors to consumers of information, as, all the while, brand loyalty continues to erode.

“People have not changed, but the way we engage with the world has changed dramatically,” said de Picciotto during his presentation last February. “People want things to be relevant and specific to them. Everyone, all of us, is bombarded by messages ... We will screen out messages that we don’t want to hear.”

As president of the Athletes and Personalities division of Octagon, one of the world’s leading sports and entertainment agencies, de Picciotto sits atop a marketing juggernaut. He’s been named one of The Sporting News’ Top 100 Most Powerful People in Sports, The Sports Business Journal’s 20 Most Influential People, and to the Advertising Age Marketing 100. In 25 years, he’s represented the likes of John Elway; The Duchess of York; and his hottest commodity, tennis player Anna Kournikova.

So this agent of change speaks with great authority, and a stunning track record, when he describes how he turned the
photogenic Kournikova into a worldwide media sensation using a grand plan, cross-disciplinary, if you will, in design. He promoted her as an athlete, model, and entertainer. Accordingly, she pitched on the Internet, DVDs, and videos a range of products including perfume, cell phones, tennis rackets, video games, clothing, footwear, and milk. She also graced the covers of everything from Forbes to Sports Illustrated, appearing as well in a global-spanning glut of magazines, in Russia, England, Australia, Spain, Germany, and Japan.

But making the next Anna Kournikova a household name is a dicier proposition with the explosion of media — 100 TV stations, 18,000 magazine titles, and 20 million Internet sites — and the doubling of new product introductions over the last decade.

Clearly, competition for customer attention is fierce. Reaching them with an integrated message across media platforms will require extraordinary teamwork by public relations, sales promotion, direct marketing and IT specialists, de Picciotto instructed.

A synergy, he said, that applies as well to the practice of law. Both professional sports and the legal profession, he said, are accustomed to producing winners and losers. de Picciotto said the challenge is to find a middle ground in which everyone wins.

“We need people who are going to play together,” he said at this lecture in arbitration and alternative dispute resolution. “Not everything is a fight. You need to find partners to realize creative solutions. You can be deal makers or deal breakers. I would encourage everyone in the modern age to think about being deal makers.”

Chinese Constitution Maps Foreign Policy, Says deLisle

"You can be deal makers or deal breakers. I would encourage everyone in the modern age to think about being deal makers."

THOSE WHO WANT TO UNDERSTAND the evolving foreign policy in China should look to its constantly changing constitution, Penn Law professor Jacques deLisle argued at a conference last March on Constitutional Change and Foreign Policy in East Asia.

"Several recent developments show connections between the Chinese constitution and Beijing's approach to engaging the outside world," wrote deLisle in a paper he co-authored with professor Cheng Li of Hamilton College. "The recent flowering of constitutional discourse in China has drawn strikingly dense connections between domestic and foreign policy issues."

The conference, which was co-sponsored by the Foreign Policy Research Institute and the Law School, included panels on constitutional reform and foreign policy in China, Japan, Taiwan, and Korea. deLisle directs FPRI's Asia program and co-authored the paper on Taiwan. There was also a discussion, featuring Penn Law professor William Burke-White and 2007 Penn Law visiting professor Tom Ginsburg of the University of Illinois, on how these changes reflected the influence of U.S. constitutional ideas and the efficacy of U.S. efforts to promote constitutional change abroad.

Although deLisle says the Chinese constitution serves more as “an ideological and programmatic document than an operational blueprint for governance,” he pointed out how recent revi-
DeLisle and Cheng also pointed to developments in the constitution's article on “special administrative regions” and provisions underpinning China's 2005 Anti-Secession Law. These illustrate China's rigorous defense of its territorial sovereignty and the limits to Beijing's commitment to autonomy for Hong Kong and, prospectively, Taiwan.

The two China scholars don't expect the Chinese constitution to become a binding document overnight, but they predict an eventual shift toward a more robust rule of law, even in foreign affairs.

Penn Law Hosts Constitutional Theory Conference

MORE THAN 30 leading constitutional law scholars from law schools nationwide gathered at the Penn Law last April to share scholarship. The two-day conference on Constitutional Theory, in which Penn, NYU and Vanderbilt rotate as hosts, featured papers on topics such as unenumerated rights, separation of powers and criminal law, and constitutional democracy. There was also a roundtable discussion on judicial appointments. Penn Law professor Matthew Adler was one of the conference organizers.

Dean of Admissions Heads to Hollywood to Pursue Acting Dream

DEREK MEEKER, associate dean of admissions for the past four years, left the Law School on September 1 and headed to Los Angeles to seek entry into an exclusive province: the acting profession.

“Derek has done an outstanding job,” Dean Michael A. Fitts wrote in announcing Meeker’s departure. “He has recruited and enrolled some of the most talented classes in our history. He has improved almost every aspect of our admissions process right down to the handling of each and every file. We wish Derek the best and look forward to the chance to say, ‘Yes, but we knew him when...’”

During his tenure, Meeker has personally read more than 20,000 applications. The number of applications reached an all-time high in 2005, and acceptance rates fell from 28 percent in 2000 to 12.5 percent this year. As a result, students are entering with average LSAT scores (170) and GPAs (3.7) that are the highest in school history.

Meeker said he has dreamed of being an actor since he was a child. “Working as the dean of admissions at Penn Law has been one of the most rewarding, challenging, and enjoyable experiences of my life,” he said. “Unfortunately, one cannot be a full-time dean of admissions and a part-time actor. If I am to ever fully pursue acting, it must be now.”
Penn Law Student Wins Burton Award ... Again

MAURA CAFFREY L'06 became the fifth consecutive Penn Law student to win a Burton Award, given to lawyers and law students who write in clear and concise language. Caffrey's award-winning article, "A New Approach to Insanity Acquitee Recidivism: Redefining the Class of Truly Responsible Recidivists," was published in the Penn Law Review in December 2005.

Beller and Pew Join Board of Overseers

THE BOARD OF OVERSEEERS welcomes two new members, Alan Beller L'76 and Derek Pew L'93. Beller is a partner at Cleary Gottlieb Steen & Hamilton LLP, where he focuses on securities, corporate governance and other corporate law matters. He rejoined Cleary Gottlieb this past August after serving four years as director of the corporate finance division of the Securities and Exchange Commission. During his tenure, his division produced the most far-reaching corporate governance, financial disclosure and securities-offering reforms in Commission history, including implementation of the Sarbanes-Oxley Act.

Pew was until recently the interim CEO of Wireless Philadelphia, a nonprofit charged with creating a wireless network that will provide citywide Internet access. Pew began his career as an investment banker at Bankers Trust Co. in New York. After graduation from Penn Law, he joined Morgan, Lewis & Bockius LLP, where he helped transact the $33 billion merger of Bell Atlantic and NYNEX. In 1998, he became president of The Furst Group, an international communications provider, and later co-founded Boathouse Communications Partners and Remi Communications. Pew serves on the advisory boards of the Metropolitan Aids Neighborhood Nutrition Alliance, the Greene Towne School, and on the board of the Maestro Circle Committee of the Philadelphia Orchestra.

Scottoline Signs Books for NY Alumni

NEW YORK TIMES BESTSELLING NOVELIST Lisa Scottoline C'77 L'81 discussed her latest legal thriller Dirty Blonde at a book signing last March for New York alumni. She also...
talked about her life as a writer. The event was held at the Penn Club.

Scottoline is a member of the Penn Law board of overseers. She teaches a popular course titled “Justice and Fiction.” She has written 12 thrillers, one of which, Final Appeal, won the Edgar Award, the premier award given by the Mystery Writers of America. Her novel, *Everywhere That Mary Went*, also received an Edgar nomination. She is working on a new book, *Daddy’s Girl*. It is scheduled for release in February.

**Roe v. Wade** Attorney Looks Back with Pride, Forward with Concern

**AT THE AGE OF 26,** when most young lawyers are thinking only of how to maintain a respectable number of billable hours, Sarah Weddington was embroiled in one of the most politically divisive and precedent-shaping cases of the 20th century: *Roe v. Wade*. And as if leading a landmark case like Roe as her first high-profile assignment wasn’t enough, Weddington went one step further: she won.

The story of *Roe* began in 1970, when Weddington was approached by a group of University of Texas graduate students working as abortion counselors. “They wanted a woman lawyer, and I was the only one they’d ever heard of,” Weddington said in her address to Penn Law’s Feminist Working Group last April, “And also, they wanted someone who would work for free.”

The young Weddington expected her class action lawsuit against Harry Wade, the Texas attorney general, to be a routine trial, just one of a “mountain of cases” advocating a woman’s right to choose. Instead, she found herself arguing Roe, her first major case, before the Supreme Court in 1973.

“I’m very grateful that I happened to be in the place from which I could argue that it is not the government’s decision whether you decide to become pregnant, and whether you decide to continue or terminate your pregnancy,” said Weddington, now a lecturer, author, and attorney.

In the years since the Roe decision, Weddington has observed a gradual erosion of abortion rights, and she voiced concern over the appointments of new Supreme Court Justices Samuel Alito and John Roberts. “I think Alito will work to overturn Roe. I think Roberts will too, though I’m not willing to bet on that,” she said. “But I think we all know that [Roberts’] wife is the head of an anti-choice group whose goal is to overturn *Roe v. Wade.*”

Nonetheless, Weddington expressed pride in her accomplishments and those of choice advocates around the country. “While I worry about the future, at least for 33 years, because of the work of a lot of people, women in this country have been able to make decisions for themselves.”

**Seale Recalls a Different Side of the Black Panthers**

**BOBBY SEALE** has never had much use for the status quo. But at a United Law Students of Color-sponsored lecture last February, the Black Panther Party’s founder and former chairman wasn’t questioning authority so much as questioning history. Taking issue with the mainstream perception of the Panthers, he emphasized the controversial group’s less-publicized social programs.
The media usually portrays the Black Panthers as violent revolutionaries, but Seale said the other side — the group’s penchant for helping the poor — rarely gets told. “We were feeding 250,000 kids free breakfast at 49 chapters and branches throughout the U.S.” recounted Seale. “After that, the California state legislature gave five million dollars to schools for free breakfast programs, and 28 state legislatures followed suit in the next year and a half, all because of that free breakfast children’s program that we had no government funding for.”

Seale, who is now a lecturer, author and barbeque sauce entrepreneur, also pointed out that the Panthers have been misrepresented as focusing solely on black power to the exclusion of other marginalized groups. “A lot of people misunderstood the Black Panther Party’s position,” he said. “We had working coalitions with every ethnic group, anybody who was oppressed. We didn’t care whether you were white, black, blue, red, green, yellow or polka dot. What we really cared about was where your heart, mind, and soul were at, whether you supported human liberation in America and all over the world.”

Although Seale’s talk touched on the Panthers’ infamous confrontations with police, he preferred to focus on the group’s peaceful initiatives and the ethos behind them. “Six billion human beings live on the face of this earth. How do we evolve a better world of decent human relationships with economic parity that makes human sense?” he asked. “This is what our struggle was about.”

This summer, Dean Michael A. Fitts traveled to Asia to meet with alumni. He visited Tokyo, Seoul, Beijing, Hong Kong and Taiwan. Fitts is pictured (fifth from right) gathering with alumni in Beijing, China.
A Host of Student Conferences

Global Concerns for Asian Pacific American Lawyers

This year's Mid-Atlantic APALSA Conference centered on globalization of markets and media. Eighteen speakers and panelists encouraged Asian American lawyers to push for global human rights.


Open Source in the International Marketplace

The journal of International Economic Law (JIEL) held a symposium in March on the impact of open source software on world economies. The symposium featured five speakers and five panelists including Larry Rosen, former chief counsel for the Open Source Initiative. He discussed issues of legality and jurisprudence involving open source technology.

Negotiators Describe Collective Bargaining at Sports Symposium

A number of speakers, including famed executive director of the baseball players union, Don Fehr, took up the contentious issue of professional sports and collective bargaining at the Journal of Labor & Employment Law Symposium last January.

Fehr spoke about salary arbitration. He was joined by Roger Abrams, a professor at Northeastern Law School who is a salary arbitrator for Major League Baseball, and Josh Alloy L’01, an associate at Proskauer Rose. Another group of panelists discussed players’ rights in the National Basketball Association, focusing on the dress code and DNA testing. The panelists were Alan Milstein, a partner at Sherman, Silverstein, Kohl, Rose & Podolsky who represents NBA players; Hal Biagas, deputy counsel for the NBA; and Michael McCann, assistant professor at Mississippi College of Law and widely quoted sports law expert. Moderators were Scott Rosner L’97, associate director of the Wharton Sports Business Initiative and lecturer in Legal Studies and Business Ethics at Wharton; and N. Jeremi Duru, assistant professor at Temple Law School.

LALSA’S Annual Symposium

In March, the Latin American Law Students Association (LALSA) hosted its first annual symposium. The symposium featured three panelists: Ken Trujillo, adjunct faculty member at Penn Law and founder of Trujillo Rodriguez & Richards LLC; Will Gonzalez, executive director of Ceiba, a coalition of Latino community based organizations serving Eastern North Philadelphia; Kica Matos, executive director of Junta for Progressive Action, a nonprofit community-based agency in New Haven. The keynote speaker was Lawrence J. Fox, I. Grant Irey Adjunct Professor at Penn Law. Fox is a trial lawyer and the former managing partner of Drinker Biddle & Reath. He was awarded the ABA Pro Bono Publico Award in 2005.

The Future of Unenumerated Rights

The Ninth Annual symposium sponsored by the Journal of Constitutional Law was held in February on “The Future of Unenumerated Rights.” Scholars and experts gathered to address the relationship between privacy and property rights and the constitutional politics of enforcing unenumerated rights. They also presented historical perspectives.

Fifteen papers were presented. Louis H. Pollak gave the keynote address. He is a senior judge of the U.S. District Court for the Eastern District of Pennsylvania.

Commitment to Community

The theme of the 18th annual Sadie T.M. Alexander Conference was “A Commitment to Community: Expanding the Legal Discourse on Justice and Social Advancement.” The conference,
which was held in February, featured panels on “Exploring Emerging Issues in Race and Class Inequality” and “Retroactive Justice: The Quest, Costs, and Benefits of Remedying Past Racial Injustice.” There were also a career fair and an ethics workshop. The Black Law Students Association sponsored the conference in an effort to raise funds to establish the Raymond Pace and Sadie T.M. Alexander Professorship in Civil Rights. In 1927, Sadie Alexander became the first African-American woman to graduate from Penn Law School.

Fitts Praises Poritz Before She Steps Down

PENN LAW PAID TRIBUTE to Chief Justice Deborah Poritz L’77 as her 10-year term on the New Jersey Supreme Court winds down. Her term concludes in October.

At a retirement dinner last March in northern New Jersey, Penn Law Dean Michael A. Fitts praised Poritz’ judicial independence and courage for taking on tough issues such as gay rights, abortion, exclusionary zoning, school financing and same-sex marriage. He also lauded her for preserving its reputation as one of the best state supreme courts in the country.

Poritz, the first woman to lead the New Jersey Supreme Court, was honored at Penn Law two years ago when her portrait was unveiled and hung in the Law School.

Co-chairs of the event this past spring were Victor Boyajian L’85, a partner at Sonnenschein Nath & Rosenthal and Pamela Craven CW’74 L’77.

Drop in Crime Rate Under Reno Assessed

FORMER U.S. ATTORNEY general Janet Reno was the honored guest last March at a program featuring criminal law experts who assessed the drop in national crime during her tenure.

Panelists at the two-day event included Fred Blumstein, a Carnegie Mellon criminology professor instrumental in the creation of the National Institute of Justice, and Geoffrey Fagan, professor of law and public health at Columbia University.

Also participating were Lawrence W. Sherman, chair of Penn’s Criminology Department, Richard Gelles, dean of the School of Policy & Practice, and Michael A. Fitts, dean of Penn Law School. The Law School has one of the country’s most distinguished criminal law faculties, including Leo Katz, Stephen Morse and Paul Robinson, who is regularly called upon to rewrite criminal codes throughout the world. Penn Law and the School of Arts and Sciences offer a dual degree in law and criminology.

U.S. Cities Should Look to Toronto on Immigration

THE FOCUS OF THE fiery immigration debate is usually south of the border, not north. But according to Penn Provost and Law Professor Ron Daniels, himself a recent emigrant from Canada, our northern neighbors might provide some answers in the thorny controversy regarding our nation’s newest arrivals.

At a panel discussion last February featuring immigration lawyers and moderated by Penn Law Professor Wendell Pritchett, Daniels pointed to his native Toronto as a useful model for managing immigration in American cities like Philadelphia.

“The Toronto I grew up in was not very interesting. But today, Toronto stands behind Miami as the city with the second highest number of foreign-born people in the world,” Daniels said “This change has somehow been accommodated with relatively low levels of social strife.”

One reason Daniels offered for the smooth influx of immigrants was the emphasis in Canadian immigration policy on the marketable skills of visa applicants. More than two-thirds of immigrants to Canada, he explained, are admitted because of their value to the nation’s economy. “For many years, immigrants were better educated on average than native Canadians,” he said. “But the fact that we weighted our immigration policy towards ‘economic’ immigrants means that people are more likely to contribute rapidly toward the country’s prosperity, and that no doubt contributes to their own social and economic integration.”

Daniels argued that Philadelphia needs to cut crime and improve its schools to attract immigrants who could benefit the city. He cited the city’s inability to prevent public school teachers from moving to the suburbs and Philadelphia’s massive murder rate: 380 murders last year among Philadelphia’s 1.5 million residents, compared to 60 murders among Toronto’s 2.5 million.
Judge Urges Caution in Tech Trust-Busting

THE INNER WORKINGS of a judge’s brain are usually as closed as his chambers. But at this spring’s Institute for Law and Economics DISTINGUISHED JURIST LECTURE, Chief Judge Vaughn R. Walker of the U.S. District Court for California’s Northern District offered a rare glimpse into the rationale for his ruling in the Oracle antitrust case, a decision that permitted the software company’s hostile acquisition of PeopleSoft in early 2005.

One of Walker’s chief criticisms of the government’s case against Oracle was its heavy reliance on the testimony of handpicked tech industry customers. Walker deemed the affidavits of these witnesses, which were intended to demonstrate that a merger between Oracle and PeopleSoft would destroy healthy competition, to be biased and unrepresentative. “Even when testimony is given by live witnesses in the courtroom,” he said, “the choice of customers is almost always a product of selection bias. Seldom does it appear that the customer’s views are that of the general customer population.”

Walker went on to caution against overeager trust-busting. “Errors in anti-merger law come at a very high price,” he said, arguing that defeating mergers can hurt the economy by preventing companies from maximizing efficiency, and that antitrust litigation is costly for all parties.

Because of the constant shifts in the tech industry, Walker warned, the long-term competitive harm or benefit of technology mergers is especially difficult to judge. “Sometimes the key question in deciding a merger case should not be whether a merged firm would exercise market power, but assuming that the firm will exercise such power, how long that state of affairs is likely to persist.”
ILE Co-Directors Michael A. Wachter and Edward Rock L'83 (far left) helped organize discussion of "Technicolor Saga." Participants from the Delaware Chancery Court included (from left to right) Vice Chancellor Leo E. Strine, Jr. L'88, Former Chancellor William T. Allen, and Chancellor William B. Chandler.

Is Israel Ready for a Corporate Court?

THE INVITATIONS TO the Institute for Law and Economics' May conference in Tel Aviv were in Hebrew and English, as befitted a conference that focused on U.S. private equity in Israel and on the possibility of cloning the Delaware Court of Chancery.

Saul A. Fox L'78 of Fox Paine looked back on his firm's $100 million acquisition of Paradigm Geophysical in 2002, and its progress since then, with its founder, Eldad Weiss, and Fox Paine's U.S. lawyer on the deal, Mitchell Presser of Wachtell Lipton, providing perspective on the operational and legal aspects of the deal. In a later session, U.S. and Israeli deal lawyers discussed the implications of selling Israeli companies to American private equity firms.

The second half of the program considered the advantages of a specialty corporate law court. It opened with a moot court on a conflicted sale of control with Vice Chancellor Stephen Lamb of the Delaware Court of Chancery presiding over an oral argument by David McBride and Donald Wolfe, two prominent members of the Delaware bar. A panel discussion followed featuring Justice Aharon Barak, president of the Supreme Court of Israel, and Chief Justice Myron T. Steele of the Delaware Supreme Court. Moderators were professors Zohar Goshen of Columbia Law School and Kiryat Ono Academic College and Edward Rock, co-director of the Institute for Law and Economics and Saul A. Fox Distinguished Professor of Business Law. This was the second international ILE conference. The first was held in London in 2004.

Delaware Chancery Court “In Session” to Teach Students

THIS SPRING, STUDENTS in a valuations and transactions class got an inside look at the complex mergers of Toys “R” Us and Technicolor Inc. through a series of panel discussions. These programs are a component of a Penn Law course co-taught by Hon. Leo E. Strine, Jr. L’88, vice chancellor of the Delaware Chancery Court, and Michael L. Wachter, William B. Johnson Professor of Law and Economics and ILE co-director.

Panelists for the discussion titled “The Technicolor Saga: The Trial Judges Tell their Story” were Hon. William T. Allen, former chancellor of the Delaware Chancery Court and Hon. William B. Chandler, current Delaware chancellor. They discussed the 1983 cash-out merger of minority shareholders of Technicolor Inc. by a company controlled by Ron Perelman, Chairman and CEO of MacAndrews & Forbes Holdings Inc. by a company controlled by Ron Perelman, Chairman and CEO of MacAndrews & Forbes Holdings Inc. Vice Chancellor Strine and Professor Wachter were the moderators.

The other panel discussion was called “Appraisal Jurisprudence and Investment Banker Opinions: Do They Speak the Same Language?” This discussion involved the merger of the Toys “R” Us company with an acquisition vehicle of KKR. Representatives of both the plaintiffs and defendant were on the panel. They included: Thomas J. Allingham II, L’77, Skadden, Arps, Slate, Meagher & Flom; William D. Anderson Jr., Goldman Sachs; John G. Finley, Simpson Thacher & Bartlett; and Robin M. Rankin, Credit Suisse First Boston. Moderators were Wachter and Vice Chancellor Strine, who heard the case.
ABA President Demands Civil Gideon

"EQUAL JUSTICE UNDER THE LAW," reads the inscription above the U.S. Supreme Court building. According to Michael Greco, president of the American Bar Association, those words represent a broken promise for far too many of America's poor. In his keynote address at this year's SPARER SYMPOSIUM, Greco emphasized the need to extend to civil defendants the guaranteed legal representation that criminal defendants now receive.

“The importance of insuring access to legal rights for the poor cannot be overstated,” he said. “As all of you know, the ability to address civil legal needs with the help of a qualified lawyer can make the difference between stability and poverty, between hope and despair.”

Since the 1963 Supreme Court ruling in Gideon v. Wainwright, all criminal defendants have been guaranteed a competent attorney, regardless of their ability to pay. Forty-three years later, civil defendants still have no such guarantee. In his talk, Greco called for a “Civil Gideon,” to ensure the right to representation for defendants facing life-altering lawsuits in areas such as immigration, employment, child custody and domestic violence.

The Sparer Symposium, created in 1984, has annually commemorated the life and work of Edward Sparer, a Penn Law Professor of Law and Social Policy, by fostering discussion of poverty law issues in both scholarship and practice. This year's symposium was unique, in that the event coincided and collaborated with the ABA Conference on Equal Justice in Philadelphia.

Greco carried on Sparer's ideological tradition, calling on lawyers around the country to rejuvenate their sense of idealism and give more hours to pro bono and public service cases. But he also warned that the donated time of private lawyers won't
make up for slackening government support for free civil attorneys. Since 1995, the Legal Services Corporation, a government agency responsible for providing representation to the poor, has seen its budget slashed from $415 million to $326 million, with another $20 million in cuts planned.

"Turning away half of all low income persons who go to an LSC-funded program for desperately needed legal assistance is unacceptable, and it is shameful," Greco said, arguing that despite the expense of a Civil Gideon, such a policy would require only a tiny portion of the funds received by other sectors of government, such as the military.

Public Service Awards Recognition

THE PUBLIC SERVICE OFFICE held its 11th Annual Public Interest/Public Service Recognition and Awards Ceremony this spring recognizing Penn Law students who exceeded the pro bono graduation requirement. John Grogan L’83, a partner at Langer & Grogan, addressed the attendees. More than 150 students were honored for doing over 80 hours of pro bono work. Katherine Minarik L’06 received the Meacham Award for her outstanding commitment to public interest and public service projects. In addition to serving as president of the Penn Law American Constitution Society chapter, she founded Penn Law for Choice, co-founded the Reproductive Rights Legal Clinic, and co-chaired the Penn Law Get Out The Vote 2004 campaign.

New Summer International Human Rights Fellowship

SIX STUDENTS in the new Penn Law Public International Fellowship Program assisted international organizations in 10-week public service projects in Africa, Asia, and South America. Nermeen Arastu 2L contributed research to a study on domestic violence legislation for ICTR and Legal Assistance Centre in Namibia; Laura Conn 2L supported clients and attorneys at the Legal Aid of Cambodia in Phnom Penh; Silvia Diaz 2L examined the juvenile penal system and its social effects on youth and violence at El Instituto de Estudioa Comparados en Ciencias in Guatemala; Christopher Fromhertz 2L implemented treaty agreements involving the Ecuadorian government on the issue of environmental information access for the Centro Equatoriano de Derecho Ambiental in Ecuador; Robert Manzareres 2L worked with clients pursuing claims against the government for political violence at the Comision de Familiares de Víctimas Indefensas de la Violencia in Argentina; and Jeanine Turrell 2L assisted in the development of a comparative international civil society course at the International Center for Not for Profit Law in Washington D.C.

EJF Auction

THE EQUAL JUSTICE FOUNDATION (EJF) raised more than $40,000 at its annual auction. The funds support summer Public Interest fellowships, for which students receive stipends. Eight students were funded. Per custom, Robert I. Toll L’66 lent good humor as auctioneer.

Perhaps these distressing developments and prospects are early warning signs of the pathogenic equivalent of a perfect storm: a tidal wave of global pandemics that could wipe out vast portions of the world’s population. That prospect has caught the attention of world leaders, who put the development of vigorous, coordinated prevention strategies and response plans at the top of their agenda at the recent G-8 Summit in June.
In their joint statement, the G-8 leaders noted: "For a large number of (infectious) these diseases, there are still no effective drugs, vaccines or other treatment available for the majority of the population in less developed countries. The situation is especially acute in the least developed countries, particularly in Africa where governments and their people face limited access to prevention and essential healthcare information, inadequate capacity of healthcare systems, the shortage and significant outflow of qualified health workers, resource constraints, and often inadequate nutrition, clean water, and sanitation."

Underscoring the tragic dimensions of the crisis is the number of deaths that are preventable or treatable by vaccines. As the Global Health Program of the Bill and Melinda Gates Foundation has noted, "Each year, 27 million children do not receive basic vaccines, and 2 million people die of vaccine-preventable diseases."

Who will answer the call to help put together an effective global strategy that would accelerate the development, production, delivery, and risk management of life-saving vaccines? More to the point, who has the intellectual capacity and biomedical expertise to create an ethical framework for sorting out the volatile mix of social, political and legal factors that will determine the fate of such a global enterprise?

Enter the University of Pennsylvania Law School. Joining forces with Penn's Center for Bioethics and partnering with the University of Tokyo School of Medicine and Columbia University's Mailman School of Public Health, Penn Law has taken the lead in launching an unprecedented international dialogue to explore the complex ethical and legal issues, as well as the strengths and vulnerabilities, of the welter of national and international vaccination policies and programs. The group's goal is to produce white papers, peer review articles, and collaborative efforts that lay the groundwork for cooperation and coordination among the national and international agencies responsible for vaccine policy.

The vaccine project evolved out of a series of conversations between Penn Law Professor Eric Feldman and Arthur Caplan, professor and chair of the Department of Medical Ethics at Penn. Caplan said he first started focusing on the ethical dimensions of vaccines during the flu vaccine shortage of 2004.

"Penn was perfectly positioned to tackle the issue," Caplan remarked. "Here, we have pioneering researchers at Wistar and..."
The group is facing a mountain of difficult challenges and questions. As Feldman points out, the literature on vaccines is scant, public understanding of risk is spotty, the manufacturing costs are high, and the financial incentives are few. And there is a direct correlation between low rates of immunization and high rates of vaccine-preventable illness and death.

Feldman, along with his colleagues at Penn, Columbia, and Tokyo, is bringing together scholars, government officials, experts from international agencies, corporate representatives, and scientists to work toward reaching a consensus on developing sensible standards that govern the entire life cycle of vaccines. As Feldman puts it, “We are asking a range of questions around which there are widely divergent and sometimes intensely opposing views. Which vaccines should be mandated? For whom? Who pays? How should societies balance the incremental improvements in public health that accompany vaccination with the attendant increases in harm to some individuals that will inevitably occur? And how much risk is too much, even if the underlying benefits of vaccination are clear?”

Not surprisingly, the questions of liability and litigation arouse the most heated debates between the lawyers and doctors. One of the harshest critics of the legal profession’s impact on vaccine development is Dr. Paul Offit, co-inventor of the rotavirus vaccine and chief of the Division of Infectious Diseases at the Children’s Hospital of Philadelphia, as well as the Maurice R. Hilleman Professor of Vaccinology and Professor of Pediatrics at Penn.

Offit would like to take all vaccine-related injury claims out of the hands of juries, who generally lack medical expertise and scientific understanding, and allow a panel of scientists, epidemiologists, virologists, microbologists, clinicians, and statisticians to decide the cases. Under the National Childhood Vaccine Injury Act of 1986, plaintiffs can receive compensation for expenses and damages. Nonetheless, as Offit writes, plaintiffs can still take cases to court — and therein lies the rub for him.

“The jury system works almost perfectly — in terms of resolving issues of human behavior,” Offit says. But as he writes in The Cutter Incident: How America’s First Polio Vaccine Led to the Growing Vaccine Crisis, “The revolution in liability law — designed
to coerce companies to make safer products by threatening financial punishment — (has caused) companies to abandon safe products vital to the nation's health."

Today, four companies (GlaxoSmithKline, Sanofi-Aventis, Merck, and Wyeth) make vaccines. "Because fewer companies make vaccines," Offit writes, "limited supplies and scant reserves are available to meet a crisis."

Now, thanks to Penn's project, Paul Offit and other physicians are sitting at the same table with the lawyers and legal scholars. And Offit is the first to extol the virtues of starting a cross-disciplinary, cross-professional dialogue on this issue.

"This process is helping me to better understand how others view these issues. Eric lays out his thinking, and everyone is treated respectfully. Society is not well served if we fail to overcome antagonistic relationships ... and if we fail to help the public distinguish between true risk and unproven claims of causal links between a vaccine and injury."

Vaccines may be, as Caplan describes them, "the most effective and efficient invention in the history of medicine," but public misunderstanding and fears in the wake of controversy and litigation often translate into popular resistance to vaccination.

For example, Japan dropped a mandatory vaccination law in 1994 in the wake of a public outcry against frightening allegations about the dangers of the measles-mumps-rubella (MMR) vaccine. Thereafter, the incidence of several childhood illnesses shot up, and Japan now has the highest rate of measles in the industrialized world.

To help break this cycle and bring sensibility and sanity to bear on the issue, Feldman and his colleagues have crafted a roadmap to guide the group's deliberation. Three main areas will be addressed in separate conferences.

The first conference will focus on production. How can the public and private sectors assure a stable and adequate supply of existing vaccines and continue producing new ones? Can regulatory policies strike a balance between encouraging innovation and promoting safety? What ethical standards should govern vaccine research trials in poor countries with high disease rates, and should they be applied uniformly in industrialized nations? And how should production costs be shared among governments, third-party payers, and individuals?
The second conference, which will take place in Tokyo, will examine the issue of delivery. Once vaccines are developed, tested, and approved for use, how can they be administered effectively and efficiently to the largest number of people? How should governments evaluate the vaccines’ effectiveness, and how can the public be properly educated about the benefits, side effects, and risks of vaccination? When is mandatory vaccination advisable, and when and for whom should it be absolutely required?

The third conference will take up the issue of outcomes. This is where Feldman's expertise on tort law, comparative law and public health will prove especially valuable. What policies and practices should governments and international bodies adopt to monitor the effectiveness, safety, and epidemiological impact of vaccines? Can and should vaccination policies be integrated and coordinated across national boundaries? Should government-supported vaccination programs indemnify manufacturers and health care providers and compensate people who suffer injurious effects? What is the most ethical, legal, and useful way to maintain surveillance of coverage levels and track the immunization status of individual children?

Feldman and Caplan know this is an ambitious agenda, which can only be fully realized with more funding. Fortunately, government leaders and large philanthropies, including the Gates Foundation, recognize the urgency of developing vaccination policies that can stop the large-scale dying and suffering in the developing world and mitigate the deadly consequences of a full-blown global pandemic. With Penn Law at the forefront of managing an enterprise of this magnitude and importance, the world may yet become a healthier and more ethical planet to inhabit.

James L. Gardner is a former journalist for the Asbury Park (N.J.) Press and Philadelphia Daily News, and served as a policy advisor to New Jersey Governor Christine Todd Whitman from 1994 to 1997. He currently works in the Office of the President at Penn.

Deaths from Vaccine-Preventable Diseases, 2002
Children under age 5

Total: 1,437,000

- Tetanus 198,000
- Yellow fever 15,000
- Measles 540,000
- Pertussis 294,000
- Diphtheria 4,000
- Haemophilus influenzae b (Hib) 386,000

(Source: WHO/GAVI Alliance, January 2005)
Blending disciplines has become a necessity in the Rubik's cube world of law today. Accordingly, the Law School has increasingly become a haven for cross-disciplinary research. The vast majority of new faculty — most of whom hold Ph.D.s — arrive at Penn predisposed to such work.

Just ask Chris Sanchirico, who came to Penn in 2001. "Penn is more interdisciplinary than most peer institutions. It's something about the culture. It's something about the geography of the campus ..."

"Faculty are selected in part based on their openness to other methodologies. They are not so beholden to the toolkit they happen to have. So we start with a group of people who are open-minded."

That spirit of inquiry and intellectual diversity is exemplified by the following professors, who have joined the faculty in recent years.

**WILLIAM BURKE-WHITE**  
ASSISTANT PROFESSOR OF LAW  
PH.D., INTERNATIONAL RELATIONS

This past summer, Burke-White was a visiting scholar and advisor to the prosecutor of the International Criminal Court in The Hague. Applying tenets of political science and comparative politics, he examined the political effects of international criminal courts and tribunals on national governments. As his models, he used the indictments of Liberian President Charles Taylor and Serbian President Slobodon Milosevic. Separately, he examined the legal rules nations such as Argentina promulgate to protect national security, and how the courts should treat such rules.

**CARY COGLIANESE**  
EDWARD B. SHILS PROFESSOR OF LAW AND PROFESSOR OF POLITICAL SCIENCE  
PH.D., PUBLIC POLICY  
SECONDARY APPOINTMENT: DEPARTMENT OF POLITICAL SCIENCE

Coglianese is leading the Penn Program on Regulation, a University effort which will encourage faculty to collaborate on research related to regulation and administrative law. Issues relevant to multiple domains of regulatory policy will be covered. For example, a seminar series on the regulation of catastrophic risks is being organized in collaboration with the Law School's Program on Law and the Environment, Wharton's Risk Management and Decision Processes Center, and the Fels Institute of Government.
CLAIRE FINKELSTEIN
PROFESSOR OF LAW AND PHILOSOPHY
PH.D., PHILOSOPHY
SECONDARY APPOINTMENT: DEPARTMENT OF PHILOSOPHY

Finkelstein's article entitled "A Contractarian Argument Against the Death Penalty" will appear in the October issue of the NYU Law Review. Opponents of the death penalty typically base their opposition on contingent features of its administration, such as that the death penalty is applied discriminatorily or that there is a risk of executing the innocent. Finkelstein suggests there are philosophical grounds for opposing the death penalty even in the absence of such contingent factors. She defends the merits of a contractarian approach to this question, showing that rational agents interested in maximizing their own well-being would reject the penalty of death in setting up a system of punishment. Finkelstein thus presents both a significant new approach to the death penalty and a general theory of punishment.

MICHAEL KNOLL
THEODORE K. WARNER PROFESSOR OF LAW & PROFESSOR OF REAL ESTATE
PH.D., ECONOMICS
SECONDARY APPOINTMENTS: DEPARTMENT OF REAL ESTATE, WHARTON

Knoll is combining his expertise in law and economics to explore the effects of different tax systems on competitiveness. For example, he is considering what advantage nonprofits enjoy by virtue of their exemption from the income tax and whether the unrelated business income tax and other provisions in the tax law are appropriately tailored to offset these advantages. In addition, Knoll is examining the hot-button issue of whether the international tax system disadvantages U.S. interests, investors, companies and workers relative to their foreign counterparts.

KRISTIN MADISON
ASSISTANT PROFESSOR OF LAW
PH.D., ECONOMICS
SECONDARY APPOINTMENT: LEONARD DAVIS INSTITUTE OF HEALTH ECONOMICS

Madison is working on a paper examining the implications of the information revolution on health care regulation. She is looking at patients' increasing ability, due to technology, to assess the quality of hospital services, and, to a lesser extent, physician services. Madison argues that health care report cards and insurers' pay-for-performance initiatives will become increasingly important mechanisms for regulating health care quality, and that they will lead to care that better reflects patient preferences.

SERENA MAYERI
ASSISTANT PROFESSOR OF LAW
PH.D., HISTORY

Mayeri is writing a history of legal reasoning about the relationship between race and sex inequality. She intends to show how the feminist movement of the 1960s and 1970s drew upon the African American civil rights movement for ideas and legal strategies, and to explore the consequences of that borrowing, both for substantive law and for the interactions between social movements. In particular, the book will examine debates over constitutional change, employment discrimination, affirmative action, and sex-segregated education. Mayeri employs a historical methodology, using archival sources including the papers of advocacy groups, lawyers, judges, local and national press coverage, legislative records, and court documents.

NATHANIEL PERSILY
PROFESSOR OF LAW
SECONDARY APPOINTMENT: DEPARTMENT OF POLITICAL SCIENCE

In a recent study, with the help of University of California, Berkeley political science graduate students, Patrick Egan and Kevin Wallsten,
Persily examined public opinion trends on gay marriage. The study evaluates claims that the Supreme Court decision in Lawrence v. Texas and the Massachusetts Supreme Judicial Court's decision in Goodridge v. Department of Health provoked an anti-gay backlash. The study found that a backlash extended from Lawrence through the 2004 election, but then evaporated by 2005 and that a greater share of the American public became more favorable toward same-sex civil unions over the same period.

The researchers are disseminating 24 crime stories to groups of people and asking them to rank the deserved punishments. Robinson expects to publish a series of articles explaining the outcome.

WENDELL PRITCHETT
ASSOCIATE DEAN AND PROFESSOR OF LAW
PH.D., HISTORY
FACULTY ASSOCIATE: PENN INSTITUTE FOR URBAN RESEARCH

Pritchett takes on a ripe area of scholarship with his study of university community development. He is researching the interplay of the university, neighborhood and nonprofit groups. His goal is to determine if universities, which have different funding mechanisms than government or business, might be better models for neighborhood development. His project necessarily involves sociology, political science, and economics.

PAUL ROBINSON
COLIN S. DIVER PROFESSOR OF LAW
DIPLOMAT, LEGAL STUDIES

Robinson is working with Robert Kurzban of Penn's Psychology Department and Owen Jones of Vanderbilt Law School on an empirical study of the source of people's intuitions of justice. They are trying to figure out why people of various cultures and demographics agree to an astonishing extent on the punishments for different crimes. Robinson and his colleagues are looking at two possible explanations: a social learning one that points to the sharing of social norms, or one that suggests these intuitions have developed through evolution.

Theodore Ruger set up an experiment to see who could better predict the outcome of Supreme Court cases: legal experts or a computer program devised by political scientists. The computer drew on a database containing information on thousands of votes, while the legal experts confined their analyses to prominent cases only. The computer won. This study, published in the Columbia Law Review, demonstrated the value of quantitative analysis in predicting the jurisprudence of the highest court in the land.

Chris W. Sanchirico is noted for employing economics and psychology in the study of evidence. In one paper, published in the Stanford Law Review, he examines an issue at the heart of the legal process: cognitive error and evidentiary procedure. Sanchirico, who looks at this issue in a different light, seeks to show how the law subconsciously exploits the limitations of cognitively impaired witnesses to prevent them from presenting false testimony. In doing so, he relies on the literature of cognitive psychology and game theory, specifically exploring the limits of working memory and the importance of cognitive artifacts, such as written records and computer data.
a campus

CROSSROAD

Variety of Penn Students Finding Law School Good Intellectual Breeding Ground

By Larry Teitelbaum

First he found religion, then the law. Christopher Segal, a master's candidate in the liberal arts program in the College of General Studies, spent last spring in the Law School absorbing Supreme Court decisions over the last half century involving the separation of church and state.

For Segal, who is studying the role of religion in public life, the course was a godsend. It furthered his understanding of the trinity of religion, politics and the judiciary, nourishing his interest in and understanding of religious activism in contemporary society. After completing the class, a light went off in his head — maybe he should go to law school.
Nearly 140 Penn students, both undergraduates and graduates, joined Segal last year in such intellectual excursions. They came from all over campus — the School of Medicine, Arts and Sciences, Engineering, Wharton, and the Annenberg School — to put an interdisciplinary patina on their evolving studies.

The transit goes both ways. Last year, while students from other professional schools infiltrated classrooms at the Law School, at least 100 law students ventured to Huntsman Hall and other unfamiliar settings to take courses with students in a range of disciplines. Consider: Approximately one-third of the Penn Law graduating class last year earned a Certificate in Business and Public Policy from Wharton. Certificates were pursued as well in Women's Studies, Environmental Policy, and Environmental Science.

According to Penn Law Dean Michael A. Fitts, this migration benefits the University and the Law School. “Higher education is the laboratory for the wider world of work,” says Fitts. “In that world, the law touches upon almost every aspect of human endeavor, from running a business to leading government agencies. By cultivating an atmosphere where disciplines meld and ideas flourish, we are grooming a generation of leaders with analytical skills who are accustomed to reading across the lines.”

As Assistant Professor William Burke-White sees it, students of a different stripe add vigor to his public international law class and seminar on international courts and tribunals. “Our students have a variety of backgrounds and can bring other disciplinary approaches to bear, but undergrads, political science grad students and Wharton students all have had very different coursework and look at international issues from different angles. It opens up our discussion to ideas and methods that may not occur to law students. The net result is a more exciting and interesting course.”

For example, in his course on international courts, law students tended to focus on a court’s jurisprudence, notes Burke-White. In contrast, a Wharton student mused about the financial implications of a court decision on a government’s budget and tax structure and an undergraduate political science major pondered the politics behind a tribunal’s creation.

One undergraduate who contributed to the ferment in Burke-White’s public international law class was Jaymin Patel. A political science major, Patel participated in the Penn in Washington Summer Internship Program. He worked in the Office of the Inspector General, helping to prepare a progress report for Congress on Iraqi Reconstruction. Now entering his senior year, Patel hopes to spend a few years in government. Like Segal, he regarded his class as a test run for law school.

Reading Hamdan v. Rumsfeld and thinking through how he would have handled the case as a government lawyer was utterly fascinating to him, as were discussions on the use of torture on so-called enemy combatants held at Guantanamo Bay. He says the class parsed a memo on the latter subject from the U.S. attorney general to the president. Then Burke-White asked students whether they could have supported the practice despite misgivings about its legality. Patel loved the introspective exercise. “That’s something that you don’t really get to experience in undergraduate school — What would you do being a lawyer? It was more of a pre-professional type class, but with a lot of theory.”

Giving Penn doctoral candidates and medical students an opportunity to learn legal concepts and apply them to their careers is precisely the idea behind the new Certificate in Law program. To earn the certificate, students must satisfactorily complete four law courses, at least three of them at the Law School.

It is the first time Penn Law has offered a certificate to students from other professional schools. The first student to meet the requirements was Nicola Simpson, who is pursuing a Ph.D. in communication at the Annenberg School. She took classes in media law and intellectual property, with an eye toward public policy consulting. “Ph.D programs can be very insular,” says Simpson. “You’re very focused on your own field and your own topic. What I liked about the Law School is that it gave me the opportunity to look at the real world situation in my area of study.”
As professor Ted Ruger discovered in his class on FDA regulation last fall, attended by a medical resident researching the safety of dermatological drugs, law students also have much to gain from M.D. candidates. "I'd like to see this trend continue," says Ruger of the intermingling of medical, communications and liberal arts students with law students.

By all accounts, such interaction produces lively dialogue and well-rounded professionals. It might even open doors to new careers, as it did for Christopher Segal, who found classes at the Law School challenging, but rewarding. "It absolutely furthered my interest in law," he says. [28]

Penn graduate student Christopher Segal benefited from the Law School's academic open door policy.

The new program intrigues Blair Sadler L'65, who stepped down in July after 26 years as president and chief executive officer of the Children's Hospital and Health Center in San Diego. He says the chance for would-be doctors to add legal knowledge to their toolkits opens new vistas for a select group of physicians.

In Sadler's view, the new certificate could position doctors to be legal advisors to private-sector pharmaceutical companies and hospitals, and may well be a perfect credential for a new job taking shape: chief medical officer, a member of hospital senior management who oversees the quality of care. Proof of competency in the law, he says, may also prepare doctors for regulatory careers with the FDA, or for health policy work on Capitol Hill or at the Institutes of Medicine. "So I think it's

"I THINK IT'S (THE CERTIFICATE IN LAW) A VERY IMAGINATIVE AND CREATIVE IDEA," SAYS SADLER.
FIVE ALL-STARS 40 AND UNDER

They are ambitious and accomplished. They see a world where reason rules science, comity prevails in politics, compassionate care dominates medicine, where technology is available to all, and the roots of terrorism are better understood. Welcome to the new guard.
When the news came that Iraqi al-Qaeda leader Abu Musab Al-Zarqawi had been killed, Evan Kohlmann L’04 didn’t let out a war whoop.

“Seeing him removed was certainly a positive development,” said Kohlmann, an expert on counter-terrorism. “I had spent years trying to convince some people that he actually even existed, but as quickly as he shot up through the ranks, there are others quite eager to follow in his footsteps.

“The theme is that you celebrate now, for in the future, there may be 1,000 Zarqawis,” he said.

Kohlmann, 27, was all over the news media following the Zarqawi hit. He runs Globalterroralert, a New York-based consulting firm whose clients include government and private businesses. He has been an expert witness at several federal trials involving suspected terrorists and has a contract to be an on-camera aficionado on terrorism and counter-terrorism for MSNBC.

It is a subject he has been interested in since he was a teenager and which he honed while he was an undergraduate at the Georgetown University school of foreign service.

“I applied to college not really knowing what I wanted to do, but I spent summers in France — my father grew up there — and I was always interested in foreign affairs,” he said.

When he got to Georgetown, he found a mentor in Mamoun Fandy, an Egyptian political science professor who got Kohlmann fascinated with Middle Eastern studies.

“When he lived in Egypt, he passed by the number two guy in al-Qaeda there every day. He really knew his subject and that was a great impression on me,” he said.

Kohlmann got an internship at The Investigative Project, a Washington think tank, and immersed himself in studying terrorist networks. He attended briefings with President Clinton’s terrorism adviser, Richard Clarke, and interviewed suspected terrorists, or at least people who knew suspected terrorists.

“But when I was done, it seemed like I should go to law school,” he said. “I suspected I would always study counter-terrorism, but that I would be a conventional lawyer of some sort.”

He arrived at Penn Law School in August 2001. A couple of weeks later, the 9/11 attacks made Kohlmann realize he was not going to take that conventional lawyering route. He said he had come to Penn over Georgetown Law because of its smaller class size and the sense it was more collegial than other schools. He already had in mind what he was interested in and needed the freedom to be able to do that, which Penn, he said, afforded him.

“Doing a sort of scientific research like I had and then seeing it on TV, well, it was completely different,” he said. “I turned to a classmate and said, ‘This is Osama Bin Laden, and I have to go do something about it.’”

He didn’t fly off to Tora Bora with a Bowie knife in his teeth, but Kohlmann did set out to educate the world on terrorists. While at Penn, he researched and wrote “Al-Qaeda’s Jihad in Europe” (Oxford International Press, 2002), going to Europe to interview suspected terrorists during summers and vacations.

“Perhaps I should have been more intense about school when I wrote it, but I
discovered there are alternative paths," he said. “You have to use the analytical skills you get in law school as creatively as you can. This is where it has taken me.”

Kohlmann said his law background has clearly helped him when he gives his expert testimony in trials.

“There haven’t been that many cases yet, so sometimes the prosecutors are doing their first ones. I know how the courts work, so I am pretty valuable right now,” he said. During the recent trial of Ali Asad Chandia, a Maryland man accused of helping the Lashkar-i-Taiba Pakistani-based terror group by sending them various equipment, he was able to talk about the Pakistani group and their inter-relations with other organizations.

“There are a lot of people who know a lot about the world, but they don’t know what every terrorist group represents,” he said. “Because of my interviews and research, I am able to bring this to life for the court.”

Kohlmann stresses that he doesn’t see a terrorist behind every tree. Part of his job, he said, is to make sure people, especially those in power, know when terrorists are dangerous and when they are not.

“Some people watch too much ‘24’,” he said of the tension-filled TV drama. “Some things on the Internet are, indeed, written by 14-year-olds in Ohio. It is my job to figure out what is real.”

To that end, he studies Web sites for clues and talks, via e-mail, with diverse groups from law enforcement to those he believes are active terrorists, or informants.

“The Internet opens them up. They can say things that they certainly couldn’t if I were face-to-face with them. It gives them a shield of anonymity,” he said.

Like any entrepreneur, he said, he is building a client base, whether it is in testifying in court or with companies that want to know about international security. It is a slow, but steady, pace, he said.

“I think people are starting to know I am diligent and one of those experts you can count on, not just some obsessed, crazy guy. It is important to be thorough, and that is what I am,” he said. ★

ROBERT STRAUSS, FORMERLY A REPORTER FOR SPORTS ILLUSTRATED AND THE PHILADELPHIA DAILY NEWS, IS A FREELANCE WRITER WHOSE WORK REGULARLY APPEARS IN THE NEW YORK TIMES, WASHINGTON POST, AND LOS ANGELES TIMES. HE IS ALSO AN ADJUNCT INSTRUCTOR, TEACHING WRITING IN THE PENN ENGLISH DEPARTMENT.

ROTHSCHILD GIRDS FOR NEW BATTLES AFTER LANDMARK VICTORY IN INTELLIGENT DESIGN CASE

By Peter Nichols

Even though Eric Rothschild L’93 had been handed the biggest legal victory of his career in Kitzmiller v. Dover (2005), he was under no illusion that he had slain the dragon of intelligent design. He knew the history of anti-evolutionism in America: how laws that once made it a crime to teach the theory of evolution were declared unconstitutional in Epperson v. Arkansas (1968) and how later attempts to “balance” it with creation “science” met the same fate in Edwards v. Aguillard (1987).

Even after the decision in the Scopes (1927) “Monkey Trial” was overturned on a technicality, the Tennessee Supreme Court urged the state not to retry teacher John Scopes. “We see nothing to be gained by prolonging the life of this bizarre case,” the justices stated. Still, the struggle to discredit evolution and promote a religious agenda in science classrooms just won’t die, no matter how many times it gets killed in the courts. It was just a Hydra’s head that Rothschild had lopped off.

Intelligent design (ID)—the proposition that life could not have evolved by random mutation and natural selection but could only have been planned and brought about by some all-conceiving mind—is the newest incarnation of Scopes v. State. It’s not old-school, Bible-thumping creationism but a more savvy adaptation that dresses up the Book of Genesis in a lab coat and is guarded about its use of words like “God” or “Creator.”

Rothschild, 39, a partner at the Philadelphia firm Pepper Hamilton, originally joined the First Amendment fight in 1999, when the Kansas Board of Education took evolution out of the state’s science curriculum. As a trial lawyer, he works mostly on commercial litigation and reinsurance cases for his day job, but events in Kansas led him to join a legal advisory panel with the National Center for Science Education, which tracks assaults on evolution in schools and legislatures across the country. When the school board in Dover, Pa., tried to slip intelligent design into its science classrooms, he was quick to offer his firm’s services, pro bono, and led a team of lawyers from the ACLU and
Americans United for Separation of Church and State in representing 11 parents who filed suit in federal court.

"Intelligent design is an example of some people's religious positions being pushed on others," says Rothschild, a practicing Jew and a public-school graduate. "I'm particularly protective of the Establishment Clause; it's one of the bedrock principles that keeps our system of democracy working."

In 2004, the Dover board passed a resolution that required teachers to read a disclaimer to ninth-grade biology students. "Darwin's theory... is not a fact," it said, offering intelligent design to students as an explanation that "differs from Darwin's view" while urging them to "keep an open mind."

Advocates insist that intelligent design is science, but they have carried their fight to talk shows and classrooms rather than science journals, which probably explains their success in the realm of public opinion and their failure in the courts.

"ID is at best 'fringe science,' which has achieved no acceptance in the scientific community," Judge John E. Jones III wrote in a 139-page opinion. The six-week bench trial established not only that intelligent design is not science but that it "cannot uncouple itself from its creationist, and thus religious, antecedents." Which is why the church-going, Bush-appointed judge ruled that putting intelligent design into Dover's schools violated the First Amendment.

During cross-examination, several board members had been caught lying about the religious beliefs behind their policy. This aspect of the intelligent design movement troubles Rothschild. "In the Scopes era, people were honest about what they were doing: It was about religion. When the courts said they couldn't put creationism into the curriculum or outlaw evolution for religious reasons, the creationists pursued the tactic of camouflage. Rather than accept that, and keep religion separate or in private or home schools, they've continued to advance the same mission less forthrightly."

Their latest adaptation is to insist that scientists disagree about the validity of evolution and that schools should therefore "teach the controversy." Critical analysis is the new Hydra's head, and Rothschild has been on the lecture circuit talking about what he's learned. "No one in the scientific community is doubting common ancestry. If you tell kids there's a scientific controversy over evolution, you're not telling them the truth" and, he adds, "you're damaging science education."

The National Center for Science Education tracked more than 80 anti-evolution incidents in 30 states last year. Since the Kitzmiller opinion was handed down, new skirmishes have broken out in California, Utah, South Carolina, and Kentucky and old ones flared up in Georgia, Kansas and Ohio.

Rothschild is part of the informal legal community that monitors and advises on these developments. Asked if he thinks there are more lawsuits coming down the pike, he replies, "The issue isn't going away: I can't imagine there won't be." He keeps his sword nearby.

PETER NICHOLS, CGS'93, IS THE EDITOR OF PENN ARTS & SCIENCES MAGAZINE.

THE RESOLUTIONLY LOW-KEY RODRIGUEZ BRINGS HIS 'A GAME' AS SEN. CLINTON'S COUNSEL

BY LARRY TEITELBAUM

Some days, it seems so surreal to Miguel Rodriguez C'94, L'99 as he strides down the halls of the Capitol with Sen. Hillary Clinton (D-NY), the former First Lady and presumptive presidential candidate.

As citizen paparazzi snap pictures and call out Hillary's name, it feels like an out-of-body experience to the 34-year-old aide. At such moments, it dawns on him: he's chief counsel and legislative assistant to one of the most recognized and formidable figures in American politics.
“You always have to bring your ‘A game’ because she, like any attorney, will ask those tough questions and force you to look at things in a different way,” says Rodriguez as he sits in the Senator’s conference room in the Russell Building. “She is a great lawyer in her own right, and I think that’s what makes the job incredibly rewarding.”

“Policy is not black and white. We shouldn’t be confined to just traditional solutions, or to traditional party positions.”

His high-profile job aside, Rodriguez is not your typical “Hill Rat.” He didn’t scurry from office to office to build a résumé in the hopes of landing that primo assignment on the House Judiciary Committee. Despite growing up in the Washington suburb of Bethesda, Md., where he mainlined government through daily reading of The Washington Post, Rodriguez never yearned for a career in politics.

He was quite content to practice traditional law — or so he thought. Rodriguez, a first-generation American (his parents are from Chile and Colombia), graduated from Penn Law School, then joined a big Washington law firm, Crowell & Moring LLP as a litigator. But something happened on his way to becoming partner. After five years on the job, Rodriguez realized he didn’t want to practice traditional law. Too confrontational. He felt better suited to a job where he could compromise and reach consensus.

Sparked in large part by his interest in the 2004 presidential election, during which he monitored voting in Florida for the Kerry-Edwards campaign, he started to read ads for jobs on Capitol Hill. One day he spotted an opening for a legal fellow,
to endure the Socratic method in law school, now Miguel Rodríguez had to stare across the table at Hillary Clinton. Perhaps sensing his angst, she chirped, “Hi, Miguel, it’s so great to have you aboard.” Tension relieved.

“She is really gracious,” says Rodriguez. “I think people would be surprised at how down to earth she is, particularly for someone who has been in the limelight for so long.”

A year after that meeting, Rodriguez has settled into the job quite well, doing a pretty fair imitation of a Hill Rat himself. Sen. Clinton sees a keen intellect at work. “Miguel is an exceptional lawyer and important member of my Senate team,” says Sen. Clinton. “He’s smart, creative, dedicated, and as unflappable as they come — it’s clear he has benefited from a terrific legal education.”

His job is one part legal advisor, one part legislative guru. He makes sure the office staff comply with ethics rules and advises the senator on a variety of legislative issues, including homeland security, immigration reform, Supreme Court nominations, and the reauthorization of the USA Patriot Act.

Working for Clinton fits Rodriguez to a “B,” for bipartisan. Married to a Republican, he is comfortable crafting policy for the moderate Clinton, who shocked Democrats, not to mention conservatives, by joining forces with her husband’s old tormentor, Newt Gingrich, to push new health care and military readiness proposals.

While Clinton learned to calibrate her positions and build coalitions in the corridors of Congress, Rodriguez discovered the art of compromise in the mediation clinic at Penn Law School. “I look back on that as not only developing certain skills, but also as a reflection of my own personality,” he says. “So much of legislating is trying to reach a compromise and understand another person’s point of view and trying to find that middle ground, as opposed to really digging in your heels. The skills that I took from that clinic, I still use today.”

And what has he learned from Sen. Clinton?

Rodriguez says he believes firmly in reaching across the aisle to find the middle ground — a centrist approach some have called the “Third Way,” a guiding principle of the Clinton presidency that still informs the senator’s thinking. By his reckoning, liberals and conservatives, Democrats and Republicans need to loosen their political shackles. “Policy is not black and white,” says the ever-malleable Rodriguez. “We shouldn’t be confined to just traditional solutions, or to traditional party positions.” ★

**INVESTMENT BANKER-TURNED-TECHNOCRAT HAS GATESIAN VISION: INTERNET ACCESS FOR ALL PHILadelPHIANS**

By Andy Greenberg

Philadelphia, the cradle of the Constitution, is about to get a dose of digital democracy. When wireless access nodes installed on telephone poles throughout the city are switched on in just a few months, Philadelphia will be the first major urban area in the country to offer universal wireless Internet access: One city, under an enormous, invisible umbrella of streaming high-speed broadband, with liberty and e-mail for all.

At the helm of this wireless revolution has been Derek Pew L’93, former CEO of, and now consultant to, the nonprofit Wireless Philadelphia. Appointed by Mayor Street to create this network, it has been Pew’s responsibility to make the Internet as ubiquitous as radio and television. For the 40-year-old lawyer, entrepreneur and closet nonprofit innovator, the project of bringing the net to all Philadelphians is nothing less than a necessary equalizer in America’s increasingly disparate—and digital—class structure.

“You’re looking at an ever-widening bridge that people trying to escape from poverty face today that people didn’t face sixty or seventy years ago,” Pew says. “Back then, anyone who was willing to sweat could advance their family. Today, sweat doesn’t do it. You need to have an understanding of how to use a computer and the Internet.”

The digital divide is especially stark in Pew’s native Philadelphia. An estimated 40 percent of households in Philadelphia have no Internet access, compared with a net-less 32 percent nationwide.

One year ago, it was concern over this divide that led Pew to make the jump from deal-maker to do-gooder: Despite the prospect of six months of unpaid work followed by six months of nominal pay, Pew accepted Mayor Street’s request that he head the nonprofit wireless project.
This stretch of penury is a long way from where Pew’s career began, working as an investment banker with Bankers Trust Co. in New York. Pew enrolled at Penn Law in 1990, though he says his second and third years were largely devoted to interdisciplinary classes at Wharton. “Coming from a banking background, my focus all along was business,” says Pew. “But my first year at Penn Law taught me the kind of discipline I needed to succeed in those later years.”

Pew credits his position as an editor of the Law Review with landing a job at the Philadelphia firm of Morgan, Lewis & Bockius LLP upon graduation. And when the firm’s partners were looking for someone with large deal experience to work on a multibillion dollar transaction, they chose Pew to be a part of the legal team because of his experience doing leveraged buyouts in New York.

Among several multibillion dollar projects, Pew participated in the historic $33 billion merger of Bell Atlantic and NYNEX in 1997 for which he had primary responsibility for drafting the first “plain English” merger proxy as part of the SEC’s initiative to make securities filings more user-friendly. In 1998, he struck out on his own to become president of The Furst Group, an international communications provider, and later co-founded Boathouse Communications Partners and Remi Communications. In the meantime, he and his wife, Wendy, a municipal court judge in Philadelphia, became civic leaders in Philadelphia, serving on the boards of the Metropolitan AIDS Neighborhood Nutrition Alliance, The Greene Towne School, the Marian Anderson Award and the Philadelphia Orchestra, and taking active roles in charitable committees for the Philadelphia Zoo and the Philadelphia Art Alliance.

“My first year at Penn Law taught me the kind of discipline I needed to succeed.”

In Wireless Philadelphia, Pew’s for-profit skill set found its nonprofit apotheosis: a wildly ambitious networking task with a civic focus. “This was tailor-made for me,” he says. “How do I make crime enforcement better, prevent fires sooner, make tourism more appealing, make a better environment for business, help kids get a better education? In this case, all those questions, interestingly enough, drive directly to the expertise in my private life.”

Though the wireless network hasn’t yet been completed, cities around the world are already calling, asking how they can emulate Philly’s innovative project. Pew has recently shared information and strategies with would-be wireless networks in Paris, Seoul, Rome, Florence, Athens, Helsinki, Boston, Chicago, Kansas City, and San Francisco.

With noteworthy careers in investment banking, telecommunications, and now the nonprofit sector already on his résumé, it’s hard to believe that Pew just turned 40, with kids who are eight and eleven years old. Then again, success is in his blood: Pew shares lineage with the Pews of the Pew Charitable Trusts, if only distantly. His closest relationship is his great-grandfather John Glenn Pew, who rose from a natural gas company superintendent to president of Sun Shipbuilding and Drydock Company, which he built into one of the largest shipbuilding companies in the world. The company was founded by his great-grandfather’s first cousin, J. Howard Pew, then CEO of Sun Oil Co. and one of four founders of the Pew Charitable Trusts.

But even in a family where success is part of the pedigree, Pew has a unique capacity for vision, as evidenced by Wireless Philadelphia’s ambitious mission. In Pew’s frenetic imagination, access to the Internet means more than checking e-mail and reading blogs. He sees a city in the not-so-distant future where police cars access security cameras instantaneously, diabetic patients’ glucose monitors beam information to their healthcare providers, and students teleconference across campuses.

“There are any number of scenarios like these that I can dream up,” he says, “And they’re all possible now.”

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Sally Friedman

She has never dreamed minor dreams. Even when she was a freshman at Harvard University, Aretha Delight Davis devoted countless hours to community service, convinced that working with kids and the disenfranchised was at least a way to start changing the world. Davis was only 17 years old, but already feeling an urgent need to "repair" an ailing society.

Today, Davis L'97 is off to Harvard Medical School where she plans to get not just a medical degree, but also a master's in public policy.

So what makes Davis run? Why isn't she content with already having crammed several lifetimes into one?

"I definitely don't think small, although life would be easier if I did," said a young woman who already has earned an undergraduate degree at Harvard in the History of Science, gone off on a Harvard fellowship to Guyana, her parents homeland, to do field work with underserved women and children, and gotten her J.D. from Penn.

Then there was Davis' two-year post-Guyana work with the Pennsylvania Health Project as a staff attorney while the Philadelphia law firm of Morgan Lewis held her associate's position for her, and her more recent two-year odyssey into the world of basic science as a University of Pennsylvania post-baccalaureate student preparing for medical school.

All of this by age 34...


Aretha Delight Davis exudes all of these qualities, along with an impressive intellect and a humility that belies her enormous accomplishment.

During her last few weeks at Morgan Lewis, where she represented individuals and corporations as a litigator, Davis paused to reflect on her decision to leave the security and prestige of a major law firm to undertake the rigors of Harvard Medical School.

"I think it's always been there in the background, this desire to pursue medicine. But when I was making the choice in my senior year of college, I chose law school over medical school because I'd had such wonderful experiences in community service. I loved being an advocate," said Davis. "I still do."

That passion for advocacy became a tipping point when Davis was considering her future professional options.

"I was really worried about where I'd fit in professionally, and I was pretty sure it wouldn't be in a traditional law firm. I thought I was too 'different.'"

Davis' litmus test became the issue of boots. Yes, boots. "I loved my cowboy boots," she admitted, "and I wanted to be in a place where I could feel comfortable wearing them..."

This young woman with the crusading spirit was thrilled to find that an established Philadelphia firm was committed to the same things she was, was willing to have her delay her commitment to the firm for the two years she spent with the Pennsylvania Health Law Project — and would indeed accept an associate wearing cowboy boots.

Her later work with the firm in health care fraud cases was particularly useful. "It helped me get past the intimidation factor about the sciences, which had always fascinated me...but at a distance."

If there was a moment of epiphany about pursuing a medical degree, it came for Davis during her post-baccalaureate studies at the University of Pennsylvania.

"It was a Friday night, and as part of my program, I was working in the ER at Children's Hospital of Philadelphia. A lot was happening all around me, and suddenly I just realized that
this was the place where I really belonged. In law, I’d also felt moments of great exhilaration, but I knew that law was not my final destination,” said Davis, “It was in that ER that I knew my soul had found its place.”

What does Aretha Delight Davis expect to be doing in ten years with a medical degree, a law degree and a degree in public policy?

“I have so many plans and dreams, but the most important one is that I want to serve people, primarily as a physician-advocate for the poor. I would hope to see pediatric patients in an underserved urban environment part-time, and use the rest of my time to address the health care issues that plague the poor people in this country.”

It’s a huge order. But the nightmare of access to health care haunts her. “It’s unconscionable that there are 45 million uninsured people in this country, and our fragmented system is certainly not providing the necessary level of quality, safety and cost efficiency to those who need it and deserve it.”

Davis wants to see a health care system in which accountability is one of the most sacred priorities. “That accountability applies to physicians, who need to fully embrace evidence-based medicine and information technology. It also applies to patients, who must take ownership of their own health and not just expect physicians to be guarantors of their health.”

From her own ultimate unique vantage point as both lawyer and physician, Davis also feels an obligation to get both professions to focus not on their differences and historic antagonisms, but on their shared values and opportunities for cooperation.

Of course Davis is feeling anxiety about her leap into a new universe. “This has been a very tough decision for me, but now that it’s made, it feels right,” she said. “I had expected to practice law for about five years, and that’s just about how it worked out. And they were wonderful years, but now,” said Aretha Delight Davis, “it’s time for the next chapter. I’m ready.”

SALLY FRIEDMAN is a graduate of the University of Pennsylvania and has been a freelance writer for three decades. She has contributed to The New York Times, The Philadelphia Inquirer, The Newark Star Ledger and other major newspapers and magazines. Along with feature writing, she is also an essayist whose weekly columns run in the Journal Register newspaper chain.

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Published by Penn Law: Legal Scholarship Repository.
The class of 2006 is in the books. Two hundred-seventy students strode up to the Academy of Music stage to receive their J.D. degrees and begin promising careers. New Jersey Supreme Court Justice Deborah Poritz L’77 was the main commencement speaker.
ABOVE: Reunion had a different flavor this year. On a Friday night in May, attendees danced to the sounds of City Rhythm Orchestra and participated in a scavenger hunt. In another change of pace, alumni had a choice of Saturday activities, including a food tour; visit to the Barnes Museum and the Andrew Wyeth exhibit at the Philadelphia Museum of Art; and a sightseeing tour. Directly above is the Class of 1941, enjoying lunch in the dean’s office.

LEFT: Six distinguished alumni received recognition at the Law Alumni Awards ceremony. Recipients pictured with Dean Michael A. Fitts (third from right) are (left to right) James Nevels L’78 WG’78, Renee Chenaught L’82, and Paul Haaga Jr. L’74 WG’74, all winners of the Alumni Award of Merit; Keith Rosenn, who accepted the James Wilson Award on behalf of his late father, Hon. Max Rosenn L’32; Andrew Morton L’00, Young Alumni Award; and Stephen A. Cozen C’61 L’64, Distinguished Service Award.
Law School Behind Them; More Tests Ahead

Commencement Speakers Ask Graduates to Defend Judiciary, Follow Their Ideals

FOR THE LAW SCHOOL’S CLASS OF 2006, the paper chase may have ended, but the challenges of a lifetime in the law are just beginning. According to class president Thomas Williams, some of those challenges may be even more daunting than the Bar exam.

“For each of you, there is some injustice that lights a fire in your belly,” Williams said to the graduates assembled in Philadelphia’s Academy of Music. “I ask you today to not let your big firm put that flame out. It will be easy to forget about the things we are passionate about. But I hope today you decide to hold on to the important battles that fulfill you.”

For those graduates without a particular battle burning in their bellies, New Jersey Supreme Court Chief Justice Deborah Poritz L’77 had a suggestion of her own: In the ceremony’s keynote address, Poritz called on the graduates to defend one of America’s most fundamental institutions, the judicial branch of government.

“The concept of an independent judiciary is...a simple idea, magnificent in concept. And yet an idea that we as a people have both embraced and lived with most uneasily,” she said, citing incidents such as the case of Terri Schiavo, in which press and politicians heavily criticized the rulings of judges, going so far as to call for their impeachment.

“The angry accusations — and the power of the media to bring that anger and intemperance into every home in this country — frighten me,” Poritz continued. “When the country’s leaders do not understand the importance of an independent judiciary, or worse, seek to control or politicize the judiciary, then our system of laws is undermined.”

“The continuing fight for an independent judiciary is your fight too. It is your challenge now.”

New Jersey Supreme Court Chief Justice Deborah Poritz L’77
Patricia Viseur Sellers L'79, a trial attorney at the International Criminal Tribunal for the former Yugoslavia and the recipient of an honorary fellowship from the Law School, echoed Poritz’s ideological challenge. She cited genocide cases she worked on and lauded the courageous few who fought to end such atrocities, imploring the class of 2006 to follow their moral compasses.

"Before you receive your diploma; before you worry about the bar exam; before you belabor the repayment of loans, or the attainment of the second, appellate level clerkship; before you stress out about making partner, or dwell upon whether you will be nominated for a cabinet post, I ask that you consciously decide to hold the private conviction that each human being, including yourself, merits human dignity," she said.

After the weighty messages, the graduates exulted in their accomplishments as they walked across the stage to receive diplomas from Dean Michael A. Fitts. Two hundred-seventy graduates received juris doctor degrees, while 98 received masters degrees and two received Ph.D.s. Fifty-five of the students graduated cum laude, with 12 graduating magna cum laude and two, Adam Brenneman and Abby Wright, graduating summa cum laude. Professor Matthew Adler was honored as well, receiving the Harvey Levin Award for Teaching Excellence.

In his remarks, Dean Fitts suggested students take a moment before diving into the heady world of legal practice to appreciate their achievements. “During the past three years, you have faced many challenges and anxieties. Through it all you’ve handled yourselves with calm resolve and dedication,” he said. “You’ve engaged in more public service activities than any other law school class in the country. You’ve published exceptional scholarly journals at the very top of the profession, and you’ve engaged in making your law school a better place by ensuring we continue to be an open and diverse community.

“In short, and you’ll hear it now for the last time — You own this school.”

“I ask that you consciously decide to hold the private conviction that each human being, including yourself, merits human dignity,” said Patricia Viseur Sellers.
Classes without Quizzes
Who's to Blame for Enron?

WHEN ENERGY GIANT ENRON crumbled in 2001, evaporating the life savings of thousands of investors and employees, it was clear that heads would roll. Not just Ken Lay and Jeffrey Skilling paid the price: Congress first threw a yolk over the entire corporate world with the far-reaching Sarbanes-Oxley Act, which established new standards for governance of public companies. But according to Penn Law Professor Michael Wachter, the true culprit was not corporate malfeasance so much as a corpulent market.

"Sure, there were nasty capitalists who wanted to make a lot of money, but I think that what made it a perfect storm was the great market bubble of 2000," Wachter said at the annual alumni reunion's Classes Without Quizzes CLE Panel Discussion last May. "In American history, we regularly have periods of great economic growth, excesses build up and get overheated, and I think that's what we're looking at here."

The panel, which took Enron's and the SEC's response as its topic, also featured former SEC Director of Corporate Finance Alan Beller L'76; Executive Vice President of Market Surveillance at the New York Stock Exchange Group Robert Marchman L'83; and Penn Law Professor David Skeel, with Dean Michael Fitts serving as moderator.

Professor Skeel echoed Wachter's historical approach to the problem, but looked further back in regulatory history. He cited corporate blow-ups as early as railroad tycoon Jay Cook's bankruptcy after the civil war, pointing out that each meltdown spurred a reworking of corporate regulation, just as occurred post-Enron. "When you think of major federal corporate regulations, all of them came in the wake of major scandals," he argued. "The Jay Cooks...the Enrons, the Worldcoms invariably reflect more pervasive problems in corporate America."

Wachter went further, arguing that Enron was not so much a problem of failed regulations but of accountants, analysts, and investors lulled into inaction by a large market bubble. "Keep in mind that at the top of the bubble, price/earning ratios were higher than they were in 1929," Wachter said. "In that period, all stock market investors were getting rich, and nobody wanted to ask the question, 'What exactly is going on at Enron?'"

Two weeks before the principals in the Enron scandal were convicted, a panel of experts looked back and put the episode of corporate wrongdoing in focus. Pictured from left to right: Penn Law professors David A. Skeel and Michael Wachter; Penn Law Dean Michael A. Fitts, who was the moderator; Alan Beller L'76, former SEC director of corporate finance; and Robert Marchman L'83, executive vice president of Market Surveillance at the New York Stock Exchange.

Beller, who became SEC chairman just after the Enron and Worldcom scandals, also defended the SEC's response to the crisis. "Within the SEC, caveat emptor is not believed to be the philosophy of securities law," he said. "The standard is that companies have an affirmative duty to disclose correctly." Instead, he added, "the entire police force was asleep."

Despite the panel's title, "Classes without Quizzes," Dean Fitts closed by asking each panelist what they thought would be the outcome of the Enron trial. On that point, at least, the four experts agreed, predicting a guilty verdict. Two weeks after the discussion, they all earned a passing grade: Both Enron executives were convicted.
A Twist of Fate Leads Berger to Early Role in Space Program

FOR A BRIEF TIME 61 YEARS AGO, the Honorable Harold Berger EE’48 L’51, a former judge on the Court of Common Pleas of Philadelphia led a life swathed in secrecy.

Berger, senior partner and managing principal of Berger and Montague in Philadelphia, tested the V2 rockets that were used as boosters in the infancy of the U.S. space program. A member of a special Army unit of engineers and physicists who worked with German scientist and future NASA official Werhner von Braun, Berger monitored the trajectory and path of these missiles fired on the White Sands Proving Grounds in New Mexico.

Only the intrusion of fate, however, allowed Berger to participate in the top secret program in 1945. His unit was sent to fight in the infamous Battle of the Bulge. Right before he was to join them, Berger contracted a near-fatal case of spinal meningitis during the latter stages of basic training at Camp Blanding in Florida.

After a grueling hike, he went to bed extremely tired. The next morning, he awoke with a severe headache, and couldn’t swivel his neck without unbearable pain. He walked to the infirmary, where, within minutes, doctors put him on a stretcher and ripped open his fatigue jacket. What they found alarmed them: a chest full of angry rashes.

“I went into a coma, woke up 10 days later and I was delirious,” says Berger, who shared this story on reunion weekend with a group of World War II veterans from the Class of 1941.

He recovered after 91 days of bed rest, but suffered a serious emotional blow when told, early in his convalescence, that he could not rejoin his unit because they had been wiped out in the Ardennes Forest on the German/Belgian border. His best friend in the military was among the casualties. “When I found out about the massacre at the Battle of the Bulge one of the doctors said, ‘You know, you’re the first person in the history of the American armed forces saved by a case of spinal meningitis.’”

Spared his life, Berger proceeded to become a pioneer in space law, combining his expertise in law and engineering. Even before the first American manned mission, Berger was writing about space sovereignty, accident liability, and the rights of nations which plant symbols, such as an American flag, on the moon.

For his contributions to the emerging field, Berger was elected to the International Academy of Astronautics in Paris. He has served as chair of the Aerospace Law Committees of the American, Federal and Inter-American Bar Associations, and chaired the International Conferences on Global Interdependence at Princeton University.

These days, Berger worries about the future of the space program. “I don’t think we’re spending enough money on it,” he says. “I think it’s absolutely necessary to continue our scientific programs, including the space program, because a lot of technological innovation comes out of those programs. They help to keep the United States in the forefront of scientific development.”

- LARRY TEITELBAUM
FACULTY NEWS
AND PUBLICATIONS

FACULTY NEWS FLASH

In Books, Newspapers and on Television, Professor Allen is a Multimedia Moralizer

By Anita L. Allen

DID YOU HEAR THE ONE about the priest and the rabbi who teamed up with a law professor on cable television? This could be the makings of a really corny joke. Instead, it was the premise of “The Ethical Edge,” an innovative program launched by MSNBC in June 2005 that ran for about a year. The show consisted of lively, hourlong conversations about contemporary moral and ethical issues, moderated by the brainy MSNBC news anchor Chris Jansing. I was one of the panelists.

I never imagined myself as a regular on a television talk show. But after Miramax published my book, The New Ethics: A Guided Tour of the 21st Century Moral Landscape in 2004, a number of surprising professional opportunities came my way. Not only did I enter the world of mainstream television, but I also entered the world of big city newspaper writing. I was given my own monthly newspaper column on ethics in The Newark Star Ledger.

I loved doing “The Ethical Edge.” It was a radical change from the routine of teaching and scholarship that has been my life for more than two decades. The hourlong shows often aired on Sunday nights. The show produced engaging discussions on topics such as Hurricane Katrina, everyday ethics, and the ethical impact of technology. We explored interpersonal relations, work relationships, crime, even the ethics of travel.

As a result of the television show and the newspaper column, moralizing in public has become a way of life for me. It is diverting — I consider it fun. Yet, as a lawyer, expressing normative views on sensitive, deeply felt, controversial issues carries with it special responsibilities.

And it carries perils, of course. Sounding like an idiot, trivializing profound issues and getting in over one’s head are definite dangers. Practicing attorneys on camera must take care not to give legal advice, not to reveal client confidences, and not to take positions that conflict with clients’ interests. As members of the clergy, a priest and a rabbi have automatic moral authority. Where does the moral authority of a professor and a lawyer come from? Many individual lawyers shine with an aura of trustworthiness because of their accomplishments in the public interest. Others stink to high heaven with the stench of suspicion. A lawyer can connote adversarial, sophistical, crooked and partisan as easily as fair, impartial, righteous and just. We lawyers have to earn our moral standing.

Lawyers have privileged opportunities to infuse moral and ethical ideals into the law. In their roles as advisers, mediators, litigators, legislators, adjudicators, lobbyists and officials, lawyers’ ethical values shape the process and content of law. To these roles, add newspaper columnist and television commentator. Ordinary lawyers and legal academics like me comment from time to time on moral and ethical issues for print, television, radio and Internet-based media. Media commentary is a law-shaping role, for the power to influence public opinion is also the power to shape the law.

Television gives lawyers the opportunity to infuse values to a wide audience of diverse backgrounds and to the non-reading...
public. Time pressures and the amount of censorship and self-censorship involved in mainstream programming is a frustrating limitation. Good ethics commentary is not just a matter of clever sound bites, and off the cuff chatter. For this reason, the op-ed and column are welcome additional resources for public moralizers.

Chief Justice Earl Warren once remarked that in civilized life, law should float on a seat of ethics. Making this so is not only the responsibility of legal professionals with access to the statehouse, the courthouse, and the media. It is a responsibility of everyone. We all have obligations to be morally engaged leaders. We all ought to moralize in public, by which I mean, we all ought to help shape the public policies embodied in public laws. If we don’t, who will? It is pointless to be passionate, but private about your values.

I once feared becoming a highly public moralizer would take my mind away from the classroom and detract from my teaching. If anything, my teaching has improved. After live television, a classroom audience is a piece of cake.

For example, after commenting on television about U.S. immigration reform debates, I conducted further research on the topic and decided to add immigration policy to the curriculum of my Penn undergraduate course, “Law, Justice and Morality.”

After a lecture on immigration reform, I asked my students which of three policy directions they preferred: (1) the House of Representatives bill passed late last year that would build a 700-mile fence across the border with Mexico, criminalize assisting illegals and make illegal entry a felony; (2) a guest worker program for registered immigrants; or (3) a true full amnesty program enabling illegals to quickly obtain green cards and citizenship. An overwhelming majority favored (2), a guest worker program like the one endorsed by President George W. Bush. My students argued that the full amnesty option I preferred, long in the tooth liberal that I am, would condone wrongdoing and serve as a slap in the face to legal immigrants who had played by the rules to earn their lawful status. I was surprised and challenged by my students. I was moved to write a newspaper column attacking the “slap in the face” argument and defending amnesty. After the column was published in the Star-Ledger, I posted it on the class course portal.

My students’ views of moral justice in immigration differed from my own. I suspect that on a range of issues the moral values of other people differ from my own. But I am no less enthusiastic about moral engagement. Together, as communities of difference and similarity, we craft the ethical foundation on which American law will rest.

Anita L. Allen is the Henry R. Silverman Professor of Law and Philosophy.
Struve Appointed Reporter for Appellate Rules Advisory Committee

JOHN G. ROBERTS, JR., Chief Justice of the United States Supreme Court, recently appointed Professor Catherine Struve as Reporter to the Advisory Committee on Appellate Rules. In this role, Struve will have the responsibility to consider and make recommendations on suggestions before the Committee and, where appropriate, to prepare first drafts of proposed amendments to the Rules and accompanying explanatory committee notes.

"In appointing a relatively young scholar to this important post," says Dean Michael A. Fitts, "the Chief Justice has confirmed what Cathie's colleagues in the profession, federal and state judges, and practicing lawyers have come to understand, namely that she is an extraordinarily talented, energetic and effective person. She is also a perfect example of what Penn Law is seeking to do in building bridges between the academy and the bench and bar."

Struve, who joined the Penn Law faculty in 2000, also serves as a co-reporter to the Third Circuit Task Force on Model Jury Instructions in Civil Cases. In related research, she is exploring the effect of jury procedures and instructions on the functioning of the civil justice system.

According to Professor Stephen Burbank, Struve's research and her new position both reflect her drive to combine theoretical research with practical influence on the American justice system. "Cathie is one of the foremost scholars of procedure in the country, a person of rare analytical ability who seeks to bring her expertise to the solution of important practical problems," says Burbank.

Struve's scholarly research focuses on how which litigation procedures affect the enforcement of substantive rights. Asked by the Project on Medical Liability in Pennsylvania to make recommendations on procedures for use in medical liability litigation, she produced the 2003 resource, "Expertise in Medical Malpractice Litigation: Special Courts, Screening Panels and Other Options." Struve's more recent publications include a 2006 article in the Columbia Human Rights Law Review, "Constitutional Decision Rules for Juries," and a 2005 work in the Yale Journal of Health Policy, Law and Ethics, "The FDA and the Tort System: Postmarketing Surveillance, Compensation, and the Role of Litigation."

Cornell Archiving Summers' Labor Law Papers

LEGENDARY LAW PROFESSOR Clyde Summers will have his papers and files placed in the Kheel Archive at the Martin P. Catherwood Library at the Cornell School of Industrial and Labor Relations. The Kheel Center is the preeminent labor-management archive of original source material in North America. Used by researchers and professionals, it covers the history of labor and the workplace. Summers' papers range from articles and speeches to correspondence and class notes.

Summers is considered the most influential U.S. Labor Law scholar in the latter half of the 20th century. The Commission of Uniform State Laws' Model Employment Termination Act was modeled after an article written by Summers advocating statutory protection against unjust dismissal. He contributed to the draft of the Landrum Griffin Act, co-edited five casebooks and published more than 125 law review articles and contributions to symposia. Summers taught at Penn Law School for 30 years.
A professorship is considered an honor, a recognition of scholarship and achievement.

With the appointments of Matt Adler, Howard Chang, Cary Coglianese, Jacques deLisle, Sarah Barringer Gordon, Amy Wax and Michael Knoll, there are now 26 chairholders, which is a tribute to the quality of Penn Law's faculty.

Leon Meltzer Professor of Law
Adler Calculates Costs and Benefits of Law and Policy with Philosophic Mind-Set

IN HIS NEW BOOK, Matthew Adler suggests government regulators think as much about human cost as economic efficiency when making decisions on everything from natural disasters to environmental risks.

Adler, co-author of New Foundations of Cost-Benefit Analysis (with University of Chicago law professor Eric Posner), argues for consideration of well-being in policymaking. He and Posner also expand the definition of cost-benefit analysis by including moral rights and equal treatment in the equation.

This new way of thinking represents a middle ground — it is less rigid, more pragmatic and philosophically sophisticated than current approaches, explains Adler, recently appointed Leon Meltzer Professor of Law.

"I hope to influence how administrative agencies and Congress make their decisions," he says. "Techniques such as cost-benefit analysis are increasingly influential at agencies."

He had an opportunity to make his case last year when he presented, within earshot of Congress, a paper on Equity Analysis and Natural Hazards Policy at a Penn-sponsored conference on the government response to Hurricane Katrina. The paper is included in a book — On Risk and Disaster: Lessons from Hurricane Katrina — published last year by the University of Pennsylvania Press.

Adler joined the Penn Law faculty in 1995 after serving as a law clerk to Judge Harry Edwards of the U.S. Court of Appeals for the D.C. Circuit and to U.S. Supreme Court Justice Sandra Day O'Connor.

A scholar in constitutional law, administrative law, regulation, and legal theory, Adler applies analytical philosophy to all of his work. "I think of myself as a philosophically grounded pragmatist," says Adler. "I think you need to start by thinking about institutions in a systematic way... I tend to focus on well-being as opposed to less tangible things."

Well-being is a theme, for example, in Adler's influential work on legal theory, in which he criticizes popular notions of expressive theories of law, contending that legal doctrine should be evaluated more on application and effect than on what it means or symbolizes.

His philosophic bent informs a series of planned articles on risk regulation and an upcoming piece in the Penn Law Review, co-authored with colleague Chris Sanchirico, on the balance between social concerns for equality and the reality of uncertainty in human affairs.

In his risk regulation work, which could turn into another book, Adler will write about environmental risks such as toxins and pose questions about when government should step in to mitigate health risks.

"My particular interest is in moral philosophy or moral theory," says Adler. "I try to think through in a fairly rigorous way issues which I think legal scholars have to contend with."
Earle Hepburn Professor of Law
Chang Writes from Experience on Immigration

HOWARD CHANG, THE NEW Earle Hepburn Professor of Law, is an exceptional scholar, but his interest in the plight of immigrants has always been more than academic. For a second-generation Asian-American with a father from China and a mother from Taiwan, the escalating debate over immigration is as personal as it is political.

"Given my family background, I've always been interested in immigration," he says. "I know a lot of immigrants, and maybe that's why it's struck me as arbitrary that immigration laws make where you happen to be born such a powerful determinant of your prospects in life."

In a recent paper titled "Immigration and the Workplace: Immigration Restrictions as Employment Discrimination," he argues that denying jobs to qualified foreign workers smacks of unfair discrimination. "We have quotas, quantitative restrictions and labor certification requirements that require an employer to show that no U.S. worker is available for a job before hiring even a better qualified foreign worker," he says. "That seems to me to be a pretty perverse policy."

But what of the low-income American citizens whose jobs are filled by immigrants? According to Chang, protecting native workers shouldn't come at the expense of America's egalitarian ideals. The harmful effects of competition with immigrants, he argues, should instead be offset by progressive fiscal policies. "Immigration, like other forms of international trade, increases total wealth in our economy," he says. "The best policy in the interests of all Americans is to maximize the pie. After that, you can divide up the pie any way you want with tax and transfer policies."

Over the last several months, the immigration debate was reignited by Congressman James Sensenbrenner's bill, which would criminalize all unauthorized immigrants and those who assist them. Chang calls the bill "draconian" and faults it for focusing only on the enforcement of restrictions, without offering a realistic solution to the problem of illegal immigration. He's planning a book in which he will argue for the liberalization of immigration policies in America for the sake of both the national economy and the nation's fundamental principles.

Chang was a law professor at the University of Southern California and a clerk to Ruth Bader Ginsburg before joining Penn Law's faculty in 1999. His other areas of expertise include international trade and environmental law.

Commenting on his appointment to a professorship, Chang says, "For me, it's gratifying to receive an affirmation from the law school and my colleagues, a vote of confidence in my work. I'm flattered and grateful that they're willing to bestow this honor on me."

Edward Shils Professor of Law and Political Science
Coglianese Does Due Diligence on the 'Fourth Branch' of Government

WHICH IS THE MOST important branch of the US government? The legislature? The judiciary? Or is it the regulatory agencies that every year create twenty times as many binding laws as Congress passes? For the new Edward Shils professor of law and political science, Cary Coglianese, it's this often-forgotten area of administrative and regulatory law that has become the battleground for many of our government's most important decisions.

"Administrative law focuses on some of the most significant lawmaking and law-implementing bodies," says Coglianese.
“This so-called fourth branch of government is where a lot of the action is for public policymaking — and for making a huge impact on society, whether for good or ill.”

Coglianese’s work focuses on some of administrative law’s most dynamic facets: the effect of litigation and conflict on the development of regulations, and the democratizing influence of the Internet on regulatory debates. His approach centers on using empirical research to find the most effective avenues for regulatory development.

As a new member of Penn’s faculty, Coglianese is excited about the interdisciplinary opportunities. Aside from collaborating with Penn’s Fels Institute, the Political Science Department, Wharton, and the Medical School, he will direct a new Penn Program on Regulation, a university-wide initiative to draw together faculty who are interested in the regulatory process and regulatory policy. “The program will accentuate and build on Penn’s strengths in this area to develop new research and help inform policy making,” says Coglianese.

Coglianese comes to Penn from Harvard, where he was an associate professor at the John F. Kennedy School of Government and an affiliated scholar at Harvard Law School. He served as director of the Politics Research Group at the Kennedy School, as faculty chair of Harvard’s university-wide Regulatory Policy Program, and as co-editor of a new peer-reviewed journal titled Regulation & Governance. Coglianese has also been a visiting professor of law at Stanford and Vanderbilt.

Having served as a visiting professor at Penn Law in 2005, Coglianese is well aware of the school’s rich tradition in his field. “Penn is one of the few law schools in the country where administrative or regulatory law is expected in students’ first year,” he points out.

He also cites Penn Law’s lineage of deans who double as scholars of administrative law. Colin Diver, James Freedman, and current Dean Michael A. Fitts have all been renowned academics in the field. “I have known Dean Fitts since my time in law school and graduate school, and I greatly admire his scholarship and vision,” says Coglianese. “I’m excited to be joining with so many colleagues at Penn who have made major contributions to our understanding of law, politics and the regulatory environment.”

Stephen Cozen
Professor of Law

China-Tracker deLisle Fascinated by Superpower’s Transformation from Authoritarian System to Rule of Law

“SLOW AND PAINFUL has been man’s progress from magic to law,” reads the translation of an ancient Chinese inscription above Penn Law’s Goat sculpture. That phrase may apply to China’s long and uneven history, but according to new Stephen Cozen Professor of Law, Jacques deLisle, China is experiencing a legal transformation today that’s anything but slow.

“Progress from what was in many ways a non-existent legal system just decades ago is remarkable,” deLisle says of the rising superpower. “There are now many thousands of lawyers in China. They interpret countless laws and regulations, draft contracts, sue, win, and secure awards for their clients. These things happen far more than was imaginable twenty-five years ago.”

China’s rapid development since the beginning of the reform era in 1978 means that deLisle, an expert in Chinese law, faces a constantly shifting legal landscape. As China moves from a system of informal rule by authoritarian leaders to rule by law and even the rule of law, lawyers face basic questions such as how much, and how, the law will be decisive or relevant.

“You have to have a rich appreciation for context,” says deLisle. “Political dissidents caught in the criminal justice system, for example, face a very different legal world from, say, multinational corporations with an investment dispute. A party who has a dispute with a local government-linked company in the hinterland may have very different prospects and options than one seeking redress from a foreign-invested firm or a listed company in Shanghai.”
As China’s importance grows, deLisle has helped Penn Law establish itself as a major locus of East Asian Studies. DeLisle serves as director of the Asia Program of the Foreign Policy Research Institute and last March organized the Institute’s conference on constitutional change and foreign policy in East Asia at the Law School. In the coming year, he is planning additional events, including a conference bringing together experts on China’s growing economic and military influence, and a symposium on the law, economics, and politics of Free Trade Areas in East Asia.

deLisle’s own growing influence was recognized last summer when he was appointed to the Stephen Cozen chair, a position that he is honored to have received. But even more gratifying than recognition from his own institution, deLisle says, is the knowledge that his work may have a small effect on one of the most exciting chapters in world history.

“In like Stephen Cozen,” deLisle says, “many of the lawyers I know and respect most in China — including some of my former students — have been central in the early development of firms that have become among the largest and most successful in their markets and that have top international clients. For me, one of the joys of specializing in Chinese law is that it’s an academic field that keeps me fairly close to real-world legal questions, in scholarship, law-reform projects in China and in expert witness work.”

“It’s been an extraordinary quarter century in China,” adds deLisle. “It’s hard to imagine any other case of so many people going through anything as wrenching and in many ways as hope-inspiring. Law is playing more important and complex roles in that story than most would have predicted. There’s something compelling about having a front-row seat, and maybe even the occasional walk-on part, in that drama.”

Arlin M. Adams Professor of Constitutional Law

Gordon Turns to Postwar Era in Her Ongoing Study of Law and Religion

FOUR YEARS after writing an award-winning book on the Mormon practice of polygamy in the 19th Century, legal historian Sarah Barringer Gordon is turning to the conflicts generated between law and religion in the late 20th Century.

In an upcoming book, titled The Spirit of the Law: Religion and Litigation in the Twentieth Century, Gordon explores how believers have shaped the constitutional law of religion since World War II, and how America’s unique concept of religious liberty defines the country. “One of the real myths,” says Gordon, “is that it was secular people who created that law, and that’s not true, it was believers.”

Gordon, who was recently appointed the Arlin M. Adams Professor of Constitutional Law, says religion has flourished in the United States in part because there are so many denominations, none of which has dominated the country.

“In the 20th Century, it’s also been politically important to the United States to be considered religious,” says Gordon, a member of the Penn Law faculty since 1994. “That’s why the words ‘Under God’ were inserted in the Pledge of Allegiance in 1954, because that distinguished the United States from communist countries, especially the Soviet Union.”

Gordon’s first book, The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America, won the Mormon History Association’s Best Book Award in 2003. She is returning to the subject in a new book with Kathryn Daynes of Brigham Young University. They are using court records from 3,000 cases to examine the prosecutions of polygamists, in what Gordon describes as the first demographic and social history of this unprecedented legal campaign.

Gordon says the subject is so interesting because “all the foundational law of religion was created by and about and through Mormon polygamists. In the 19th century that’s where the action was. Nobody had really studied it — at least from a national perspective.”

Being a legal historian is hard work. It requires absorption, an obsession with details, and inordinate patience. “It’s just an extreme amount of reading and also usually involves trips to the archives,” says Gordon. Her first book, for example, contained a chapter on anti-polygamy novels. For that chapter alone, Gordon says, she read 125 novels. Research on the “Spirit of the
"Law" book has taken her to the Princeton area, Harvard, the Library of Congress and, soon, to the Billy Graham archives at Wheaton College — all for one chapter as well.

Nor are there shortcuts in the writing. "Every statement has to either be clearly labeled as speculation ... or it needs to be backed up with documents."

Speaking of history, Gordon once clerked for former U.S. Third Circuit Judge Arlin M. Adams. That's one reason she is so pleased to hold a chair in his name. "It was really wonderful to see the chair named for him and it clearly meant a great deal to him, as it does to me, since he has been such an important mentor in my life."

Theodore K. Warner Professor of Law
Knoll is 'Driven' to Find Solutions to Inequitable U.S. Tax Code

MICHAEL KNOLL, RECENTLY NAMED the Theodore K. Warner Professor of Law, studies finance and taxes the way a mechanic fixes cars: He gets under the hood to diagnose policy pings that slow the U.S. economic engine.

In a series of influential articles, Knoll has detailed many previously unknown effects of the tax system, tackling everything from how the windfall profits tax discouraged oil production during the two oil crises of the 1980s to how the differential treatment of debt and equity under the tax law discourages corporations from innovation and risk taking.

The subject of taxes has occupied Knoll's mind for a number of years. He argues that the issue should command attention because taxes compose 30 percent of Gross Domestic Product. "The current system is complicated with lots of loopholes in it," says Knoll. "Some people pay too much in taxes. Others pay fewer taxes on similar incomes, so there's a lot of waste and inefficiency."

Knoll, who joined Penn Law's faculty in 2000, previously held the Earle Hepburn Professorship. He has a track record as a problem solver. At the International Trade Commission, as legal advisor to the vice chairman, Knoll led a group of lawyers and economists in developing an objective system — since adopted throughout the world — to assess injury in anti-dumping and countervailing duty cases.

He has also developed a method of assessing prejudgment interest that has sparked debate in the courts and among commentators. "The issue of prejudgment interest is often ignored by the parties and their attorneys until the very end, but in many cases (especially when the harm occurred long ago and interest rates have been high), the amount at issue might be several times the judgment."

Knoll's penchant for road testing ideas led him to academia after starting his career in private practice and government. After ten years at the University of Southern California Law School, Knoll came to Penn, where he also has a joint appointment in Wharton's Real Estate Department.

For Knoll, a strong believer in interdisciplinary scholarship, teaching and scholarship are intertwined. "I taught prejudgment interest in my corporate finance class well before I wrote on the topic. In fact, the idea to write the paper came directly from the teaching of the material."

In recent years, Knoll has developed and is continuing to develop a string of innovative interdisciplinary courses that he teaches with colleagues from the Law School and Wharton. He and Reed Shuldiner, the Alvin Snowiss Professor of Law, run a tax policy colloquium series where the students read current scholarship and then discuss the work with the authors themselves.

He also teaches a course on tax strategy with Edward Kostin of Wharton's Accounting Department, and last school year taught a popular transactions class with Daniel Raff of Wharton's Management Department, that integrates business and legal concepts.

The two will teach it once again this year. Knoll is eager to see what scholarly projects flow from the course and how he can further tune the engine of economic performance.
Robert H. Mundheim
Professor of Law
Wax Takes on Big-Picture Themes of Poverty and Inequality

AMY WAX, RECENTLY APPOINTED Robert H. Mundheim Professor of Law, is as much social critic as law professor. A contributor to The Wall Street Journal, Wax regularly writes about policy prescriptions for the ills of poverty and inequality.

In particular, she finds the welfare state, and the competing interests of work and family, endlessly compelling research areas. "It seems to me that two of the most central and important challenges facing our society currently, and in the future, are how to blend work and family responsibilities in the wake of the entry of women into the workforce and the complete sea change in social life brought about by feminism," says Wax.

At the moment, Wax is researching and writing about unconscious bias. She is also interested in the relationship of group disparities and the regulation of marriage to the problems of poverty and inequality.

Before joining the Penn Law faculty in 2001, Wax taught at the University of Virginia and was assistant to the solicitor general in the U.S. Department of Justice. A walking model of interdisciplinary education, Wax was a neurologist at a clinic in Bronx, NY, in the mid-1980s.

"There are lots of double degree people around, although most throw their lot in quite decisively with one profession or the other," says Wax. "But I don't regret having done both. I got a lot out of doing medicine. I received a first-rate scientific education, which is invaluable, and saw aspects of life and society I wouldn't have seen otherwise."

That exposure has led her to tackle big themes such as welfare reform. Although reform has been successful in putting people back to work, she says, it "has not slowed the decline of the traditional family among the poor and minorities."

She considers that outcome "a disappointment, especially since shoring up the family was one of Congress' stated goals in changing the welfare system. But that was probably too much to expect, since changes in the family had probably gone too far already."

Wax says the government's inability to reform Social Security could also have dire consequences. "Social Security is the most antinatalist policy there is, because other people's children are paying for your retirement," she says. "It's an enormous burden on working families, and causes them to have even fewer children, which only makes the problem worse. I predict the money will run out, and when it does, it will concentrate the mind of the nation."

Six New Faculty Enrich Curriculum
Aditi Bagchi
Assistant Professor of Law

ADITI BAGCHI SPECIALIZES IN contracts, labor law and comparative law. She teaches Contracts and a seminar on mental state requirements in the law, titled "Bad Intentions". Bagchi's research areas include contracts, labor law, comparative political economy, and moral and political theory. She is interested in the varying constructions of intent that appear in diverse areas of the law and the relationship between our understanding of intention and the normative aims of law. She is also engaged in the comparative study of economic institutions, with a special interest in the political economy of labor and corporate law.

Bagchi joins the faculty from Cravath, Swaine & Moore LLP. She previously worked for the U.S. Court of Appeals for the Third Circuit in Newark, New Jersey and has international experience through jobs with the International Atomic Energy Agency in Austria and the Max Planck Institute for the Study of Societies in Germany.
Her papers have been published in the American Journal of Comparative Law, Albany Law Review, Stanford Law Review and Yale Law Journal. Bagchi earned her J.D. from Yale University, her M.Sc. from Oxford University and her A.B. from Harvard University.

**Stephanos Bibas**
Professor of Law

**STEPHANOS BIBAS, AN EX-PROSECUTOR**, further strengthens a distinguished criminal procedure faculty. His research explores three major themes: how procedural rules written for jury trials play out in the real world of guilty pleas; the interests, powers, and incentives that drive the attorneys and other major players in criminal cases; and the divorce of efficiency from morality in criminal procedure. Bibas is writing a book exploring how criminal justice can do more to encourage acceptance of responsibility, remorse, apology, and forgiveness.

Bibas successfully prosecuted the world’s leading expert in Tiffany stained glass for hiring a grave robber to steal priceless Tiffany windows from cemeteries. He currently consults with and advises states whose criminal procedure cases are under review by the U.S. Supreme Court. His work played a central role in the landmark case of *Blakely v. Washington*.

Bibas’ research focuses on criminal procedure, sentencing, and criminal law. He has published articles in many of the most influential law journals, including *Harvard Law Review, Yale Law Journal, and Stanford Law Review*.

He clerked for U.S. Supreme Court Justice Anthony Kennedy and was assistant attorney for the Southern New York district of the U.S. Attorney’s Office. Bibas joins Penn Law from the University of Iowa, where he had been an associate professor for five years. He received a B.A. from Columbia, a B.A. from Oxford, his J.D. from Yale, and an M.A. from Oxford.

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**Cary Coglianese**
Edward B. Shils Professor of Law and Professor of Political Science

**CARY COGLIANESE, AN EXPERT IN** administrative and environmental law, comes to Penn Law from Harvard, where he spent 12 years on the faculty of the John F. Kennedy School of Government. He will hold a secondary appointment in Penn’s Department of Political Science.

He will teach a seminar on Innovation and Environmental Law in the fall and a course on Administrative Law in the spring. His research will continue to focus on administrative law, conflict and disputing, government, regulation, and regulatory policymaking. He helped found the new international, peer-reviewed journal Regulation & Governance and his work has been published in Administrative Law Review, Duke Law Journal, Law & Society Review, Michigan Law Review, University of Pennsylvania Law Review and Stanford Law Review.

At Harvard, Coglianese served as faculty chair of the Kennedy School’s Regulatory Policy Program and director of its Politics Research Group. In addition, he is the founder and co-chair of the Law & Society Association’s international collaborative research network on regulatory governance, vice-chair of the E-Rulemaking Committee of the American Bar Association’s section on Administrative Law and Regulatory Practice, and vice-chair of the Innovation and Management Systems Committee of the ABA’s Section on environmental and natural resources law.

A former visiting professor of law at Stanford and Vanderbilt, Coglianese received his J.D., M.P.P. in public policy and Ph.D. in political science from University of Michigan and his A.B. from Albertson College.
FACULTY NEWS AND PUBLICATIONS

Serena Mayeri
Assistant Professor of Law

SERENA MAYERI JOINS PENN LAW as a scholar of legal history, family law, and antidiscrimination law, with a special interest in the relationship between law and social movements. This year, she will teach a Family Law course and a legal history seminar entitled Law and Social Movements in Twentieth-Century America. Mayeri has focused her research on the historical impact of progressive and conservative social movements on legal and constitutional change. She has explored how lawyers, judges, activists, politicians, and ordinary citizens reasoned about the relationship between racial justice and women's rights during the 1960s and 1970s. Portions of her work have been published in the California Law Review and the Yale Law Journal. In the area of family law and policy, she is interested in how changing family roles, composition and structures affect, and are reflected in, legal doctrines.

Mayeri, a former Samuel I. Golieb Fellow at New York University School of Law, clerked for Judge Guido Calabresi on the U.S. Court of Appeals for the Second Circuit. She graduated from Yale Law School, earned her Ph.D. in History from Yale, and received her A.B. from Harvard University.

Sarah Paoletti
Clinical Supervisor and Lecturer

SARAH PAOLETTI HAS BEEN NAMED the new clinical supervisor and lecturer. She will lead the new Transnational Clinic, a platform from which students gain real experience in cross-cultural legal systems. They have the opportunity to handle cases of asylum and immigration which allows them to advocate first hand for human rights principles.

Paoletti joins Penn Law from the Washington College of Law at American University.

A practitioner-in-residence since 2003, she taught a seminar on the labor and employment rights of immigrant workers. Paoletti specializes in employment law, immigration law, international law and labor law. Working closely in the application of international human rights norms to undocumented workers in the U.S., she has presented before both the United Nations and the Organization of American States on the Rights of Migrant Workers.

Prior to joining the faculty of WCL, she was staff attorney at Friends of Farmworkers, Inc., where she began as an Independence Foundation Public Interest Fellow. She was also a Skadden Fellow for the same organization. She clerked for Hon. Judge Anthony J. Scirica, U.S. Court of Appeals, 3rd Circuit.

Paoletti received her B.A. from Yale and her J.D. from American University.

Joanne D. Rosen
Lecturer in Law and Associate Director, Legal Writing Program

JOANNE D. ROSEN JOINS the law school after a long tenure as counsel to the Ontario Human Rights Commission in Toronto. She will teach Legal Writing for J.D.s and LLM.s with Professor Anne Kringel and serve as associate director of the appellate advocacy program. For many years she argued human rights cases in Canada’s human rights tribunals and appellate courts. Rosen was an adjunct faculty member at the University of Toronto Faculty of Law, and was an instructor in the Bar Admission Course in Toronto. Rosen received her B.A. from York University, her M.A. in psychology and her J.D. from the University of Toronto.

http://scholarship.law.upenn.edu/plj/vol41/iss2/1
FACULTY NOTES

MATTHEW ADLER
LEON MELTZER
PROFESSOR OF LAW

Last fall, Adler presented his paper, “Equity Analysis and Natural Hazards Policy,” to the National Symposium on Risk and Disasters in Washington D.C. He also presented his paper, “What is a Self-Interested Preference?” at a panel on methodology in law and economics held at the American Economics Association Conference in Boston. Adler participated in a session of the Conference on Conceptual Constitutional Theory, held at the University of San Diego Law School, where his article with Michael Dorf, “Constitutional Existence Conditions and Judicial Review,” was the focus of discussion.

This spring, Adler presented “Risk Analysis for Natural Hazards: Some Lessons from Environmental Risk Analysis” to the Duke Law Journal administrative law symposium. Adler commented on a paper by Tyler Cowen at a conference on intergenerational discounting held at the University of Chicago Law School and presented “Inequality and Uncertainty: Theory and Legal Applications,” co-authored with Chris Sanchirico, at several venues: an ad hoc workshop at the law school, the American Law and Economics Association conference in Berkeley, and workshops with the law faculties of Hebrew University, Bar-Ilan University, and Tel Aviv University. He also presented “Against ‘Individual Risk’” at a workshop held by the environmental justice program at Tel Aviv University.

PUBLICATIONS

- “Equity Analysis and Natural Hazards Policy,” in On Risk and Disaster: Lessons from Hurricane Katrina 129 (Ronald Daniels et al., eds., 2006)
- “Justification, Legitimacy and Administrative Governance,” Issues in Legal Scholarship (2005)
- “Cognitivism, Controversy and Moral Heuristics” (commentary on Sunstein), 26 Behavioral and Brain Sciences 531 (2006)

ANITA L. ALLEN
HENRY R. SILVERMAN
PROFESSOR OF LAW
AND PROFESSOR OF PHILOSOPHY

Last January, Allen served as a commentator on the Women’s Studies Work-in-Progress Series. The next month, she was featured on the PBS show “Everyday Ethics,” and as a panelist on the CN-8 radio show “It’s Your Call with Lynn Doyle.” Also that month, she was a scholar in residence at Hofstra Law School in New York, and she gave a presentation at Penn’s Sadie Alexander Conference titled “Moralizing in Public.”

In March, Allen sat on a panel titled “Author Meets Critics, True Faith and Allegiance: Immigration and American Civic Nationalism” at the Association for Practical and Professional Ethics in Jacksonville, Florida. She was interviewed for a PBS Supreme Court documentary series and gave a talk titled “If Terry Schiavo had lived in New Jersey” to the New Jersey End-of-Life Nursing Education Consortium at Rutgers University College’s First Annual Conference in Atlantic City.

In April she spoke again on “Moralizing in Public” at Arizona State University, and in May she was the commencement speaker at New College in Sarasota, Florida. In June Allen was a speaker at the 7th Annual Institute on Privacy Law Conference: “New Developments & Compliance Issues in a Security Conscious World.” Allen was also featured several times this spring on the MSNBC show, “The Ethical Edge.”

REGINA AUSTIN
WILLIAM A. SCHNADER
PROFESSOR OF LAW

Austin gave the keynote speech at the Mid-Atlantic Black Law Students Association Regional Convention banquet, which was held in Philadelphia in January. In April, she delivered the Thurgood Marshall Lecture at the Ralph R. Papitto School of Law at
Roger Williams University. The title of the lecture was “Documenting Injustice: Katrina, Class, and Visual Legal Advocacy.” In connection with the lecture, she worked with Julia Clinker, a documentary photographer who teaches at the Rhode Island School of Design, to mount an exhibition of documentary photography dealing with issues of social justice in New England. Austin also presented essay versions of her speech at the University of Minnesota Law School’s Legal Studies Workshop, and the University of Maryland Law School’s Symposium on “The Impact of Film on Law, Lawyers, and the Legal System.” Also in April, she received the 2006 Robert E. Davies Award, presented by the Penn Professional Women’s Network “for Promoting Social Change and Social Justice at Penn and Beyond.” Austin gave the Stanley Lecture which opened the 2006 Connecticut Judges Institute; her subject was racial and ethnic bias and unfairness in the courts.

STEPHEN B. BURBANK

DAVID BERGER PROFESSOR FOR THE ADMINISTRATION OF JUSTICE

In April, Burbank commented on papers concerning the Rule of Law at the Twelfth Annual Clifford Symposium in Chicago. In May, he participated in a panel on judge-jury issues at the Third Circuit Judicial Conference and delivered a paper on Judicial Independence at the Sixth Circuit Judicial Conference. Also in May, Burbank commented on papers concerning the Class Action Fairness Act of 2005 at the annual conference of the Institute for Law and Economic Policy. He continues as chair of the board of the American Academy of Political and Social Science, chair of the selection committee for the Berlin Prize Fellowships of the American Academy in Berlin, and chair of the editorial committee of the American Judicature Society.

PUBLICATIONS


WILLIAM W. BURKE-WHITE

ASSISTANT PROFESSOR OF LAW

During the summer of 2006, Burke-White served as visiting scholar and advisor to the prosecutor at the International Criminal Court in the Hague, Netherlands where he is assisting with the court's first prosecution of Congolese warlord Thomas Lubanga and advising the chief prosecutor on the new Court's relationships with national governments. In early June, he participated in a high-level working group on the future of the International Criminal Court convened by the Austrian government in Salzburg. In May, he presented a paper titled “Balancing National Security and Investor Protections: The Interpretation and Application of Non-Precluded Measures Provisions of Bilateral Investment Treaties” to the European Society of International Law in Paris. In March and April, he lectured at the University of Notre Dame, Temple University, and the European Law Student’s Association Centennial Meeting at the Inns of Court in London on the International Criminal Court and US-European Relations.

HOWARD F. CHANG

EARLE HEPBURN PROFESSOR OF LAW

In April, Chang presented his paper “Cultural Communities in a Global Labor Market: Immigration Restrictions as Residential Segregation” at Stanford Law School and at the University of Akron School of Law. In July, he presented his paper (co-authored with Hilary Sigman) “The Effect of Joint and Several Liability Under Superfund on Brownfields” at the World Congress of
Environmental and Resource Economists in Kyoto, Japan, and at a meeting on "Game Theory and Practice Dedicated to Development, Natural Resources, and the Environment" at the Mediterranean Agronomic Institute of Zaragoza, Spain.

He also served as chair of the 2006 nominating committee of the American Law and Economics Association.

**PUBLICATIONS**


"The Effect of Joint and Several Liability Under Superfund on Brownfields" (with Hilary Sigman), University of Pennsylvania Institute for Law & Economics Research Paper No. 05-21 (2005)

**JACQUES DELISLE**

**STEPHEN COZEN PROFESSOR OF LAW**

deLisle organized a conference on Constitutional Change and Foreign Policy in East Asia last March, held at Penn Law and co-sponsored by the Foreign Policy Research Institute, the Law School, the National Constitution Center and the University’s Center for East Asian Studies. He presented two papers at the conference: “Foreign Policy and Constitutional Change in China” (with co-author Cheng Li) and “Taiwan’s Constitutional Reform: Implications for Cross-Strait Relations and International Status.” (with co-author Vincent Wei-cheng Wang)

Also in March, deLisle presented a conference paper and a workshop presentation on “China’s Ambitious and Ambivalent Quest for Corporate Governance” at a joint Penn Law School — Waseda Law School program on corporate governance in Tokyo.

deLisle presented a paper on “Courts, Judicial Review and Taiwan’s Democratic Consolidation” at a conference in Washington organized by the Brookings Institution, the Center for Strategic and International Studies and the Center for National Policy Studies (Taiwan).

In April, deLisle presented a paper titled “Reform and Development of China’s Capital System: Functions, Content and Context” at an international conference on China’s company law reform held at the National Institute of Public Administration in Beijing.

In May, deLisle presented a paper, “Law is Not a Gentleman and Journeys of 10,000 Li: Long-Standing Instrumentalism, Looming Obstacles and the Rule of Law in China” at the Washington University and University of Oxford conference on Promoting U.S.-China business relations. He also spoke at the World Affairs Council of Valley Forge on “What’s Ahead for China and the United States,” served as chair and commentator for the Asian Law Institute Conference’s panel on human rights in Asia and presented a paper, “Corporate Governance with Chinese Characteristics?: Race to the Bottom/Race to the Top, Regulatory Competition, and Recent PRC Company and Securities Law Reforms” at the Asian Law Institute annual meeting and conference, held at the East China Institute of Law and Political Science in Shanghai.

In July, deLisle was appointed the Stephen Cozen Professor of Law. He continues to serve on the executive committee for Penn’s Center on East Asian Studies and as Director of the Asia Program at the Foreign Policy Research Institute.

**PUBLICATIONS**

"Legislating the Cross-Strait Status Quo?: China’s Anti-Secession Law, Taiwan’s Constitutional Reform and Referenda, and the United States’ Taiwan Relations Act" in Power and Principle: U.S., China, and Taiwan Triangular Relations (Peter Chow, ed. forthcoming, 2006)

"Party Politics and Foreign Policy in East Asia: A Conference Report“ (Foreign Policy Research Institute, forthcoming)
In May, Feldman was a visiting professor at the University of Trento, Italy, where he taught a class on Japanese law to 100 Italian law students and jointly taught a seminar on risk and regulation. Last summer, he was a visiting professor at Waseda Law School in Tokyo. For the academic years 2006-2008, Feldman has been elected by Penn’s Center for East Asian Studies Executive Board to chair the Seminar Series, “Issues in Contemporary East Asia.”

PUBLICATIONS


In May, Finkelstein presented a paper she is coauthoring with Leo Katz at William and Mary College of Law, called “Actio Libera and Nuclear Deterrence: Two Facets of One Problem” at a conference devoted to Law and Morality. Last May, she presented a paper entitled “Responsibility and the Doctrine of Double Effect” at a conference on the Boundary of Rights and Responsibilities in Morality and Law, organized by the Rutgers Institute for Law and Philosophy.

PUBLICATIONS


“Responsibility and the Doctrine of Double Effect”, (on submission with collection to Cambridge University Press, ed. Kim Ferzan)


In September of 2005, Finkelstein spoke in the Faculty Enrichment Series of Florida State University College of Law, presenting a paper entitled “A Philosophical Argument Against the Death Penalty.” This paper will be appearing in the October issue of the N.Y.U. Law Review. Last February, she spoke on a jurisprudence panel at a conference on Legal Ethics and the Internal Point of View, presenting a paper entitled “Hobbes and the Internal Point of View.”

In March, Finkelstein spoke in the Faculty Enrichment Series of Florida State University College of Law, presenting a paper entitled “A Philosophical Argument Against the Death Penalty.” This paper will be appearing in the October issue of the N.Y.U. Law Review. Last February, she spoke on a jurisprudence panel at a conference on Legal Ethics and the Internal Point of View, presenting a paper entitled “Hobbes and the Internal Point of View.”

Douglas Frenkel spoke on his forthcoming video-integrated mediation text at the New York Clinical Theory Workshop in January and spoke on that subject again in a presentation entitled “Text Meets Technology” at the ABA Dispute Resolution conference in Atlanta last April.

In May, Frenkel served as a program planner and moderator at the North American conference of the Global Alliance for Justice Education in New York. He also continues to serve as an ethics consultant to the National Disability Rights Network.
Johnston gave three presentations in September of 2005: “From Local Entitlements to National Standards” at the University of Turin’s Department of Economics Symposium; “Environmental Policies in Decentralized Governmental Systems: A Blueprint for Optimal Governance,” in Alghero, Sardinia; and “Centralization versus Decentralization in the Regulation of Large Scale Risks” at the American Law and Economics Association Annual Meetings at the University of California, Berkeley.

In June, Johnston served as a referee and commentator on environmental law at the Stanford/Yale Faculty Colloquium. He also served as an Instructor at the Brookings/AEI Joint Judicial Education Center, Programs on Corporate Liability, and Risk, Liability and Insurance.

The following month, he presented “Signaling Social Responsibility” at the Joint Seminar of the Business & Government and Regulatory Affairs Programs at Harvard’s John F. Kennedy School of Government.

Last April, Johnston was a commentator on Eric Maskin’s presentation, “On the Rationale for Penalty Default Rules” at Columbia University Law School’s conference on the “Law and Economics of Contracts.” Also in April, he repeated his presentation titled “Centralization versus Decentralization in the Regulation and Management of Large Scale Risks” at the University of Virginia Law School’s Law and Economics Workshop and the next month at the American Law and Economics Association Annual Meetings at the University of California, Berkeley.

Johnston helped to organize a workshop on “Risk, Uncertainty and Regulation,” which took place June 16 and 17 in Berlin. He also served as a commentator on a paper titled “Hate Speech and Hate Crime” by Richard MacAdams.

Kubler helped to organize a workshop on “Risk, Uncertainty and Regulation,” which took place June 16 and 17 in Berlin. He also served as a commentator on a paper titled “Hate Speech and Hate Crime” by Richard MacAdams.

Lerner worked to organize and lead a research effort on the efficacy of pre-trial conferences in dependency cases. His research produced a report (under the auspices of The Field Center for Children’s Policy, Practice, and Research) to the Dependency Court’s Court Improvement Project. That report eventually led to the conferences’ continuation as an integral part of the Dependency Court process, reversing the government’s earlier decision to withdraw funding for the conferences.

Madison presented her paper “Health Care Regulation in an Information Age” at the 30th Annual Health Law Teachers Conference. She was an active member of the University of Pennsylvania Ethics of Vaccines Working Group and
FACULTY NEWS
AND PUBLICATIONS

participated on a discussion panel titled, “Give It Your Best Shot - Ethical Values And Vaccines.” She also served as a commentator at Art Caplan’s presentation, “I Want Your Organs: How Should We Get Donors and Who Should Get Their Parts.”

PUBLICATIONS
The Residency Match: Competitive Restraints in an Imperfect World, 42 University of Houston Law Review 759 (2005)

CHARLES W. MOONEY, JR.
CHARLES A. HEIMBOLD
JR. PROFESSOR OF LAW

Mooney continues to serve as a member of the United States delegation (appointed by the Department of State) for the UNIDROIT draft convention on intermediated securities. He represented the government at intergovernmental meetings in May 2005 and March 2006 in Rome and at the final intergovernmental meeting (before a diplomatic conference) last November in Rome, and at inter-sessional meetings in September 2005 in Bern, Switzerland January 2006 in Paris, and last July in Paris and Berlin.

In May, Mooney gave lectures at Stockholm University and the Swedish Centre for Commercial Law. During the fall of 2006 he is conducting comparative research on the Japanese and United States securities markets as a visiting scholar at the Bank of Japan in Tokyo.

PUBLICATIONS

STEPHEN R. PERRY
JOHN J. O’BRIEN
PROFESSOR OF LAW
& PROFESSOR OF PHILOSOPHY; DIRECTOR, INSTITUTE FOR LAW AND PHILOSOPHY

In September, Perry presented a paper titled “Law and Obligation” to a Conference on Natural Law and Natural Rights at Princeton University. He subsequently presented the same paper to seminars at Yale and Columbia Law Schools, and it has since been published in the American Journal of Jurisprudence. In February, Perry presented his paper, “Generalizing the Internal Point of View” to a conference on “The Internal Point of View” at Fordham Law School, and in March he presented the same paper to a Legal Theory Workshop at the Faculty of Law of McGill University. A revised version of the paper will be published in the Fordham Law Review. In May, Perry presented a paper entitled “Risk, Harm, and Rights” to a conference at Rutgers-Camden Law School on “The Boundaries of Rights and Responsibilities in Morality and Law.” In June, he served as a senior faculty adjudicator at the Stanford-Yale Junior Faculty Forum, which was held at Yale Law School.

PUBLICATIONS

NATHANIEL PERSILY
PROFESSOR OF LAW;
SECONDARY APPOINTMENT: POLITICAL SCIENCE DEPARTMENT

While a visiting professor at Stanford Law School in the spring of 2006, Persily continued writing and speaking about election law issues, particularly the reauthorization of the Voting Rights Act. He testified before the Senate Judiciary Committee on that subject and gave related speeches at University of Minnesota, University of North Carolina, and the Congressional Black Caucus Foundation. He also spoke about campaign finance regulation at the University of Wisconsin and at Princeton University’s program in Law and Public Affairs.

PUBLICATIONS
“Gay Marriage, Public Opinion and the Courts” (with Patrick Egan & Kevin Wallsten, forthcoming 2007)

WENDELL PRITCHETT
ASSOCIATE DEAN AND PROFESSOR OF LAW

This spring, Pritchett presented the paper, “Beyond Kelo: Thinking About Urban Redevelopment in the 21st Century” at faculty workshops at the University of California at Berkeley Law School and at St. Louis University Law School.

Pritchett is currently working with Peter Menell and John Dwyer (both of Berkeley) to complete revisions to the second edition of the textbook “Property Law and Policy: A Comparative Institutional Perspective”, to be published by Foundation Press, in 2007.

This summer, Pritchett will be a Visiting Fellow at the Centre Americain of the Université Sciences-Po in Paris. His research will focus on the recent debates over the future of racial and economic integration in “social housing” in France, a topic that has taken on increasing attention in the aftermath of the Paris riots.

PUBLICATIONS

“From Theory to Practice: Race, Property Values and Suburban America in the Post-War Years,” Charles Warren Center for Historical Studies, Harvard University, (Fall 2005) entitled “Drafting a Model Islamic Penal Code: Penn’s Criminal Law Research Group in the Maldives.”

In March, he gave a number of presentations. They included “Accommodating Shari’a and International Norms in Drafting an Islamic Penal Code” and “What Should the Next Generation of Penal Codes Look Like?” at the Hebrew University Law School in Jerusalem, a talk at the Conference on the Israel Government’s Sentencing Reform Proposal in Jerusalem, a presentation titled “Is Philosophy Irrelevant to the Formulation of Criminal Law Rules?” at William & Mary Law School’s Conference on Law & Morality, and “Restorative Processes and Doing Justice,” at the Symposium on Exploring Alternatives to the Incarceration Crisis at the University of St. Thomas School of Law.

In April, he presented “Law Without Justice” at Albany Law School, and “Are Intentions of Justice the Product of Human Evolution?” at Vanderbilt University Law School’s 2006 Scholarship Roundtable. He continues to serve as director of the Maldives Criminal Justice Reform Project, which is sponsored by the United Nations Development Program.

PUBLICATIONS


“How Psychology Has Changed the Punishment Theory Debate”,

PUBLICATIONS

“Property, Justice” (with Patrick Egan & Kevin Wallsten, forthcoming 2007)

Curtis R. Reitz
Algernon Sydney Biddle Professor of Law

Reitz, who graduated from Penn Law in 1956, celebrated his 50th anniversary this year. He was honored to carry the class flag in the commencement proceedings.

Paul H. Robinson
Colin S. Diver Professor of Law

Last February, Robinson gave a workshop presentation at Georgetown Law School, and gave a presentation at the Solomon Asch Center for Study of Ethnopolitical Conflict at the University of Pennsylvania.

et al.: Penn Law Journal: Pandemic Proofing
Edward B. Rock
Associate Dean and Saul A. Fox Distinguished Professor of Business Law, Co-Director, Institute for Law and Economics

Rock spent the 2005-06 academic year on sabbatical as a Lady Davis Fellow at the Hebrew University of Jerusalem. He nonetheless continued to co-direct the Institute for Law and Economics, and also appeared at a variety of conferences around the U.S., including the Georgetown-Sloan/Anton Philips Fund conference on International Markets and Corporate Governance in October, 2005, Columbia Law School’s conference on “Shareholder Democracy: Its Promises and Perils” in November 2005, and, last March, a Stanford Law School roundtable conference on corporate governance. While in Israel, he presented papers at Hebrew University, Bar Ilan University, Tel Aviv University and the Interdisciplinary Center in Herzliya.

Kermit Roosevelt
Assistant Professor of Law


Publications


“Forget the Fundamentals: Fixing Substantive Due Process”

David Rudovsky
Senior Fellow

Rudovsky was elected as president of the Board of Directors of the Defender Association of Philadelphia last June.

Louis S. Rulli
Practice Professor of Law

In June, Rulli delivered the keynote address at Summer Associate’s Day, hosted by Philadelphia VIP for all summer associates of Philadelphia law firms, on the topic of “The Satisfactions and Challenges of Pro Bono.” Rulli also served in June as a panelist at the Chancellor’s Forum on Diversity Beyond the Large Law Firms.

As a co-chair of the Pennsylvania Bar Association’s Task Force on Student Loan Forgiveness and Repayment Assistance, Rulli co-authored the Task Force’s Final Report and co-presented the Task Force’s final recommendations to the PBA’s Board of Governors and House of Delegates. In June, the Pennsylvania Bar Association voted overwhelmingly to approve the Task Force’s recommendations.

Rulli was also appointed to an additional three year term in the PBA’s House of Delegates.

In February, Rulli was a faculty presenter at the PBI’s continuing legal education program on “Overview of Fundraising Regulations and Other Hot Topics for Non-Profits” where he spoke on IRS rules governing attorney’s fees received by public interest law firms. He also spoke in May to the board of directors of the Homeless Advocacy Project on the subject of lobbying and disclosure by tax-exempt nonprofit organizations.

In April, Rulli was honored with the university-wide Provost’s Award for Distinguished Teaching. This honor is bestowed each year on two university faculty for teaching excellence.
CHRIS WILLIAM SANCHIRICO
PROFESSOR OF LAW, BUSINESS & PUBLIC POLICY

Sanchirico continued in his capacity as the founding editor of Evidence & Evidentiary Procedure Abstracts in the Social Science Service and Legal Scholarship Network. He also founded a new Abstracting Journal at SSRN called Inequality and the Law. He was elected to the Board of the American Law and Economics Association and served as secretary of the Evidence Section of the Association of American Law Schools. He is an editorial board member of the International Commentary on Evidence and the Review of Law and Economics (Berkeley Electronic Press) and an advisory board member of Law, Norms and Informal Order Abstracts for the Social Science Research Service and Legal Scholarship Network.

PUBLICATIONS


DAVID ARTHUR SKEEL
S. SAMUEL ARSHT PROFESSOR OF CORPORATE LAW

Skeel’s article, “Behind the Hedge,” published in Legal Affairs magazine, received the 2006 Award of Excellence in Financial Journalism from the New York State Society of Certified Public Accountants in the category of articles with over 1500 words.


The next month he presented that paper again to a faculty-student workshop at Penn Law, and participated in an Enron Movie Discussion at the Law School, speaking at a question-and-answer session after the showing of “The Smartest Guys in the Room.” Later in February, he gave a talk on “Icarus and American Business” at Princeton’s annual Pre-Law Society Conference. He also repeated his “Who Makes the Rules” talk at a Brooklyn Law School workshop, and the next month at the Penn Law/European Law Students Association Conference in London.

In April, he presented an article titled “The Promise and Perils of Credit Derivatives” at the University of Cincinnati School of Law Conference on “Debt as a Lever of Corporate Governance.” He also lectured at Dickinson Law School on “Christianity and the (Modest) Rule of Law,” at Vanderbilt Law School on “Corporate Anatomy Lessons,” at a University of Maryland roundtable on corporate crime, and at a UCLA workshop on corporate governance.

In May, he participated in a panel discussion of the Enron trial at Penn Law’s alumni weekend.

PUBLICATIONS


Catherine Struve

PROFESSOR OF LAW

Struve serves as reporter to the Judicial Conference Advisory Committee on Appellate Rules, and as co-reporter to the Third Circuit Task Force on Model Jury Instructions in Civil Cases. In related research, she is exploring the effect of jury procedures and instructions on the functioning of the civil justice system.

In May 2006, Struve served as a panel member for a presentation on the Model Civil Jury Instructions at the Third Circuit Judicial Conference. In March 2006 Struve presented her article "The FDA and the Tort System" at a Civil Justice Workshop at Berkeley’s Boalt Hall School of Law.

PUBLICATIONS


MICHAEL L. WACHTER

WILLIAM B. JOHNSON

PROFESSOR OF LAW AND ECONOMICS, CO-DIRECTOR, INSTITUTE FOR LAW AND ECONOMICS

Wachter’s recent article on the appraisal remedy in Delaware corporation law was favorably cited in several chancery court decisions, by Vice Chancellor Leo Strine, and by Vice Chancellor John Noble. Wachter testified in January on behalf of Delphi Automotive in their 1113 bankruptcy case. He also recently testified for Tower Automotive and United Airlines in their bankruptcy filings. In the spring, Wachter participated in a panel discussion of the Enron trial at Penn Law’s alumni weekend.

PUBLICATIONS


R. Polk Wagner

PROFESSOR OF LAW

Last December, Wagner gave a presentation titled “Claim Construction at the Federal Circuit: An Update” to the Bar Association of Philadelphia. He also presented on his new research project, the Patent Quality Index Project, at the U.S. Patent and Trademark Office in Alexandria, Virginia. The project is designed to determine how patent validity issues can be defined, quantified, and measured. The Patent Quality Index Project was featured in the New York Times in January and the Philadelphia Inquirer in February. Wagner is also engaged in two other research projects, the Obviousness Project, which analyzes the Federal Circuit’s doctrine of obviousness, and the Claim Construction Project, which analyzes the interpretation of patent language.

In February, Wagner gave a talk on “Innovation and Access in Open-Source Pharmaceuticals” at Temple Law School.

PUBLICATIONS

"Brief of Various Law & Economics Professors as Amici Curiae in Support Of Respondent, eBay v. MercExchange" No. 05-130 (Supreme Court of the United States, 2006)


"Reconsidering the DMCA" 42 Houston Law Review 1107 (2005)


Former Penn Law Dean Robert H. Mundheim And Family Create Scholarship Fund

FORMER PENN LAW DEAN ROBERT H. MUNDHEIM, who in the 1980s began the effort to create a significant endowment for the Law School, has now made a major gift of his own. He and his family have contributed $1 million to establish The Mundheim Family Fund for Financial Aid.

This gift will provide scholarships or interest-free loans to students in need. “There is no finer legal education than that offered by the Law School,” said Robert Mundheim, of counsel to Shearman & Sterling in New York. “Our gift will help assure that students admitted to Penn Law need not turn down admission for financial reasons.”

Current Law School Dean Michael A. Fitts added: “Bob Mundheim had a remarkable impact on the Law School during his deanship; many of the initiatives we are pursuing today can be traced back to his tenure. What a wonderful way to commemorate his indispensable service to the school.”

Robert H. Mundheim was dean from 1982 to 1989. During those years he launched the campaign to build the Nicole E. Tanenbaum Library building. He also led the effort to establish the nation’s first mandatory public service program at a major law school, and furthered its interdisciplinary initiatives by vastly expanding the activities of the Institute for Law & Economics.

He joined Penn Law’s faculty in 1965. As an academic, he anticipated trends in the corporate and financial worlds. His studies on corporate governance and the role of independent directors began in the 1960s, long before the recent corporate scandals and Sarbanes-Oxley reforms made that subject popular. His work on tender offers with Arthur Fleischer, Jr. was the harbinger of a type of corporate acquisition that dominated the corporate scene for a substantial part of the last third of the 20th Century. His recognition of the increasing significance of globalization in financial activity prompted his organizing with Penn Professor Noyes Leech in 1972 the International Faculty in Corporate and Capital Market Law. The University recognized his academic achievements by appointing him a University Professor in 1980.

Each member of Dean Mundheim’s family also has a link to Penn. His son, Peter, graduated from the Law School in 1996. His wife, Guna, is a 1959 graduate of the College for Women and assistant dean at the College for more than 20 years and has served the College as a lecturer in Painting (Watercolor). Dean Mundheim’s daughter, Susan, earned a bachelor of arts and a bachelor of fine arts from the College in 1990 and has been creating interdisciplinary arts and educational programs for the past 15 years.
PHILANTHROPY

Leon C. Holt, Jr. L’51 and June Holt

LEON “LEE” HOLT, JR. AND JUNE HOLT have made a major contribution to establish the Holt Program in International Trade Law. The gift will be used to develop and endow a program of conferences, workshops and lectures focusing on international issues of trade and law in the global economy, including social, cultural and environmental challenges, with a goal of preparing generations of Penn Law students for global leadership.

Lee is a trustee of the Holt Family Foundation, which received the 2005 Outstanding Foundation Award from the Eastern Pennsylvania Chapter of the Association of Fund Raising Professionals. He is also a trustee of the Rider-Pool Foundation. He retired as vice chairman, chief administrative officer and director of Air Products and Chemicals in July 1990. He played an instrumental role in turning Air Products and Chemicals into a global business after World War II. He is also a former director of VF Corporation and Lehigh Portland Cement Company.

Lee was an Overseer at Penn Law for almost a decade as well as an adviser to the Law School’s Institute for Law & Economics. He served as a member of the 1951 reunion committee.

Mark W. Lipschutz L’85 and Rachel M. Lipschutz L’85

RACHEL BUCHMAN LIPSCHUTZ L ’85 AND MARK W. LIPSCHUTZ L ’85 have made a substantial donation to establish the Lipschutz Endowed Scholarship Fund to benefit high-performing law students with financial need.

Rachel worked for Sonnenschein Nath & Rosenthal LLP practicing real estate law, then had her own real estate law firm until she retired in 2005 to be a full-time mom and volunteer. Rachel is currently a member of the Campaign Executive Committee for the Penn Law School Bold Ambitions Capital Campaign which will run through 2010. She is also a co-chair of the Westfield Young Women’s Hadassah organization.

Mark is a founding partner and the Chief Executive Officer of the Caribbean Property Group, a New York based investment group which owns and operates hotels, office buildings, warehouses, and shopping centers in Puerto Rico. In January of this year, Caribbean Property Group became the general partner of the Caribbean Opportunity Fund, a $500 million
equity fund sponsored by Goldman Sachs, which focuses on real estate investments in selected areas within the Caribbean and Central America.

Mark is also of counsel and the chair of the Real Estate Group at the New York law firm of Kronish Lieb Weiner & Hellman LLP. He concentrates his practice in the areas of acquisitions, financings, and joint ventures. Mark has been involved in many high-profile real estate transactions including the MetLife building, One Madison Avenue, the Warner Brothers building, and the portfolio sale of 5.5 million square feet of shopping centers in Puerto Rico.

Derek Pew L'93 and Wendy Pew

DEREK AND WENDY PEW have made a significant gift to establish the Derek and Wendy Pew Scholarship Fund. The scholarship will be awarded to first-year law students based on merit or need.

Pew was until recently the interim CEO of Wireless Philadelphia, a nonprofit charged with creating a wireless network that will provide citywide Internet access. Pew began his career as an investment banker at Bankers Trust Co. in New York. After graduation from Penn Law, he joined Morgan, Lewis & Bockius LLP, where he helped transact the $33 billion merger of Bell Atlantic and NYNEX. In 1998, he became president of The Furst Group, an international communications provider, and later co-founded Boathouse Communications Partners and Remi Communications. Pew serves on the advisory boards of the Metropolitan AIDS Neighborhood Nutrition Alliance and the Greene Towne School and on the board of the Maestro Circle Committee of the Philadelphia Orchestra.

Wendy L. Pew is a municipal court judge in Philadelphia. She was the presiding judge of Community Court which adjudicates lesser offenses like vandalism, disorderly conduct, and possession of a crime instrument and currently sits as a criminal judge. Derek and Wendy reside in Philadelphia with their two daughters, Alexandra and Katherine.

Richard P. Schifter L'78

RICHARD P. (‘RICK’) SCHIFTER has made a gift to the Law School’s General Endowment and to Annual Giving. Schifter is a partner at Texas Pacific Group, a private equity firm. He was partner at the law firm of Arnold & Porter in Washington, D.C., where he specialized in bankruptcy law and corporate restructuring. Schifter currently serves on the Board of Directors of US Airways, Inc.; Bristol Group; Gate Gourmet; Ariel Reinsurance and LPL Holdings, Inc. He is also a member of the Board of Directors of the Washington Chapter of the American Jewish Committee, YouthINC, and the Ecoenterprise Fund of the Nature Conservancy. He is a member of the Board of Overseers at Penn Law School.

Glen A. Tobias W'63 L'66

GLEN A. TOBIAS has continued his support of the Law School’s Annual Giving Fund with a major gift.

Tobias is a private investor and managing director emeritus of Bear, Stearns & Co. He joined Bear Stearns in 1967 and became a general partner in 1973. Before joining Bear Stearns he practiced corporate and securities law in the law firm of Stroock, Stroock & Lavan.

He previously was the national chair for Law Annual Giving and on the Board of Overseers at the Law School. He also served a three-year term as the National Chairman of the Anti-Defamation League, a worldwide Jewish human relations organization. Tobias graduated cum laude from the Law School.

Kenneth I. Tuchman L’76, WG’76 and Deborah Tuchman

DEBORAH AND KENNETH TUCHMAN have made a generous gift to establish an endowed scholarship in their name.

Ken is a Vice Chairman of Dresdner Kleinwort Securities in New York and Chairman of the firm’s corporate finance prac-
In addition, he oversees the global consumer and retail industry groups. He previously was a Vice Chairman at Wasserstein Perella and prior to that was the co-head of the Global Mergers & Acquisitions Group at Lehman Brothers. Prior to joining Lehman Brothers, he practiced securities law at Fried, Frank Harris, Shriver & Jacobson. A magna cum laude graduate from SUNY at Buffalo, he was elected to Beta Gamma Sigma and received the Wall Street Journal Student Achievement Award. Ken earned JD and MBA degrees from the University and serves on the Board of Overseers for the Law School.

Deborah, a graduate of Michigan Law School, serves as Counsel in the investment management practice group at Skadden Arps in New York. Deborah and Ken reside in New Jersey and have four daughters: Erica, Jillian, Hallie and Rebecca.

In June, Penn Law held a star-spangled tribute to Howard Gittis W'55 L'58 as a thank-you for his $5 million gift. Gittis cut the ribbon to mark the official naming of Gittis Hall, which houses faculty offices and classrooms. In one of the four classrooms, Penn President Amy Gutmann and Penn Law Dean Michael A. Fitts praised Gittis for his support of the academic program. Following the ceremony was dinner at Lec Bec Fin, one of the country's finest French restaurants. In attendance were Gov. Ed Rendell (D-PA), former Philadelphia Mayor William J. Green, and Sidney Kimmel, chairman and founder of Jones Apparel Group, Inc.
THE HONORABLE MARTIN L. HAINES L'43
received the New Jersey State Bar Foundation's highest award for his contributions to New Jersey's justice system. Haines received the Medal of Honor at an awards dinner at the New Jersey Law Center in New Brunswick. In 1978, Judge Haines was appointed to the New Jersey Superior Court bench and later became the Burlington County Assignment Judge. During his tenure he created the Comprehensive Justice Center, the Burlington County Custody Mediation Program, and the Bar Compact and Literacy Program for the Burlington County Courts. Prior to his appointment, Haines served as president of the Burlington County Bar Association and the New Jersey State Bar Association. He also had a significant role in the establishment of the New Jersey Public Defender System. Judge Haines retired in 1990.

STEPHEN SHELLER C'60 L'63, founder of the law firm Sheller, Ludwig & Baden, is chairing a Salvation Army feasibility study on the possibility of building a Kroc Center in Philadelphia. The community center would provide outreach to families, and recreational and cultural arts activities.

H. ROBERT FIEBACH W'61 L'64 served as a panelist presenting at the 2006 National Legal Malpractice & Risk Management Conference in Chicago. His topic was "Evolving Duties." Fiebach is chair of four of Cozen O'Connor's five practice groups. He is a litigator in the Philadelphia office.

JOHN W. JEFFERS L'64 has been named an Ohio Super Lawyer for the third straight year by Law and Politics magazine.

WILLIAM H. LAMB L'65, former Pennsylvania Supreme Court justice and chairman of Lamb McErlane PC in West Chester, presented at the Pennsylvania Bar Association's annual midyear meeting in Las Vegas. His presentation was titled "The Bedrock of Successful Appellate Practice: What Lawyers and Clients Should Know about the Standards and Scope of Appellate Review."

FRED BLUME L'66 retired from his posts of managing partner and chief executive officer of Blank Rome LLP. He remains on the firm's compensation and executive committees and was named chairman emeritus.

WILLIAM T. HANGLEY L'66, chairman of Hangle Aronchick Segal & Pudlin, was the guest of honor and keynote speaker at the University of Pennsylvania Law Review Annual Banquet at the National Constitution Center in April. Hangle was recently appointed to the Pennsylvania IOLTA Board, and to a three-year term on the council of the ABA's Litigation Section.

RICHARD N. WEINER LL.B.'66 has been chosen as a 2006 Pennsylvania Super Lawyer by Law & Politics.
ALUMNI BRIEFS

Weiner advises entrepreneurs and small-and medium-size public and private companies on a wide variety of legal and business issues at Stradley Ronon.

STEPHEN J. CABOT L'67, a nationally renowned management-labor attorney, joined Obermayer Rebmann Maxwell & Hippel LLP as of counsel in Labor Relations and Employment Law in their Philadelphia office. Cabot is also the chairman of Cabot Institute for Labor Relations.

RONALD GLAZER L'67 taught a continuing education course titled "Special Issues for Condominiums and Homeowners' Associations In Pennsylvania," sponsored by Lorman Education Services. The course was held at the Hampton Inn in Philadelphia last June. Glazer, a partner at Wolf, Block, Schorr & Solis-Cohen, LLP, also recently authored a book, Pennsylvania Community Association Law & Practice.

NORMAN PEARLSTINE L'67 has been named senior adviser to The Carlyle Group, a private equity firm. He will work with the firm's global telecommunications and media team. Pearlstine will continue to serve as senior adviser to Time Warner, Inc. through the end of 2006.

PETER GLENN L'68 has joined Stevens & Lee as general counsel. Glenn is the former dean of Pennsylvania State University Dickinson School of Law.

MARK G. YUDOF C'65 L'68, chancellor of the University of Texas System, was appointed by President George W. Bush to serve as a member of The President's Council on Service and Civic Participation. The Council encourages volunteer service and civic participation by individuals, organizations and schools.

NOLAN ATKINSON GL'69, a partner at Duane Morris, has been named the recipient of the Honorable William F. Hall Award. The award, presented by the Barristers Association of Philadelphia, honors attorneys who show extraordinary commitment to promoting diversity and serving communities. Atkinson heads Duane Morris' Commercial Litigation Practice Group and chairs the Duane Morris Diversity Committee.

J. GREGG MILLER L'69, a partner at Pepper Hamilton LLP in Philadelphia, has been named president of the board of directors of the Consumer Bankruptcy Assistance Program. Miller heads the firm's bankruptcy practice.

RICHARD PERR L'69, a partner at Fineman Krekstein & Harris, P.C., has been elected chairman of the Burlington County Democratic Committee. The committee represents approximately 53,000 registered Democrats in that New Jersey county. At Fineman Krekstein & Harris, Perr concentrates his practice in complex commercial litigation. He is also serves as an adjunct professor at Rutgers-Camden Law School.

STEVEN R. WAXMAN L'70 became executive director of the Parkinson Council, the Delaware Valley Chapter of the National Parkinson Foundation.

JON L. FLEISCHAKER L'70 has been named in the Chambers USA legal guide America's Leading Lawyers for Business. Fleischaker specializes in employment law at Dinsmore & Shohl LLP.

ROBERT M. POTAMKIN W'67 L'70, co-chairman of the Potamkin Auto Group, opened two new car dealerships in New York City: Potamkin Cadillac-Hummer and Chevrolet-Saturn of Harlem.

MARC A. CITRON L'72 was elected to the board of trustees of the Bayonne Medical Center Foundation. He will serve a three-year term. Citron is a partner in the Real Estate Department and office managing partner of the Princeton office of Saul Ewing, LLP, where his practice encompasses commercial real estate and transactions.

FREDERICK J.M. LAVALLEY L'72 has been named to the board of managers of the Philadelphia Foundation, a $300 million public charity community foundation that manages more than 700 charitable endowments. LaValley is an

http://scholarship.law.upenn.edu/plj/vol41/iss2/1
attorney with Morgan, Lewis & Bockius LLP who specializes in estate planning, estate trust administration, family businesses, personal tax matters, charitable trusts, and foundations.

A. GILCHRIST SPARKS


GEORGE BURRELL W'69

L'74, formerly an adviser to Philadelphia Mayor John Street, has left his position in the Street administration to become the CEO of the nonprofit, Innovation Philadelphia. Innovation Philadelphia is a city-funded organization whose mission is to transform the greater Philadelphia region into a technological hub.

JAMES W. EHRMAN L'74

joined Kohrman Jackson & Krantz PLLC as of counsel in the firm’s bankruptcy and creditors’ rights practice, after spending more than 20 years counseling businesses and individuals in the areas of bankruptcy and troubled creditor-debtor relationships. He is a member of the American Bankruptcy Institute, the Turnaround Management Association and American Bar Association.

DAVID E. BEAVERS L'75

has been chosen as a 2006 Pennsylvania Super Lawyer by Law & Politics. Beavers advises publicly-held companies and small- to mid-size private companies as general outside counsel for Stradley Ronon.

B. ROY CASELLAS

L'77 has been elected chair of the University of Pennsylvania, a lifetime appointment.

For the past ten years, Casellas has served as a term trustee at the University. He is an attorney with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. in Washington, where he is a member of the Corporate Diversity Risk Management Group.

HOPE A. COMISKY L'77

has been elected chair of the board of trustees of the Center for Literacy, one of the nation’s largest community-based, nonprofit adult literacy organizations. She has been a member of the Center for Literacy since 1996. Comisky concentrates in employment law counseling, training and litigation in the Philadelphia office of Pepper Hamilton LLC.

JOHN F. JOHNSTON L'77

was recognized in Who’s Who Legal – The International Who’s Who of Business Lawyers 2006 edition. Johnston was highly rated and praised for “clear, constructive, practical advice.”

RICHARD L. KORNBLIITH

L'77 served as subchairman of the tax sessions at the “Lawyering in the International Market” retreat held in Valle Nevado, Chile. Kornblith is a partner at Fulbright & Jaworski LLP in Los Angeles.
Angeles. He is head of the Tax Department and a member of the Leadership Committee.

GARY L. SASSO W'74 L'77 was named the president and CEO of Carlton Fields. He has been with the firm since 1987. Sasso specializes in securities fraud and consumer fraud class actions.

DAVID S. ANTZIS L'78 was named managing partner and CEO of Saul Ewing LLP. Antzis has served as chair of the firm's mergers and acquisitions practice group and on the firm's executive committee. He specializes in mergers and acquisitions, joint ventures, financings, real estate investment, and public and private securities work.


JEFFREY L. BRAFF L'78 served as a presenter at the 12th Annual Northeast Region Employment Law Institute at the Pennsylvania Convention Center. Braff presented "Basic ADA: Reasonable Accommodation & the Interactive Process." Braff is a member of the Labor and Employment Practice Group in Cozen O'Connor's Philadelphia office.

ELLEN B. FISHMAN L'78 has been chosen as a 2006 New York Super Lawyer by Law & Politics. Fishman is the head of Martin Clearwater & Bell LLP's appellate department.

TIMOTHY BOYCE L'79 WG'79 gave a talk titled "Defeasances in Real Estate Financing – the Good, the Bad, and the Ugly" at a meeting of the Real Estate Financing Subcommittee of the American Bar Association's Business Law Section. Boyce is a partner in the Finance and Real Estate Group. His areas of concentration include commercial real estate, real estate finance, and lease law.

LAWRENCE W. BURNETT L'79 has established his own plaintiff's practice for complex personal injury cases.

JOSEPH CRAWFORD L'79 has joined Pepper Hamilton LLP as a partner in the Commercial Litigation Practice Group. Crawford specializes in civil litigation. He was previously a partner and past member of the executive committee of Wolf, Block, Schorr & Solis-Cohen LLP.

LINDA A. GALANTE L'79 has been chosen as a 2006 Pennsylvania Super Lawyer by Law & Politics. Galante specializes in banking, real estate and nonprofit corporation law. She is immediate past chair of Stradley Ronon's Real Estate and Banking Department.

MARSHA HURT L'79 has become a partner at Pelino & Lentz, P.C. in Philadelphia.

ROBERT C. SCHNEIDER L'79 WG'79 has been named special counsel at Cuddy & Feder. He specializes in commercial and public finance transactions including the purchase and sale of businesses and assets, commercial finance including asset-based lending, long term and revolving credit loans as well as commercial real and personal property financing.

A. RICHARD FELDMAN L'80 was elected president of CADE – Helping Children Make Smart Decisions. CADE provides full-time, trained specialists to more than 50 elementary and middle schools in the Philadelphia area. Feldman is a named shareholder of Bazelon Less & Feldman, P.C. He focuses his practice on complex commercial litigation, class action defense, and litigating disputes involving companies in the insurance and financial service industries.

REGINALD W. JACKSON L'80 has been named president-elect of the American Bankruptcy Institute Board of Directors. He will begin his one-year term in Spring 2007. Jackson is a partner in the Columbus office of the law firm Vorys, Sater, Seymour and Pease LLP. He works in the areas of corporate restructuring, workout and bankruptcy.

RICHARD M. SHUSTERMANN L'84 was listed in the Who's Who Legal – Insurance and Reinsurance Lawyers 2006 edition as well as being named a Pennsylvania Super Lawyer by Law and
Politics magazine. Shusterman is a partner at White and Williams LLP. He concentrates his practice on the resolution of complex multiparty disputes.

**ERIC MILLER L'85,** formerly a corporate partner in the Baltimore office of DLA Piper Rudnick Gray Cary, has been appointed senior vice president and general counsel of FTI Consulting, Inc., a NYSE company headquartered in Baltimore. FTI is a premier provider of problem-solving consulting and technology services to major corporations, financial institutions and law firms.

**RAYMOND C. HEADEN L'87** joined Bricker & Eckler LLP as of counsel in the Investment Banking and Structured Finance Public Sector Group. He was a partner at Schottenstein, Zox & Dunn Co., L.P.A. in Cleveland.

**JONATHAN NEWMAN L’87** was voted chairman-elect of the National Alcohol Beverage Control Association. Newman is chairman of the Pennsylvania Liquor Control Board. His election marks the first time in more than a decade that the chairman of the Pennsylvania LCB has been chosen for the national chair.

**JENNIFER ROSATO L'87** has been named the acting dean of Drexel University College of Law. She will teach Civil Procedure and develop a health law program. Drexel Law begins its inaugural academic year this fall. Rosato was associate director of student affairs at Brooklyn Law. She has also taught at Penn Law, NYU School of Law, and Villanova Law School. Before entering academia, Rosato was an associate with Hangeley Connolly Epstein Chicco Foxman and Ewing. She was a law clerk to the Hon. Thomas N. O’Neill, Jr. of the Federal District Court for the Eastern District of Pennsylvania. While at Penn, Rosato was editor-in-chief of the Journal of International Business Law.

**FERRIER R. STILLMAN L’87,** co-chair of Tydings & Rosenberg LLP’s Family Law Department, was named one of Maryland’s Top 100 Women in 2006 by The Daily Record. Since 1987, she has represented men and women in a variety of complex domestic relations cases throughout Maryland. She handles valuations of businesses, professional practices, retirement plans, and other aspects of property division; custody disputes; alimony and child support; premarital and post-marital agreements; and adoptions.

**STEVEN S. SANTORO L’88** has joined Gefsky & Lehman, P.C., as head of the litigation practice. Santoro is a business lawyer whose practice has focused primarily on commercial litigation, as well as complex civil, intellectual property, defamation, securities, and construction litigation.

**STELLA TSAI L’88,** a shareholder at the Philadelphia-based law firm of Christie, Pabarue, Mortensen and Young, was named chair of the Women’s Law Project Board of Trustees, a public interest legal advocacy organization. Tsai, former president of the Penn Law Alumni Society, specializes in products

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**COLE RISES TO THE TOP AT SAN DIEGO SCHOOL OF LAW**

Nearly two decades of service and hard work have paid off for Kevin Cole L’83, who has risen to the top at the University of San Diego Law School.

The USD School of Law, whose faculty is ranked ninth in tax law, recently appointed Cole as dean. Cole, a member of the faculty for 19 years, is a scholar in the areas of evidence and criminal law and procedure. He had been interim dean of the school for less than a year.

In his new role, Cole finds himself building on his experiences as a Penn Law student to improve the law school experience. “The most attractive aspect of being a dean is the possibility of enhancing those aspects of law school that I found most enjoyable as a student,” he says. Cole never imagined himself dean of a law school while at Penn but now sees the position as an opportunity to “foster the learning process, and facilitate the search by students and by faculty for new ways of solving legal problems.” Cole plans on bringing additional resources to USD to continue the school’s upward trajectory.

Before moving to San Diego, Cole clerked on the U.S. Court of Appeals for the Sixth Circuit in Philadelphia. He also served as executive editor of the University of Pennsylvania Law Review and as a reporter for the Committee on Forfeiture in Drug Offense Cases of the National Conference of Commissioners on Uniform State Laws. Cole has co-authored two books on federal sentencing guidelines. He and his wife Jenny have three children: Andy, 16; Alex, 13; and Daniel, 10.
liability, municipal liability, contract negotiations, commercial litigation, human resources, and insurance coverage.

DAVID CRICHLow L'89 has been promoted to managing partner in the New York office of the law firm of Pillsbury Winthrop Shaw Pittman, LLP. Crichlow was previously a litigation partner.

HOWARD S. KROOKS L'89 was the recipient of the 2006 Outstanding Achievement Award from the New York Chapter of the National Academy of Elder Law Attorney. He was recognized for serving as co-chair of a special committee on Medicaid legislation formed by the New York State Bar Association (NYSBA). He also served as co-chair of the NYBSA's Elder Law Section Compact Working Group. Krooks is a partner at Elder Law Associates, PA., and is of counsel to Littman Krooks LLP in New York.

J. DENNY SHUPE L'89 was elected to serve as both a member and as chair of the executive committee of the USO Affiliate Council, a representative body of all USO chapters throughout the United States. He also serves on the local board of directors for the USO of Pennsylvania and southern New Jersey and related organizations. Shupe is chair of Schnader Harrison Segal & Lewis LLP's Product Liability/Mass Torts Practice Group and also chairs the firm's Aviation Group.

LAURENCE WEILHEIMER W'85 L'90 has been appointed general counsel of the Tasty Baking Company. He is responsible for all of the company's legal affairs, including corporate governance, SEC and regulatory compliance, commercial contracting and general legal services. Before his appointment, Weilheimer was corporate counsel for Towers, Perrin, Forster & Crosby, Inc., a global professional services firm.

THOMAS C. CLARK L'91 was listed as a leading lawyer in Alabama in the latest edition of the Chambers USA 2006, America's Leading Lawyers for Business. Clark is a lawyer at Maynard, Cooper & Gale, P.C. His practice focuses on all aspects of Real Estate law.

AARON KRAUSS L'91 recently spoke at Penn Law School on "Balancing Big Firm Practice with Public Service." Krauss, a trial lawyer with Cozen O'Connor, specializes in commercial cases. He also serves as a member of the board of directors and as treasurer of PhilAbundance, a nonprofit that obtains and delivers food to organizations that feed the hungry.

WALFRIDO MARTINEZ L'91 has rejoined Hunton & Williams LLP as the law firm's managing partner. Martinez was previously a partner in the Miami office until joining Diageo, a company in the premium alcohol business. He was Diageo's senior vice president and general counsel for Diageo North America.

SUZANNE S. MAYES L'91 was chosen for the Pennsylvania Bar Association Special Achievement Award for her service as co-chair of the membership committee of the PBA's Commission on Women in the Profession. Mayes is a partner in the Public Finance Department of Saul Ewing, LLP.

MICHAEL B. RAYNES C'86 L'91 was named managing director and head of global structured credit products at Citigroup. Raynes was previously a managing director at Deutsche Bank in London.

J.P. SUAREZ L'91 has been named senior vice president and chief compliance officer of Wal-Mart for its U.S. operations. Suarez was previously senior vice president of asset protection and compliance for Wal-Mart Stores Division.

CARL M. BUCHHOLZ L'92 was promoted to managing partner and chief executive officer of Blank Rome, LLP. Buchholz previously served as the firm's executive partner. He succeeds Fred Blume L'66, who has retired.

JESSICA SMITH C'87 L'92 has been promoted to associate professor of Public Law & Government at the School of Government, University of North Carolina at Chapel Hill. She teaches criminal law and procedure and criminal evidence. Smith was also named the Albert and Gladys Hall Coates Professor for Teaching Excellence.
KEITH WASSERSTROM L'92, now serving his second term as Hollywood City Commissioner, was elected chairman of the America-Israel Chamber of Commerce for the State of Florida. He was honored earlier this month with the Community Service Award from the Jewish Federation of Broward County, which elected him to its governing board. The Federation also named him “One of the Leading Men of Hollywood.” In addition, he received the Community Service Award from the Chabad of South Broward.

WENDY BEETLESTONE L'93 was elected to the Philadelphia University Board of Trustees. Beetlestone is a litigation shareholder at Hangley Aronchick Segal & Pudlin. She specializes in commercial litigation and has developed a practice serving education clients. Prior to joining Hangley Aronchick Segal & Pudlin, she was the general counsel of the School District of Philadelphia.

KELLY CLEMENT L'93, formerly a partner at Howrey LLP, will head the newly acquired Property Litigation Group at Kaye Scholer LLP. Clement’s practice includes complex civil litigation with a special emphasis in antitrust, trademark, and false advertising.

ERIC ROTHSCILD L'93 was recently appointed to the board of directors of the Public Interest Law Center of Philadelphia (PILCOP). He was also elected to the Philadelphia Regional Board of the Anti-Defamation League. In addition, Rothschild received a pro bono award from the Pennsylvania Bar Association for his successful role as lead counsel for the plaintiffs in Kitzmiller v. Dover, a landmark intelligent design case. Rothschild is a partner at Pepper Hamilton LLP. He specializes in insurance and reinsurance, insurance insolvency and complex commercial litigation.

JEFFREY P. WALLACK L'93 has been named a partner of Wisler Pearlstine Talone Craig Garrity & Potash LLP. Wallack concentrates his practice in construction and commercial litigation.

JENNIFER BRANDT L'94 served as an instructor for a course titled “Navigating the Rough Waters of Divorce” at Haverford Township Adult School and at Main Line School Night for Adult Learners. She also appeared on It’s Your Call with Lynn Doyle to discuss the reproductive rights of men, as well as several appearances on the Comcast Network’s Your Morning. Brandt practices in the Philadelphia and Cherry Hill offices of Cozen O’Connor, where she specializes in family law litigation.

ERINN HARLEY-LEWIS L'94 has been promoted to counsel in the Securitization and Structured Finance Group of McKee Nelson LLP in Washington, D.C. Before joining McKee Nelson, she managed the structuring, origination and execution of public bond and securitization offerings for Standard Corporate and Merchant Bank, a division of Standard Bank of South Africa Limited.

FRANCES GAUTHIER L'94, an attorney in Stradley Ronon’s Wilmington, DE office, has been named chair of the firm’s Diversity Group. She also served on the planning committee for the National Conference for the Minority Lawyer held in Philadelphia as well as moderated the panel discussion “Calling YOU to Action!” Gauthier represents private and public companies in corporate and commercial matters including corporate governance, alternative entity law, mergers and acquisitions, and corporate restructurings.

ANTONY B. KLAPPER L’94 was named partner at Reed Smith’s Washington D.C. office. He will join the firm’s Products Liability Practice Group. He was previously a partner specializing in toxic tort and products liability litigation at Kirkland & Ellis.

JOHN P. DUKE L’95 was elected partner at Pepper Hamilton, LLP. He specializes in mergers and acquisitions, securities offerings, and private equity transactions at the firm’s Berwyn, Pennsylvania office.

SHARON MARKOWITZ SAVITT L’95 has been elected a commercial litigation partner in the New York
office of Thelen Reid & Priest LLP. She specializes in general commercial, entertainment and intellectual property litigation.

**DIONNE LOMAX L'95**

has become a partner in the Litigation Section of Vinson & Elkins LLP in Washington, D.C. Her practice focuses on antitrust law.

**JACK R. GARFIELD L'96**

was elected a partner of Pepper Hamilton, LLP. He focuses his practice in mergers and acquisitions, venture capital, and securities offerings at the firm’s Philadelphia office.

**MARC KESSELMAN L'96**

has been appointed general counsel of the U.S. Department of Agriculture. He had been deputy general counsel in the Office of Management and Budget. Previously, he served as senior counsel in the Office of Legal Policy at the Department of Justice.

**KIMBERLY KESSLER FERzan L'95**

was granted tenure and promoted to the rank of professor at Rutgers-Camden Law School where she teaches Criminal Law and Evidence and is the co-director of the Institute for Law and Philosophy.

**SCOTT E. BRUCKER L'97**

presented at the Valuerich Small-Cap Financial Expo in Miami. Brucker is a member of Cozen O'Connor's securities law practice group. He concentrates his practice in general corporate law, securities law, and mergers and acquisition counseling.

**JESSICA FOSTER L'97**

has joined the law firm of Prince, Lobel, Glovsky & Tye LLP as a partner practicing employment, labor, and media law. Foster was previously a junior partner at the national law firm Wilmer Cutler Pickering Hale and Dorr LLP.

**MELINDA POON L'97**

has been named counsel of Carter Ledyard & Milburn LLP. Poon was previously an associate in the firm’s real estate practice. Her practice centers on commercial sales and acquisitions, commercial leasing, and mortgage loans.

**SEBASTIAN SAL GL'97**

was ranked in the ninth position among the most promising Argentinean lawyers of 2006 by the business newspaper Infobae. Sal is a partner at Diaz Funes, Sal & Morchio – Attorneys at Law. He was also appointed assistant general Director of “International Association of Anti-Corruption Authorities” (IAACA). He specializes in corporate and white collar crimes.

**MARYLENN FEEHERY ENG '93 L'98**

has been promoted to partner in the Philadelphia office of Reed Smith LLP. Feehery has substantial experience in patent litigation and prosecution, patent opinion work, trade secret counseling and litigation, confidentiality agreements, copyright litigation, trademark prosecution and litigation, and other intellectual property counseling.

**ROBERT H. MILLER L'98**

has authored *Campus Confidential* (Jossey-Bass), the latest book in a popular series of guides for students headed to college or professional schools. He also authored *Law School Confidential*, and co-authored *Business School Confidential* and *Med School Confidential*. Miller is a partner at Sheehan, Phinney, Bass & Green.

**CANDICE TOLL AARON L'99**

has joined Saul Ewing LLP as special counsel in the litigation department in Wilmington, DE. Aaron concentrates her practice in corporate litigation, with an emphasis on complex business and transactional litigation in the Delaware courts and government. Aaron previously was an associate at Richard, Layton & Finger.

**SHIRIN HEIDARY L'01**

has joined the business law department at Stradley Ronon Stevens & Young, LLP. She will focus her practice on commercial finance, public and private securities work, private equity investment, mergers and acquisitions, and other business matters. Prior to joining Stradley Ronon, Heidary was an associate at Wither Bergman, LLP and an investment management associate at Credit Suisse Private Banking USA.

**CHRISTOPHER MURRAY L'01**

has joined Baker & Daniels LLP as an associate, focusing his practice on labor and employment law. Murray was previously an associate with Mayer, Brown, Rowe & Maw LLP.
KEVIN MAILLARD L'02
was appointed an assistant professor of law at Syracuse University College of Law. Maillard was previously an associate at Hughes, Hubbard & Reed LLP in New York, where he worked in the Native American Practice Group.

ILAN ROSENBERG LL.M.'02 recently presented at the American Bar Association's 18th Annual Insurance Coverage Litigation Committee CLE Seminar in Tucson, Arizona. He spoke on the enforcement of U.S. judgments abroad. The three-day event was comprised of the nation's top insurer and policyholder lawyers and industry leaders. Rosenberg is an attorney with Cozen O'Connor, where he concentrates his practice in the area of insurance coverage and commercial disputes.

ROBERT ENGLERT L'06
received the Philadelphia Trial Lawyers Association's James J. Manderino Award for Trial Advocacy at PTLA's annual meeting. The award is presented annually to graduating law students who have shown outstanding achievement in trial advocacy.

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http://www.law.upenn.edu/cpp/alumni/joinalumninetwork.html

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KIMBERLY R. CROCKETT L'87
has recently returned to the practice of law after a ten-year hiatus to raise her children, Will and Katharine. Crockett is working for TCF National Bank in Wayzata, MN. She also leads the Federalist Society Lawyers Chapter in Minnesota and serves as a city council member in Deephaven, Minnesota.

ANITA CHILDRESS L'90,
formerly Anita Alessandra, celebrated the birth of her son, Roman Alexandra Childress, last month.

DOUGLAS AVROM KAPLAN L'93 was married to Lauren Beth Hyman by Judge Michael Obus on the rooftop of their home in New York. Rabbi Philip Posner later performed a religious ceremony for the couple in Puerto Morelos, Mexico. Kaplan is the senior vice president for business affairs at Sirius Satellite Radio in New York.

TYLER B. KORN L'00
married Rebecca A. Kosloff, M.D. at the Yale Club in New York City. The couple now resides in Naples, Florida. Tyler is a tax attorney with offices in New York and Naples.

JANNIE LAU L'02 AND TODD LONGSWORTH L'01 were married at the University of Pennsylvania Museum of Archaeology and Anthropology. Jannie is counsel for the in-house legal department of IKON Office Solutions, Inc.; Todd corporate counsel at Cephalon, Inc. Guests included Danielle Bersofsky L'01, Maria Corsaro L'02, Alex Diaz-Matos L'02, Greg Gartland L'02, Tom Hazlett L'01, Katie Nolan L'02, Julie Petes L'01, Steve Rosenstein L'01, Meredith Steele L'02, and Lara Turcik L'01.

This is your chance to announce personal milestones in our new section. We are interested in engagements, weddings, births, retirements or whatever else you believe merits attention. Job-related news will continue to run in the main section of alumni notes. Please send information to lteitelb@law.upenn.edu or to alumnijournal@law.upenn.edu.
IN MEMORIAM

DUFFIELD ASHMEAD III C'48, L'58 Roxborough, Pa., March 2006, a lawyer who was active in charitable and civic organizations. After graduating from Penn Law, Mr. Ashmead joined Drinker, Biddle & Reath, where he specialized in estate planning and probate matters. He later served on the boards of the Southeastern Chapter of the American Cross, the Cradle (an adoption agency based in Illinois), the Delaware Valley Diabetes Association, and Recording for the Blind and Dyslexic. He also served as a vestryman of St. Martins-in-the-Fields in Chestnut Hill, for ten years on the Standing Committee of the Episcopal Diocese of Pennsylvania, and for several years as chancellor. He is survived by his son Duffield Ashmead IV; his daughter, Merritt Robinson; his stepson, William Aspinwall; a stepdaughter, Taylor Aspinwall; and two grandchildren.

JOHN S. CIECHON L'50

JOSEPH M. FARBER C'93, G'99, L'99, GR'03 Narberth, Pa., May 2006, attorney who participated in a successful lawsuit barring the intelligent design curriculum of the Dover, Pa. school district. Since 2003, Mr. Farber had been an attorney with Pepper Hamilton in Philadelphia. In addition to securities and antitrust matters, he also focused on pro bono work, including prisoners’ civil rights and discrimination issues. In December of 2004, Mr. Farber became the first associate at his law firm to be recruited for Kitzmiller v. Dover. He later uncovered key evidence that a church group was funding the school district’s intelligent design curriculum. Mr. Farber earned bachelor’s, master’s and doctoral degrees in philosophy from Penn, and at Penn Law served as senior editor of the Law Review. He is survived by his wife, Carol Hagan; two sons, Nathaniel and Samuel; parents David and Gloria Farber; and a brother.

WILLIAM GEEN L'59 Easton, Md., April 2006, attorney. Mr. Geen was a Partner at Chadbourne & Parke, LLP for nearly 25 years. He was also a member and an elder of the Huguenot Memorial Presbyterian Church. He is survived by his wife, Ruth Parker Geen; his children, Barbara LeMaster, David, Elizabeth Gallagher, Robert and Christopher; and twelve grandchildren.

BERNARD M. GUTH W'55, L'58 Andalusia, Pa., May 2006, lawyer, real estate executive and music Patron. Mr. Guth served on the board of the Mann Center for the Performing Arts for more than 30 years. He was chairman of the board from 1987 to 1994 and since 1990, had also served on the board of Curtis Institute of Music. After graduating from Penn Law, Mr. Guth practiced corporate law in Philadelphia for 10 years before becoming vice president of Banker’s Bond & Mortgage Co. In the 1970s he became a Partner of the real estate investment firm of Richard I. Rubin & Co. Associates. His achievements in that position include overseeing the 1983 renovation of Suburban Station. Mr. Guth is survived by his son, Adam; a daughter, Mara; a brother and sister, three grandchildren; and his former wife.

GEORGE L. HAWKES L'49 Fairfax, Va., December 2005, government lawyer and advocate for the mentally challenged. Mr. Hawkes served as a recorder for the Armed Services Board of Contract Appeals for 30 years. He was also the founder of the Arlington Cooperative School for the Mentally Retarded and worked with other agencies that advocate for the rights of those who cannot represent themselves. Mr. Hawkes was a member of the V-12 program and served in the U.S. Navy during World War II. In 1950, he was elected to the State Legislature in Maine. Mr. Hawkes was predeceased by his wife Eleanor P. Ryan Hawkes, and is survived by his daughter, Patricia Hawkes; another daughter, Rosemary Hawkes-Harris; her husband Andrew Harris; and two grandsons, Andrew Harris and Gregory Harris.

FRANK R. HUEHNERGARTH L'50 Lancaster, Pa., November 2005, a manager and consultant with Carpenter Technology Corporation of Reading, Pa. Mr. Huehnergarth retired in 1972 after 27 years with Carpenter. He is survived by his wife, Jane C. Huehnergarth; his brother John; his children, Gretchen, Frederick, and David; and four grandchildren.
IN MEMORIAM

MILES A. JELLINEK C'69, L'74 Merion Station, Pa., June 2006, noted Philadelphia attorney and teacher. After receiving his bachelor's degree from Penn in 1969, Mr. Jellinek served in the Army and later as a customs inspector with the U.S. Treasury Department before attending Penn Law. After graduation he served as a law clerk to Common Pleas Court Judge Paul M. Chalifin in Philadelphia, and in 1975 joined Cozen O'Connor, specializing in complex property damage cases. In 1991, he served as one of the lead attorneys for the owners of One Meridian Plaza in Center City, which was destroyed in a fire that also claimed the lives of three firefighters. Beginning in 2001, Mr. Jellinek taught contract law and law in society to business students at Temple University. He served on the board of Congregation Rodef Shalom and on the board of the Germantown Cricket Club. Mr. Jellinek is survived by his wife, Annabelle O'Leary Jellinek, and his daughters Beth and Laura.

AUSTIN R. MILLER CHE'40, L'47 Pennington, Pa., March 2006, patent lawyer. Mr. Miller served with the U.S. Navy during World War II. He subsequently practiced patent law for 50 years, 25 of them in his own firm. Mr. Miller was a member of the Philadelphia Intellectual Property Law Association and served as its president in the early 1970s. He was predeceased by his wife Nancy Thompson Miller and is survived by his daughter and her husband, Jody and Greg Hill; his son Peter and daughter-in-law Amy Brent; his son Steven Scott and daughter-in-law Jacqui Miller; two brothers Edward and Robert; a sister, Jane Miller Robbins; twelve grandchildren; and a great-granddaughter.

ANNE SCHLAFF ORLOFF B'28, L'31 Wyncote, Pa., February 2006, lawyer and women's rights trailblazer. Ms. Orloff, who was one of only two women at the Law School at the time of her graduation, practiced law with her husband Leonard in their own firm. She later worked for the city, deciding uncontested divorce cases and serving on arbitration panels. Ms. Orloff was active for many years in Women's B'nai Brith and served as the organization's president. She is survived by her sons Leonard and Malcolm; her sister-in-law Dr. Lilian Schlaff; five grandchildren; and five great-grandchildren.

LOUIS POKRAS L'32 Philadelphia, Pa., May 2006. Mr. Pokras was predeceased by his wife Nora. He is survived by his son, Richard; his daughter, Judith Steinberg; his sister, Miriam Rodstein; three grandchildren; and four great-grandchildren.

SHELDON RAPPAPORT L'55 Silver Spring, Md., 2006, securities market regulatory expert who worked at the Securities and Exchange Commission and the World Bank. After graduating from Penn Law, Mr. Rappaport spent two years in private practice before moving to Washington to work as a lawyer in the Customs Bureau. He later joined the SEC, working initially on a market study that would influence many of the nation's securities laws. Mr. Rappaport then became associate director of the division of market regulation, and then deputy director, overseeing regulation of the stock and options exchanges and the NASDAQ market. In 1982, he left the SEC for the World Bank, where he was a senior financial affairs adviser. After retiring from that position, he became an arbitrator with the National Association of Securities Dealers and was a consultant to the regulatory programs for the Egyptian and Philippine stock exchanges. Mr. Rappaport is survived by his wife, Barbara Rappaport; two children, Steven Rappaport of North Bethesda and Nancy Rappaport of Silver Spring; and two grandchildren.

ARTHUR G. RAYNES, Wynnewood, Pa., July 2006, attorney in high-profile wrongful death cases and former member of Penn Law Board of Overseers. Raynes, founder of Raynes McCarty in Philadelphia, specialized in personal injury, medical malpractice and product liability cases. In the 1960s and '70s, he successfully represented more than 50 children born with birth defects after their mothers took Thalidomide. The landmark cases were featured in the book, Suffer the Children: The Story of Thalidomide. In other high-profile cases, Raynes represented the family of Jessica Savitch, the NBC news anchor and former Philadelphia news broadcaster who drowned after her car plunged into a canal in Bucks County, Pa.; 46 oil riggers who were killed in a helicopter crash off the coast of Scotland; and more than 1,300 hiphophiliacs and their families in Spain who contracted HIV after exposure to defective blood. He was also counsel in the settlement for the murder of Olympic wrestler David Schultz by a member of the duPont family. A recipient of the Philadelphia Trial Lawyers Association's Justice Michael A. Musmanno Award, Raynes was chancellor of the Philadelphia Bar Association in 1990 and head of its board of governors in 1985. He was a member of the Penn Law Board of Overseers from 1991 to 1997, and served on the board of directors of the YMCA, the Philadelphia Geriatric Center, Moss Rehabilitation Hospital, the Ronald McDonald House, the Children's Hospital of Philadelphia, the Jewish Federation of Greater Philadelphia and the Jewish Publication Society. He taught at Temple Law School from the 1980s to the late 1990s. A lecture hall is named in his honor, and the university presented its Distinguished Service Award to him in 1996. Raynes is survived by his wife, Diane Slavitz Raynes; daughter, Nancy Dubow; sons Stephen and Michael Raynes L'91; four grandchildren; and a sister.

HARRY M. SABLOSKY W'27, L'30 Fort Lauderdale, Fl., June 2005, longtime Norristown attorney. Mr. Sablosky is survived by his three sons, Alan Friedland, Jay Sablosky and Brett Sablosky. He is also survived by his brother, Dr. Lester Sablosky; and his sister, Mildred Young.
ROBERT W. SAYRE L'40 Haverford, Pa., March 2006, lawyer and equal-rights activist. Mr. Sayre was a managing partner of Saul, Eving, Remick & Saul, where he worked for nearly fifty years before retiring in the mid-1990s. Mr. Sayre specialized in health law, and was general counsel to Bryn Mawr Hospital for more than twenty years. Mr. Sayre famously took part in the successful defense of nine Philadelphia Communists in 1954. He was a vice chairman of the Lawyers' Committee for Civil Rights, a founder of the Public Interest Law Center of Philadelphia and president of United Cerebral palsy of Philadelphia and Pennsylvania. Mr. Sayre was president of the United Way of Southeastern Pennsylvania and in 1976, he and his wife Lucy McCoy Sayre were awarded the organization's Citizen Volunteer Award. During World War II, Mr. Sayre served in the Army as a lieutenant colonel. He is predeceased by his wife Lucy McCoy Sayre, and survived by his sons Robert and Philip; a daughter Elizabeth Sayre-Scibona; a sister and seven grandchildren.

LAWRENCE STENGEL L'50
Lancaster, Pa., February 2006.

CHARLES THIERMAN C'38, L'41
Margate City, N.J., February 2006.

PARKE H. ULRICH, JR. L'57 Collegeville, Pa., March 2006, a lawyer and Korean War veteran. Mr. Ulrich was a Partner with Fox, Differ, Callahan, Ulrich & O'Hara and later joined Masterson, Braunfield, & Milner. He also served as Montgomery County assistant district attorney and as solicitor for the Montgomery County sheriff, the Borough of Hatboro, the Borough of Schwenksville, and the Schwenksville Borough Authority. He was a former president of the Montgomery County Bar Association and the Montgomery County Trial Lawyers Association. In the Korean War, Mr. Ulrich served as the platoon leader of a tank battalion. Mr. Ulrich is survived by his wife Elizabeth Jones Ulrich; his son Parke M.; his daughters Gwen Kenealy, Lisa Kavanaugh, Anne Murray and Kate Miller; and twelve grandchildren.

JOHN KIRKWOOD WHITE L'63 Cambridge, Md., April 2006, city planner and attorney for the poor. Mr. White began his career as a lawyer for the Treasury Department in Washington, DC, but his concern for the underprivileged led him to join Neighborhood Legal Services in 1967 to defend those who couldn't afford legal representation. Among his clients were a group of juveniles accused of looting in the city's 1968 riots. In 1975 he became the city's zoning and planning coordinator. After a three year stint, Mr. White left government practice, working for a series of law firms and finally returning to Neighborhood Legal Services as the manager of its Northeast office before retiring in 1994. Mr. White is survived by his wife Karen Belgin White; two sons, the Rev. Mark David White and Benjamin John White; his stepdaughter, Maria T. Sterrett; his stepson, Timothy O. Sterrett; his sister, Anne White Cooper; and two grandchildren.

MARVIN M. WODLINGER L'60 Millville, N.J., May 2006, attorney, veteran and civic leader. After graduating from Penn Law, Mr. Wodlinger served as a 1st lieutenant in the U.S. Army in Berlin during the Cold War. He retired from the service as a captain and served as deputy attorney general for New Jersey and on the advisory board of Rutgers University Research Lab. Mr. Wodlinger represented Airwork Corporation internationally and was a solicitor for the Millville Board of Education. Early in his career, Mr. Wodlinger helped establish the seven-member freeholder board in Cumberland County, and aided in the founding of the Cumberland County Community College, the first community college in the state. He also served on the board of directors of the Millville Savings and Loan Association and was president of the Millville Chamber of Commerce. He also served as county chair of the Democratic party. Mr. Wodlinger is survived by his wife, Ursula Elizabeth Wodlinger; his daughter, Dr. Anna Maria Wodlinger; his son John Wodlinger of Cherry Hill; and his cousin, Gary Wodlinger. He was predeceased by his sister, Ethel Sagon.

ROBERT E. WONe L'99 Oakton, Va., August 2006, general counsel for nonprofit organization. Wone, a former associate at Covington & Burling in Washington, D.C., had been named in July general counsel for Radio Free Asia, a nonprofit that broadcasts news in Asian countries. He practiced in the areas of employment and commercial real estate law at Covington & Burling. Wone was active in the Asian-American community. He offered legal advice through the American Legal Resource Center and was president-elect of the Asian Pacific American Bar Association's Washington chapter. Wone was a Monroe Scholar at the College of William & Mary where he earned his B.A. in Public Policy. He clerked for U.S. District Judge Raymond A. Jackson in Virginia, where he lived until his death. Wone, raised in New York, is survived by his wife Katherine E. Wone, his parents William and Aimee Won, his brother Andrew D. Wone; and his grandmother Lucy New.

ROBERT WONE'S FAMILY has established The Robert E. Wone Memorial Trust, from which funds will be distributed to a variety of his favorite projects. Contributions can be sent to: The Robert E. Wone Memorial Trust, c/o HoltzmanVogel PLLC, 98 Alexandria Pike, Suite 53, Warrenton, Va. 20186.
Spoof of Law School Back in Vogue

The ridicule hath returned. Missing from the academic halls of the University of Pennsylvania Law School for the last six years has been the metaphorical loosening of the tie, letting down of the hair, and kicking up of the heels. The Law Revue. But fear not, it's back. The Law Revue, which was started in 1980 by a group of students, had been mysteriously missing from the school’s calendar. But the Class of 2006 believed that the show must go on. And so under the leadership of Mary Lee L'06, the Law Revue assembled students, faculty and senior staff members for a night of laughter, skits, and silliness. This year the event took place in late spring, a change from the traditional Friday before Thanksgiving. With the help of Associate Dean of Students Gary Clinton, the Student Affairs Office, and the IT department, the night was a roaring success.