



THE LAW ALUMNI JOURNAL

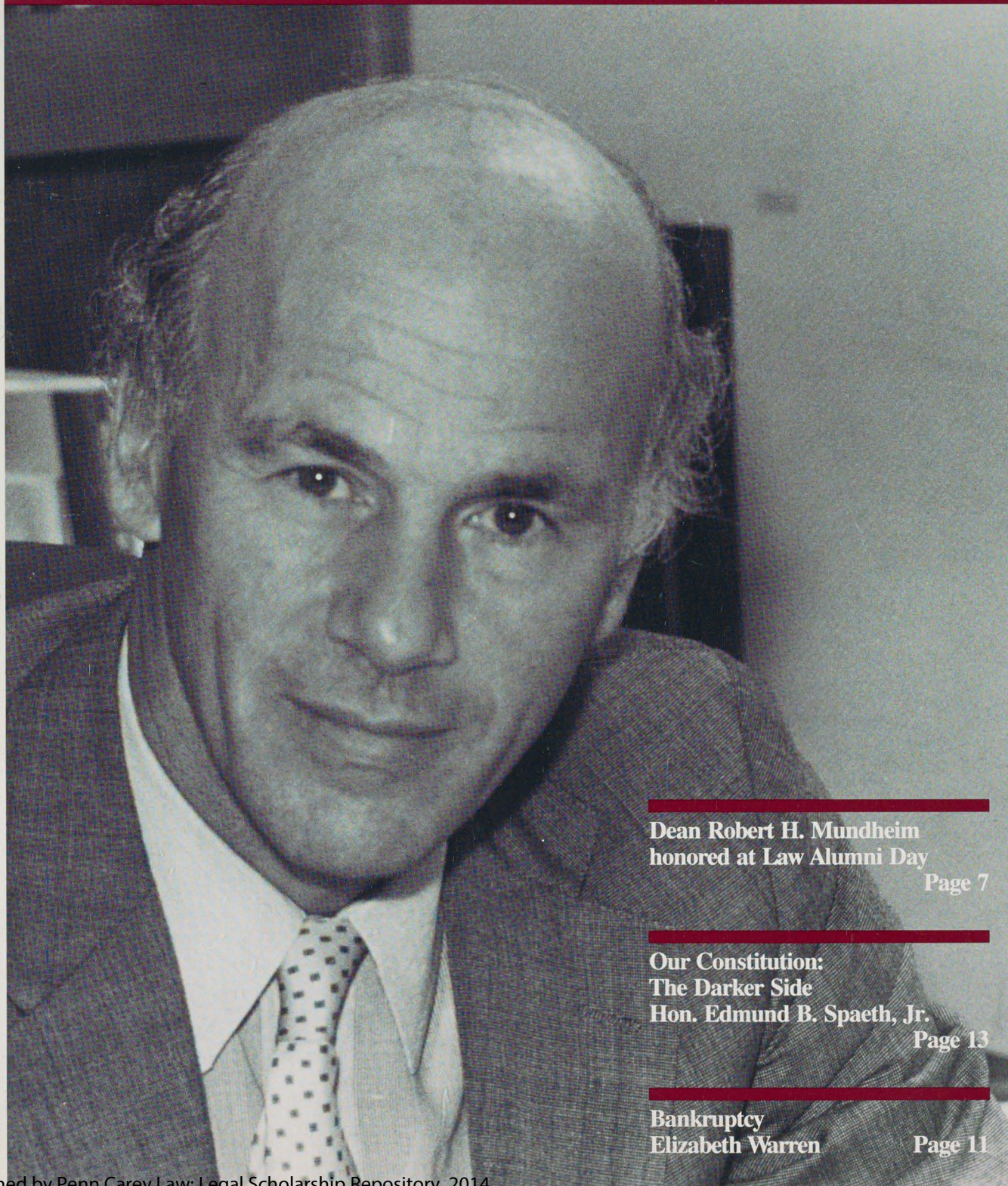
THE LAW SCHOOL

UNIVERSITY OF PENNSYLVANIA

Spring 1989

Volume XXIV

Number 3



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honored at Law Alumni Day**
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FROM THE DEAN

LOOKING FORWARD

“My last column as dean allows me to look forward as we prepare to welcome new leadership to the Law School. I think we are ready for an extraordinarily fruitful period in the life of the Law School.”

“I look back on seven-and-a-half years in the Dean's Office with enormous pleasure because faculty, students, administration, and alumni together have built a base from which to launch the splendid future ahead.”



- The foundations for our future faculty are firmly laid. Of the 33 faculty members who I expect on board as of July 1, 1989, 21 have been hired since 1982. Although relatively young, the faculty is enormously productive, committed to teaching and has created the most vibrant intellectual environment at the Law School in my almost twenty-five years here.”
- Our student body grows stronger every year. Its spirit is high and, as the experience of our newly launched First Appeal Day repeatedly demonstrates it serves the best imaginable recruiting group for the new class.
- Programs are in place and are being planned which allow the Law School to take advantage of its position in a great University. Thanks to the initiatives of the Institute for Law and Economics, we now expect to have some courses in our curriculum taught by a law school professor and a professor from another school in the University. Joint research and other activities in which faculty and students draw on the strengths of the University are common-place.
- The Law School is increasingly perceived as playing an important role in the legal community. We are seen as meeting special needs in continuing legal education particularly through the pathbreaking offerings of our Center on Professionalism or through joint Law School/legal community efforts such as the annual Mid-Atlantic Tax Conference.
- The Law School is returning to its traditional role as advocate for the public service responsibility of the legal profession. Over the last three years we have created a corps of Public Interest Fellows who are serving as a tangible focus for a variety of Law School encouraged public interest activities. We have worked with the Alumni Association and the bar generally to explore ways to facilitate opportunities for lawyers to engage in public interest work as part of their normal practice experience. We have opened discussion within the Law School on ways of encouraging our students to develop a habit of giving time to public service activity.
- The plans for our new building are well underway and I am hopeful that we will celebrate the 200th anniversary of James Wilson's first law lecture by putting a shovel into the ground.
- The Biddle Law Library has strong leadership and a well-conceived program to assure that faculty, students, and legal community can access all the information they need to support their work.
- The Law School has grown much closer to its alumni. You understand better the Law School's needs and you have responded generously and warmly with time, counsel, and resources to guarantee that the Law School is properly led into the forefront of legal education.



SYMPOSIUM

FROM THE LAW LIBRARIAN'S WINDOW

Elizabeth S. Kelly,
Director,
Biddle Law Library



Individuals Shape the Library

Yesterday, I had the occasion to refer to a recently published title, *Law and its Limitations in the GATT Multilateral Trade System*. As I opened the cover, I noticed a Biddle bookplate identifying for all law students and attorneys who use the book that its presence in Biddle is due to the generosity of Lillian Bregman in memory of Oscar R. Bregman '34.

I know that an endowed fund was set up in Oscar Bregman's memory to purchase books in an area that was of great interest to him, business law and developments in commercial dispute resolution. But one doesn't feel the full impact of this foresight until one picks up a new title which is bookplated, and realizes that, year after year, Oscar Bregman will be honored and remembered by those readers who also are interested in current publications on business law and commercial dispute resolution.

The Library has other endowed funds which ensure the continual flourishing of Biddle, in particular areas: a firm has endowed a collection in environmental law, individuals have endowed the building of collections in business law, estate planning and corporate law. To this extent, the shape of the Biddle collection fifty years from now is assured.

There are other ways in which the Biddle Law Library reflects the influence of individuals. Raymond Trent, a library clerk of over 25 years tenure at Penn, is building the collection with the active assistance of the library and of other donors who are interested either in the special nature of the collection, the black lawyer in America, or in Trent's skill and persistence as a bibliographer. Rather speedily this collection is taking shape, with this summer's project being the indexing of this collection for access through the library's online catalog. The goal is to have at Biddle the best and most usable collection on this topic in the country.

There are other areas in which Biddle would like to have exceptional collections: legal history, legal biography, human rights, real estate, bankruptcy, constitutional studies, law and economics, etc. Individuals have sometimes

given substantial gifts to the library's operating budget which have had the net effect of buying many titles for the collection in a particular subject area. The growing Joseph S. and Caroline Z. Gruss collection in Talmudic law donated as an adjunct to the Gruss visiting professorship and the trial advocacy books purchased in honor of Joseph Feldman's 85th birthday are examples of this kind of assistance.

Sometimes the imprint of individuals upon the Biddle collection comes about because the library is given an existing collection of books. Recently, emeritus professor and renowned legal historian George Haskins donated a large collection of titles in history and legal history assembled by George and by his father, the eminent historian, Charles Homer Haskins.

Finally, Friends of Biddle gifts at the Associate level or higher, which occur often throughout every year, are recognized by bookplating which notes the generous contribution to legal education at the school which these gifts represent. It is impressive and important that Penn's young lawyers see the Biddle collection as the gift of many hands and many generations. That is, after all, the secret of the strength of the success of private education in this country, in the past and in the future.

COUNCIL OF STUDENT REPRESENTATIVES

Seymour Kurland '57, city solicitor for the City of Philadelphia, spoke on "The Practice of Law in the Large Firms and in the Public Sector" on February 2. The lecture was sponsored by Dean Mundheim and the Council of Student Representatives as part of the Law School's Perspectives Lecture Series. Mr. Kurland assumed his duties in January 1988 after spending 31 years at Wolf, Block, Schorr & Solis-Cohen. Mr. Kurland spoke about the changes in the practice of law over the years. He said when he began to practice law that "there was no file that you couldn't read in one night. There were no time sheets, no billing runs. The dominant theme was to practice law as a profession. We were more important than the client we served. We were on a case from the beginning to the end."

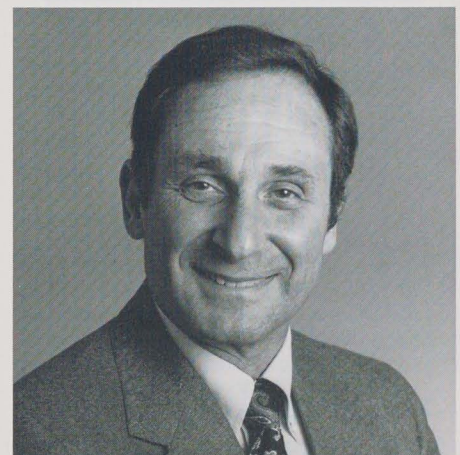
In contrasting the practice of law Mr. Kurland said, "The law firm of today is a totally different world. There is no longer time for us to sit around and debate our cases. So much of the personal identification has begun to get lost. I call it the 'Emergence of Darth Vader.'"

Mr. Kurland is concerned about meeting the needs of the individual while preserving the current type of private practice. "The institution has to develop a conscience. Law seems to be different from what it was but it is really not." In terms of public advocacy, Mr. Kurland said, "The real heroes of the public service are the plaintiffs. We're just the lawyers."

Mr. Kurland has authored numerous articles for various legal and professional journals, has served as chancellor of the Philadelphia Bar Association, and is a fellow of the American College of Trial Lawyers.

Honorable Morey M. Myers, General Counsel to Pennsylvania Governor Robert Casey, spoke about the role of lawyers in a federal system in an address given at the Law School on February 14, 1989. The lecture, entitled "Federalism, the States, and You," was part of the Law School's Perspectives Lecture series, sponsored by Dean Mundheim and the Council of Student Representatives. Mr. Myers has served as Pennsylvania Assistant Attorney General and as consultant to the President's

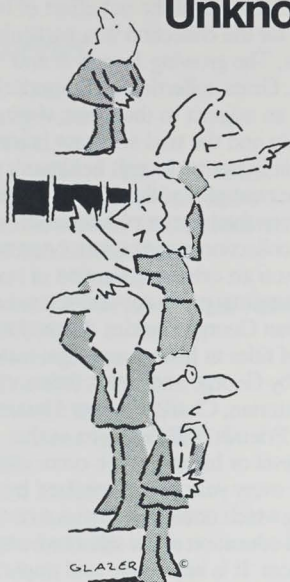
Commission on Campus Unrest. He has practiced civil and criminal law in state and federal courts, and has been active in the civil rights movement in Mississippi, Florida and other states.



Seymour Kurland '57

Continued on page 3

Whereabouts Unknown



University of Pennsylvania
Law School Alumni/ae:

Finding a former classmate can be just like looking for the proverbial “needle in a haystack.” But not anymore. Soon the latest edition of the Law Alumni Society’s impressive directory of our Alumni/ae will be available to help you locate your old friends.

The new University of Pennsylvania Law School Alumni/ae Directory, scheduled for release in May/June 90, will be the most up to date and complete reference on over 8,000 University of Pennsylvania Law School Alumni/ae ever compiled! This comprehensive volume will include current name, address and phone number, academic data, plus business information (if applicable), bound into a classic, library-quality edition.

The Law Alumni Society has contracted with the prestigious Bernard C. Harris Publishing Company, Inc. to produce our Directory. Harris will soon begin researching and compiling the information to be printed in the Directory by mailing a questionnaire to each alumnus/a (If you prefer not to be listed in the Directory, please contact the Law Alumni office in writing as soon as possible.)

The new University of Pennsylvania Law School Alumni/ae Directory will soon make finding a University of Pennsylvania Law School alumnus/a as easy as opening a book. Look for more details on the project in future issues.

NEWS FROM THE INSTITUTE FOR LAW AND ECONOMICS

Olin Banking Series

On Wednesday, February 15, Anthony M. Frank, Postmaster General of the United States, addressed a gathering of law students in Room 100 in a seminar entitled “Are Savings and Loans Needed?” Mr. Frank was appointed the 69th Postmaster General in February, 1988 and is responsible for the overall operation of the Postal Service, the nation’s largest private employer. Prior to his appointment to the Postal Service, Mr. Frank served as Chairman and Chief Executive Officer of First Nationwide Bank, a federal savings bank and one of the nation’s largest consumer banking operations. His past industry associations include the chairmanship of the Federal Home Loan Bank of San Francisco and the California Housing Finance Agency.

Mr. Frank discussed a number of factors including the deregulation bills of the early 1980s, that have contributed to the collapse of the thrift industry. He asserted that the burden of paying for the crisis will “ultimately fall to the taxpayer. This business is going to disappear and will get re-invented again,” says Frank. The new system that will develop will involve a consolidation of many banking services in one location. According to Frank, “We’re getting to the point of having one-stop financial shopping.”

Dr. Carter H. Golembe was the featured Olin lecturer at a presentation given on March 22 on “Enacting Bank Regulatory Reform.” Dr. Golembe is presently the chairman of the executive committee of Golembe Associates, Inc., a Washington-based consulting firm for the financial industry.

Dr. Golembe founded the firm in 1966 to concentrate on economic and regulatory problems related to the banking field. He is a member of the board of directors of Barnett Banks, Inc., the director of Barnett Banks Trust Company, executive manager and a director of the International Financial Conference, an educational corporation comprised of 50 regional banks dedicated to a better understanding of multinational banking and financial issues.

Kenneth E. Scott, visiting professor from Stanford University Law School and Chief Deputy Savings and Loan Commissioner of California from 1961-1963 spoke on Reforming Deposit Insurance Wednesday, April 12.

GRUSS LECTURESHIP IN TALMUDIC CIVIL LAW

Dr. Haym Soloveitchik, the first Caroline and Joseph Gruss professor of Talmudic Civil Law, delivered three lectures at the Law School in February. On February 7 and 9, Dr. Soloveitchik discussed “Major Trends in Classic Talmudic Law.” The basic tools of Talmudic Law are the classic works of the medieval commentators, known as the Rishonim. These lectures surveyed and assessed the major figures, schools of thought and halakhic cultures of the period. On February 13, Dr. Soloveitchik presented a lecture entitled “Jewish and Roman Law in Medieval Provence,” which examined the interaction between two adjacent legal cultures as reflected in surety law.

LL.M. ACTIVITIES

Annual Trip to Washington, DC

Fifty students are currently enrolled in the LL.M. program from eighteen countries. Graduate student coordinator Connie Kessler organized the annual trip to Washington, DC and accompanied the 42 students who chose to attend. The trip continues to be one of the highlights of the year for the foreign students studying in the United States.

On Sunday, February 26 everyone toured the major sites of Washington by bus, including a tour of the Cezanne exhibition at the National Gallery of Art. Monday activities began with a visit to the Capitol followed by a meeting with Richard Bryers, Legislative Director for Senator John Heinz (R-PA). The students enjoyed lunch at the Supreme Court, heard the afternoon oral arguments, were taken on a guided tour by the curator, and discussed the oral arguments with a clerk to Justice Sandra Day O’Connor.

The afternoon concluded with a meeting at the World Bank where the LL.M.s met with the Division Chief, Group #3 Funding Operations; the Legal Counsel; and the Senior Financial Officer. Robert S. Natalini ’86, Co-Chair of the Alumnus Friendship Program, travelled to Washington to join the students at the Supreme Court and the reception which he organized at the Washington office of Pepper, Hamilton & Scheetz. Partners of the firm discussed their experiences trying cases before the Supreme Court.

LL.M’s Trip to Washington





Law School and Lauder Institute Round Table Discussion and Mock Negotiation

Three years ago Robert S. Bramson initiated the idea of conducting a round table discussion with the LL.M. students, lawyers and former LL.M.s from Schnader, Harrison, Segal & Lewis on the "Business, Negotiating and Cultural Aspects of International Commercial Transactions." Due to the students' enthusiasm and the suggestion to include the Lauder students, this program has been expanded to three Saturday sessions during the school year and now includes a round table discussion and mock negotiation with the LL.M. and Lauder Institute students.

The first session was an informal discussion of the non-legal ingredients of international business transactions. The second day featured a discussion of a case and mock negotiation of an international technology license and a discussion of the relevant documents.

Joining Robert S. Bramson were Raymond G. Arner and LL.M. graduates Osagie O. Imasogie '85, and Duncan A. Rann '87. The program stimulated interesting discussion among the foreign students and was the first time that the LL.M. and Lauder students had the opportunity to interact in a classroom setting.

Law Firm Hosts LL.M.s

The International Services Group of the law firm of Blank, Rome, Comiskey & McCauley hosted a cocktail reception for all foreign LL.M.s of this Law School at the Racquet Club on Thursday, March 16.

LAW FIRM ATTRACTS PENN LAW GRADS

Hangley, Connolly, Epstein, Chicco, Foxman & Ewing continue to achieve 100% participation for the fourth consecutive year David Pudlin '74 notes and increased 49% from 1988 to 1989.

Hangley, Connolly, Epstein, Chicco, Foxman & Ewing, located in Philadelphia, was formed predominantly by this Law School's alumni in the late 1960s as an alternative to the traditional large firm practice. The firm's practice is concentrated in four areas: litigation, corporate/securities, real estate and environmental law. Approximately one-half of the firm's attorneys specialize in litigation. The goal was to form an organization which would combine the collegiality of a small firm environment with legal work of the highest quality. In searching for attorneys with outstanding potential and credentials, Hangley, Connolly has continually relied on graduates of Penn Law School. Of the firm's 32 partners and associates, 15 are Penn grads. They are:

William T. Hangley '66, Joseph J. Connolly '65, Neil G. Epstein '65, William H. Ewing '65, David B. Pudlin '74, Beverly K. Rubman '75, Charles F. Forer '80, Nancy K. Baron-Baer '78, Beth Olanoff '80, Valerie West '83, Albert G. Bixler '84, John S. Summers '84, Mary Anne Clausen '85, Gary A. Miller '85, and Lisa Rapetti '87.

DUANE, MORRIS & HECKSCHER DONATES \$500,000 TO LAW SCHOOL BUILDING FUND

Duane, Morris & Heckscher, a Philadelphia-based law firm with offices throughout the mid-Atlantic region, has made a \$500,000 pledge to the Law School's Building Fund. Forty members of the firm are graduates of Penn Law School. Thomas M. Hyndman Jr. '50, chairman of the firm, said that "as a firm, we often comment on how fortunate we are to be able to draw on the resources of the University of Pennsylvania Law School. We want to assure the future of the Law School as a great educational institution."

Dean Mundheim, in accepting the gift, stated that he was delighted to receive this very important first gift from a Philadelphia law firm. He noted that the future of the Law School requires major improvements to its physical facilities, including a new building to house the expanding service and collections of the Biddle Law Library, the most important research library in the mid-Atlantic region.

NEW DEAN ANNOUNCED

Colin S. Diver, currently Dean of Boston University School of Law, has been named Dean of this Law School. He will assume responsibilities by September 1. Dean Diver, who is an expert in administrative law, succeeds Dean Robert H. Mundheim whose term ends June 30, 1989. Leon Meltzer Professor of Law A. Leo Levin, '42, Chair of the Search Committee for the new dean, said Dean Diver was the committee's unanimous choice for the position.

Dean Diver has been on the faculty of Boston University School of Law since 1975. He received his B.A. from Amherst College in 1965 and an LL.B. from Harvard Law School in 1968. Dean Diver has been a consultant to the Administrative Conference of the United States since 1980, and has served as chairman of the Massachusetts State Ethics Commission since 1983. The Fall issue of this Journal will more extensively introduce Dean Diver to alumni.

RETIREMENT DINNER

The Wharton Sinkler Estate was the location for the Law School's Retirement dinner honoring Leon Meltzer Professor of



Joseph J. Connolly '65, William T. Hangley '66 (sitting), William H. Ewing '65 and David Pudlin '74

Law A. Leo Levin, '42 and Jefferson B. Fordham Professor of Law Clyde W. Summers on Wednesday, May 3. Black and white photographic portraits will be commissioned of the retiring professors. Dean Robert H. Mundheim presided over the dinner. Both professors will continue teaching at the Law School.

ANNUAL GIVING

1989 Annual Giving Basketball Dinner

The Law Annual Giving 1989 Basketball Dinner was held Friday, February 17, 1989 before the Pennsylvania-Brown basketball game. A successful event once again this year, the dinner is sponsored by Annual Giving in recognition of the loyalty and service shown by the many in attendance.

Phonathon

Alumni fundraisers and students participated in the Law Annual Giving phonathon held on March 15 and 16. Pledges amounted to \$18,500 from the first night of phone calls and reached a total of \$32,850 by the end of the second evening of the phonathon, an increase of over \$10,000 from last year. Lawrence J. Fox '68 and Jeffrey M. Stopford '69 were instrumental in making the phonathon the most successful one to date.



James Golden '80, Frederick Hatt '89, Storm Jamieson '90, Susan Chertkof '91

Firm Solicitors' Breakfast

Gregory Weis '69 hosted the New York City Firm Solicitors Breakfast at the law firm of Simpson, Thatcher & Bartlett on Wednesday, April 5. The guest speaker was Leon Meltzer Professor of Law A. Leo Levin '42.

Alexander Kerr '70 hosted the Philadelphia Firm Solicitors Breakfast at his law firm, Hoyle, Morris & Kerr, on Thursday, May 4.

NEW FACE AT THE LAW SCHOOL

A new administrator has joined the law school community:

Gerard J. Lauber, Major Gifts Officer, Law School Development, was Assistant Director of Development for the School of Engineering of Washington University in St. Louis.

Gerry, who received his undergraduate degree in Psychology from Creighton University in Omaha, Nebraska, has a Master of Arts from St. Louis University in Education and is completing his Ph.D. in Higher Education.

His wife, Angela H. Sharkey, will be doing a three year fellowship in pediatric cardiology at Children's Hospital in Philadelphia.

Continued on page 5

DELAWARE LITIGATORS



A. Gilchrist Sparks '73, Hon. Andrew D. Christie '49, E. Norman Veasey '57

A panel of prominent Delaware litigators and judges addressed an audience of law students on Friday, March 17. The panel discussion on "Fighting a Take-over in the Delaware Courts" included Law Alumni Society Board of Managers member E. Norman Veasey '57, A. Gilchrist Sparks, III '73, and three Delaware Judges: Honorable Andrew D. Christie '49, Chief Justice, Supreme Court of Delaware, Honorable Randy J. Holland '72, Justice, Supreme Court of Delaware, and Honorable William T. Allen, Chancellor Court of Chancery.

REUNION 1989

The Law Classes of 1934, 1939, 1944, 1949 (Feb.), 1954, 1959, 1964, 1969, 1974, 1979, and 1984 celebrated Quinquennial Class Reunions on the weekend of May 19-21, 1989 during the University of Pennsylvania's Annual Alumni Weekend.

On Saturday afternoon, from 1:30 to 3:00 p.m. Dean Robert H. Mundheim hosted a tour of the Law School and honored Jefferson B. Fordham Professor of Law Clyde Summers, who is officially retiring from the Law School. Professor Summers will continue to teach Labor Law and "Rights of Workers" Law. Over one hundred alumni and their families returned to the Law School for the Open House.

That evening, reunion events were held in numerous locations in the Philadelphia area:

The Class of 1934 met for dinner on Friday night of Reunion Weekend for the traditional Fifty Fifth Reunion dinner in the Moot Court Room of the Law School. Reunion chairmen for the event were Arthur Miller and Eugene Fish.

The Class of 1939 convened for their Fiftieth Reunion on Saturday evening for an elegant dinner at the Barclay Hotel. Reunion chairmen were William Fox and Arthur Kane.

The Class of 1944 met for dinner in the home of Barton Ferst who, along with Meyer Kramer and Michael Waris, were Chairs of the reunion. Mr. Ferst hosted the class dinner in his home for the last class reunion also.

The Class of 1949 (Feb.) met for hors d'oeuvres and cocktails in the new home of Marshall and Gladys Bernstein. Dinner was held at Raymond Haldeman's Restaurant. Gordon and Martha Gerber hosted a brunch on Sunday morning, making this the second quinquennial reunion in a row that the Bernsteins and Gerbers hosted parties in their homes.

Do you need legal research materials FAST?

A photocopy service is available from the Biddle Law Library. At your request we will make copies of materials in our extensive collection and send them to you at a cost and speed designed to meet your needs. Within 24 hours we will dispatch the material or respond to you if we are unable to meet your request. Keep our Fee Schedule by your telephone for quick reference. (For Fee Schedule: see page 6)

For further information call Merle Slyhoff, (215) 898-9013, 9:00 a.m. - 5:00 p.m., Monday -Friday.

INTERNATIONAL LAW CAREER FORUM

The International Law Society presented an International Law Career Forum on March 18. The forum featured noted attorneys from the public and private sector, including representatives from Arnold & Porter (Washington, DC), Blank, Rome, Comisky & McCauley (Philadelphia), Sherman & Sterling (New York), Coudert Brothers (New York), the U.S. Treasury Department, the Lawyers' Committee on International Human Rights, and the CIGNA Corporation.

THIRD MID-ATLANTIC TAX CONFERENCE HELD

The Law School, in cooperation with the Section on Taxation of the Philadelphia Bar Association, presented the third Mid-Atlantic Tax Conference on February 4 at the Wyndham Franklin Plaza Hotel in Philadelphia. The conference featured a distinguished group of panelists. The morning session covered estate planning for the closely held corporation and the afternoon session focused on "Taxable and Tax-Free Acquisitions Involving Members of an Affiliated Group."

CONSTITUTIONAL CRISIS LECTURE

Arthur Kinoy, an internationally distinguished legal scholar, attorney and professor of law at Rutgers University in Newark presented a discussion on "The Current Constitutional Crisis" at the Law School on February 23. Mr. Kinoy is the author of *Rights on Trial* (Harvard University Press, 1983). The introduction was given by noted constitutional attorney David Kairys '71, the co-author and editor of *The Politics of Law*. The discussion was sponsored by the National Lawyers Guild and the National Conference of Black Lawyers.

NEWS FROM THE LAW ALUMNI SOCIETY Alumnae Workshop

The Spring Alumnae Workshop was held at the law firm of Hoyle, Morris & Kerr on Wednesday, April 12. The topic, "Women, Money and Power," drew an audience of sixty alumnae and guests, including Wharton alumnae who were also invited to this Law Alumni Society sponsored event. The workshop was led by Ms. Lynn Seltzer, Senior Vice-President of W.H. Newbold's Son and Co., Inc.

This box lunch/workshop focused on financial planning for women who are successful in their professional field but who overlook their capabilities for planning their own financial future. The next Alumnae workshop will be on October 18.

Joanna Charnes, Director of Law Alumni Affairs, would welcome suggestions for topics for the next Alumnae Workshop. Please call (215) 898-6303.

The Class of 1954 held their reunion dinner in the Washington Room of the Four Seasons Hotel. The evening of dinner and dancing was planned by Jerome Apfel, Honorable Edward Blake, Paul and Rose Astor, and Gerry and Arlene Litvin.

The Class of 1959 had a memorable Bucks County/New Hope Reunion. Friday night classmates gathered at Happiness Farm, the home of Bill and Connie Eastburn, for a buffet dinner in their party barn.

Saturday evening, classmates had dinner at Jenny's Restaurant at Peddler's Village. On Sunday, the Eastburns hosted a Bloody Mary Party at their home.

The Class of 1964 held their Twenty Fifth Reunion in the Conservatory of the newly renovated Hotel Atop the Bellevue Saturday evening. On Sunday, Steve and Sandy Cozen hosted a brunch at their home in Villanova. The reunion was organized by Andy Cantor, with support from Frank Baldwin, Harry Begier, Steve Cozen, Beryl Dean and Mike Maney.

The Class of 1969 party was held in the Rose Valley home of Class Agent Jeffrey Stopford. The Twentieth Reunion afternoon and evening was a leisurely event. Sunday brunch was held in the home of Lee and Rose Hymmerling in Haddonfield, NJ.

The Class of 1974 Fifteenth Reunion was held at the Sheraton Society Hill. The Saturday evening dinner was organized by Arlene Fickler.

The Class of 1979 Tenth Reunion was organized by Sandy Mozes and Steve Loeb. The dinner was held at Dicken's Inn at Head House Square in Center City.

The Class of 1984 Fifth Reunion took place on Saturday evening at the Gold Standard on campus. The party was organized by John Chou, Class President.



Public Interest Symposium

A Public Interest Symposium, planned by outgoing President of the Law Alumni Society Howard L. Shecter '68, took place at the Law School on Friday, April 14. The Symposium was held in conjunction with the annual Edward V. Sparer Public Interest Conference sponsored by this Law School. The keynote speaker was Peter Hearn '61, Chancellor of the Philadelphia Bar Association. Following Mr. Hearn, Howard L. Shecter introduced the following panelists for a discussion on how law firms and corporate law departments are fulfilling their public interest practice obligations:

William A. Bradford, Jr., with the law firm of Hogan & Hartson, Washington, D.C.

James D. Crawford, '62, with the law firm of Schnader, Harrison, Segal & Lewis

Lewis S. Rulli, Executive Director, Community Legal Services, Inc.

John T. Subak, Group Vice President and General Counsel, Rohm & Haas Co.

Each panelist described how their respective law firm or corporate law department organizes and administers public interest representations. Mr. Rulli provided insight into the provision of legal services by the Community Legal Services and the relationship between his organization and the law firms to which he refers cases.

The second part of the symposium was a debate between classmates Douglas Frenkel '72, Practice Professor and Director of Clinical Programs at this Law School, and Robert C. Heim '72, Vice Chancellor of the Philadelphia Bar Association: "Should Public Interest Practice Be Mandatory for the Private Bar?"

Moderating this discussion was David Rudovsky, Senior Fellow, Criminal Law and Civil Rights, at this Law School.

The symposium was enlightening to the audience, comprised of law students, alumni and managing partners of Philadelphia law firms, with specific ways public interest practice can be implemented on a corporate level.

Videotapes of this symposium are available. For more information please call, Joanna Charnes, Director of Law Alumni Affairs, (215) 898-6303.

Law Alumni Day

The Annual Meeting of the Law Alumni Society was called to order by President Howard L. Shecter '68 at 5:30 p.m. in Room 100 of the Law School. Mr. Shecter opened the meeting with the President's Report of the year's Law Alumni Society events. The Class of 1989 Officers were then introduced. Charles E. Dorkey, III '73, National Reunion Chair, gave a report on the Quinquennial Reunion Classes which included the location of all quinquennial reunion events and annual giving class gifts to date.

Howard L. Shecter introduced outgoing officers and members of the Board of Managers and presented each with a commemorative book on Penn inscribed by Dean Robert H. Mundheim. The book is entitled *Gladly Learn and Gladly Teach*, and was written by Martin Meyerson and Dilys Pegler Winegrad.

David J. Kaufman '55, Chair of the Nominating Committee, presented the slate of new officers and members of the Board of Managers of the Law Alumni Society:

Gilbert F. Casellas '77,
Philadelphia-President

John DePodesta '69,
Washington, D.C.-First Vice President

Jerome B. Apfel '54,
Philadelphia-Second Vice President

Nancy J. Bregstein '76,
Philadelphia-Secretary

Allen J. Model '80,
Philadelphia-Treasurer

Serving an additional term:

James H. Agger '61, Allentown

Lee M. Hymerling '69, Haddonfield, NJ

Serving an initial term:

Charles E. Dorkey III '73, New York

Arlene Fickler '74, Philadelphia

Ellen Kohn '79, Washington, D.C.

Michael J. Rotko '63, Philadelphia

Gary L. Sasso '77, Tampa, FL

Joel D. Siegel '66, Roseland, NJ

Dean Robert H. Mundheim presented the Dean's Report and spoke about Howard L. Shecter's productive term as President of the Law Alumni Society.

The evening continued with cocktails in the Great Hall. The Guest of Honor at the dinner in the Goat Area was Dean Robert H. Mundheim, who was honored for a very successful term as Dean of the Law School with the Distinguished Service Award, The Goat. The Dean and alumni comments are featured on page 7.

Class of 1952

On Saturday, April 22, the Class of 1952 met at the Law School for a mini-reunion. The morning began at 10:30 with a tour of the Law School, led by Dean Robert H. Mundheim, and concluded with a luncheon in the Moot Court Room. The Class of 1952 day was the idea of Stanton L. Triester '52, who organized the event. Faculty honored at the reunion were Professors John Honnold, A. Leo Levin '42, and Noyes Leech.

Boston Alumni Luncheon

The Boston and New England area alumni had an opportunity to convene for lunch at the Harvard Club on Wednesday, April 26. Dean Robert H. Mundheim discussed the Five Year Plan, the Capital Campaign, plans for the new building and recent additions to the faculty.

Pennsylvania Bar Association Meeting

The Law Alumni Society Cocktail Reception at the Pennsylvania Bar Association's Annual Meeting was Wednesday, May 10 at

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the Hershey Motor Inn, Hershey, PA. As a result of a unanimous Law Alumni Society Board of Managers vote, the Penn Bar Cocktail Reception is now an Open Bar, to be funded by the Law Alumni Society. Forty-five alumni representing over eleven county seats gathered for cocktails beverages and hors d'oeuvres.

Professor A. Leo Levin '42 Honored at Washington, D.C. Annual Alumni Luncheon

On Wednesday May 17, the Law Alumni Society honored A. Leo Levin '42, Leon Meltzer Professor of Law, at the annual Washington, D.C. alumni luncheon held in conjunction with the American Law Institute's annual meeting.

Professor Levin first joined the faculty of this Law School in 1949 as an Assistant Professor of Law. Professor Levin is widely recognized for his expertise in Civil Procedure, Judicial Administration, and Evidence.

A former national president of the Order of the Coif, a fellow of the American Academy of Arts and Sciences and a member of the American Law Institute, Professor Levin is retiring as a full-time member of the faculty this spring.

Board of Managers Meeting

The next Board of Managers Meeting is Wednesday, June 7, 5:00 p.m., in the Moot Court Room of the Law School.

New York Alumni Dinner

The annual New York Alumni Dinner will be held on Wednesday, June 14, at the Princeton Club from 6:00 to 8:30 p.m. Dean Robert H. Mundheim will discuss plans for the new building, recent additions to the faculty, the Five Year Plan and the Capital Campaign.

Robert H. Mundheim, the Bernard G. Segal Professor of Law and University Professor of Law and Finance joined the Law School faculty in 1965. His term as Dean ends June 30, 1989. An internationally known scholar in corporate law and securities regulation, Dean Mundheim graduated from Harvard University and received his LL.B. from Harvard Law School. He practiced law in the New York City firm of Shearman and Sterling, then went on to serve as Special Counsel to the Securities and Exchange Commission.

He was appointed General Counsel to the United States Treasury Department by President Jimmy Carter in 1977, playing a major role in the drafting of the Chrysler Corporation loan guarantee package, in the freeing of Iranian assets in the United States and in heading the Treasury's anti-dumping and countervailing duty programs. He was a member of the team which helped free the American captives in Iran.

Dean Mundheim was director of the Center for Study of Financial Institutions; under his term as Dean the Law School's Center on Professionalism has been established, and the interdisciplinary Institute for Law and Economics has been greatly expanded.

The following comments have been so graciously written by alumni, faculty and friends:

Under (your) leadership, the Law School has moved forward on every single front, strengthening the quality of its faculty and student body, enriching its intellectual life, planning effectively for the future, raising financial support in virtually undreamed of amounts, and pursuing the vision that will result in the construction of a new building. These are a remarkable set of accomplishments.

As one who continues to feel a deep devotion to the Law School that gave me my first academic appointment, I congratulate you upon all that you have achieved during your deanship. The Law School is richer for it. I do hope that you have the great satisfaction of appreciating how much your contributions are admired.

James O. Freedman
President, Dartmouth College
Dean of this Law School 1979-82

It will be five years before the extent of Bob Mundheim's contribution in reviving the Law School will be recognized or have its full impact... Which means that his successor will get credit for five good years no matter what he or she does!

James D. Crawford, '62
National Chairman, Law Annual Giving 1985-87

You know how much I hated to read your memorandum; I had hoped that we might persuade you to remain in office, if not for another term, then for two years... You have accomplished a great deal... I shall miss you very much as Dean, but am reassured by your memorandum that, at least, I shall continue to have the pleasure of your company.

Stephen B. Burbank
Professor of Law

The Dean's leadership in rebuilding the faculty, the library and the physical plant while maintaining a first rate student body has been outstanding. There is no doubt in my mind that (Dean Mundheim's) personal enthusiasm is principally responsible for the growth of the Annual Giving Campaign and the successful launching of the capital fund raising... The kind of leadership (he has) provided is almost impossible to find.

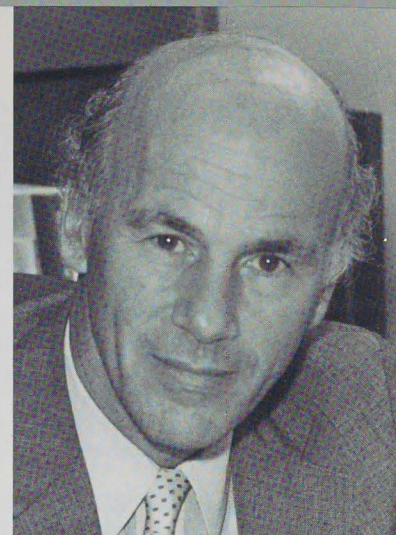
O. Francis Biondi, '58
Law School Overseer,
Delaware Chairman,
Law Annual Giving

I have observed Dean Mundheim's activities over a long number of years. He bears a world-wide reputation in the area of Securities Law; he was outstanding in his service as counsel to the Treasurer of the United States; as Dean of our Law School, he has exhibited sterling leadership qualities in relation to the faculty, the student body, and the Board of Overseers; in addition to his teaching and administrative responsibilities, he has successfully launched the campaign to raise funds for the much needed expansion of the Law School's physical facilities. He has been an inspirational leader; his presence as Dean will be sorely missed by all of us who have had the privilege to know him and work with him.

Sylvan M. Cohen, '38
Law School Overseer,
Chairman, Friends of Biddle
Law Library

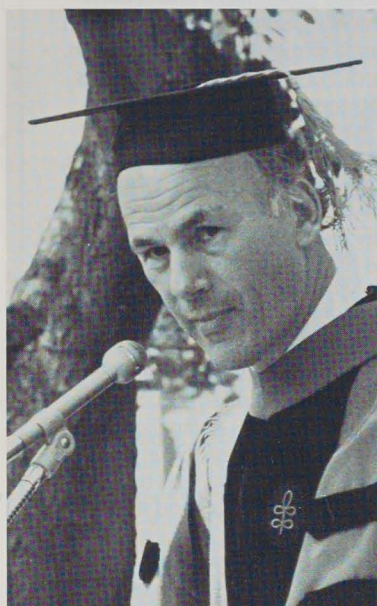
His qualities of mind and heart have endeared him to us, and his efforts and accomplishments for the Law School have inspired our very great appreciation. The improvements in the core elements of the Law School are substantial indeed—the increase in the number and improvement in the quality of the faculty; the almost unbelievable increase in applicants for admission, with the resulting higher standing of those admitted, the improvement in the Library, and the promise of the forthcoming campaign. More recently, the innovation of new areas which he had the Law School enter are truly inspiring. I refer to the Institute for Law and Economics and the Center on Professionalism. Other programs within the "Five Year Plan" and those for the increasing financial well-being of the Law School, now seem assured. Our debt to Dean Mundheim for these, and the numerous other improvements, is very great indeed.

Bernard G. Segal '31
Law School Overseer



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When I first met Dean Mundheim, he was in his second year of teaching at the Law School, fighting an uphill battle to convince those of us in the grip of late sixties turbulence that important public policy issues were intertwined with the law of corporations and the regulations of the SEC. In his quiet and determined way, of course, he succeeded, as he continues to succeed at anything to which he puts his tenacious and probing mind. When he became Dean and was required to become Mr. Public, many wondered whether this extremely private and quiet man would rise to the occa-



HONORED

sion. But any doubts were soon cast aside as Dean Mundheim demonstrated an ability to be an effective spokesperson for the Law School, which has translated into not only record fund-raising, but also a new era of self respect and confidence for the faculty and staff, the student body, and the alumni of this school. He has given all of us a new direction which will provide a course for the Law School for many years to come.

Lawrence J. Fox, '68
National Chairman, Law Annual Giving 1987-89

The Law Alumni Society honored Robert H. Mundheim for his successful term as Dean of this Law School on Tuesday, April 18, on annual Law Alumni Day.

Howard L. Shecter, '68, Outgoing President of the Law Alumni Society, presented Dean Mundheim with the Distinguished Service Award, The Goat. The following comments were made by Mr. Shecter and the other alumni who gave speeches honoring Dean Mundheim:

During (his) years as Dean, (he) has provided the leadership for the Law School to make great strides towards attaining its rightful position among the leading American legal educational institutions. (He) should be extraordinarily proud of (his) accomplishments, including the significant strengthening of the Law School faculty, the re-establishment of strong relations with key alumni around the country, instilling a sense of enthusiasm and excitement in the students, the broadening of the curriculum, great strides in enhancing the development effort, a much needed resuscitation of the library facility, and major progress in achieving the goal of constructing a new law school building.

(His) energy, dedication and vision have made a lasting impression upon our beloved Law School.

Howard L. Shecter, '68
President, Law Alumni Society, 1987-89

Robert Mundheim has meant many things to us, but above all he has been a fine leader of this school and a good citizen. Bob has been instrumental in putting together an outstanding program on Law and Economics and in fashioning a most innovative course on Legal Ethics. Underlying Bob's attentive repose...is a kindness and gentility that all who work with him have come to respect and admire. These virtues have made it possible for Dean Mundheim to lead his colleagues in keeping the school abreast of the rapid changes of our day.

Throughout his tenure he has revered the School as an institution. He believes, and I believe strongly, that its influence depends on its scholarship, integrity, and the way the faculty and administration deal with the students.

Honorable Arlin M. Adams, '47
Chairman, Law School Board of Overseers

We have never doubted his recognition of the importance of the alumni in the life of the school; or his reliance on us, the alumni, for the moral and financial support to sustain the University of Pennsylvania Law School. We have never doubted his deep affection for the school; nor the strength of his purpose to improve it for future generations of students under the tutelage and inspiration of a great faculty.

The life of a Dean is not an easy one. Though it has as its compensation the ability to lead and serve, Dean Mundheim has led us to a position of promise. As we prepare for greater effort to reach the promised land, we are grateful for his past leadership that will enable our Law School to go from its present strength to greater strength and in whatever he may choose to use his great talents, we will wish him well.

Honorable Norma L. Shapiro, '51
Law School Overseer

In recent years, the school established public interest scholarships for students willing to commit to practice public interest law upon graduation. Four such scholarships are currently funded, the school hopes to build the program to twelve with four students in each class, and has requested funding for eight scholarships in the coming fall. I believe this demonstrates the Dean's desire to foster an educational environment where law practice in the public interest is truly valued.

Henry Klehm, '88
Class Agent

The average tenure of a Dean is less than half of Bob's in the law school world today: 3.2 years. And it's awfully hard to find people interested in it. This is viewed as the plum Dean-ship...In large measure because of what Bob has done over this period and where the school is as it's really prepared to soar to new heights of greatness.

We are very, very fortunate... to have had (Dean Mundheim's) leadership over this past period. I feel personally grateful. So many of my colleagues and the students feel the same way. I think all of you share in that warm good feeling, that glow that comes over you that a certain fruitful, crucial period has passed with just the right hand at the helm.

Leon Meltzer Professor of Law
A. Leo Levin, '42

Ronald L. Olson is an experienced litigator and has been involved in numerous cases of national consequences. His field of specialization is commercial litigation — antitrust, securities, commercial contracts, and business torts. A Rhodes Scholarship finalist at Drake University, Mr. Olson earned his J.D. from the University of Michigan in 1966, where he served as assistant editor of the law review. He attended Oxford University and received a Diploma in Law in 1967.

Mr. Olson is a partner with the Los Angeles firm of Munger, Tolles & Olson. Before joining the firm in 1968, he served as a clerk to Chief Judge David L. Bazelon of the United States Court of Appeals for the D.C. Circuit and later as an attorney for the United States Department of Justice.

Mr. Olson has represented notable clients in highly publicized cases. He represented the government of the Philippines in an action against Ferdinand Marcos and others to recover assets worldwide that were taken illegally during the Marcos regime. He represented three major guilds that included the Writers and Actors Guilds, and several major television producers, including Norman Lear, in an action against the major networks and the FCC challenging on First Amendment grounds the implementation of the “Family Hour.” As the attorney representing Union Oil Company of California, he recovered over \$100 million from an electric

utility that cancelled two nuclear power plants and sought to avoid a contractual agreement to purchase 15 million pounds of uranium concentrate.

Active in the professional community, Mr. Olson is a fellow of the American College of Trial Lawyers and the American Bar Foundation. He currently serves as chairman of the Executive Committee for the Central District of California Ninth Circuit Judicial Conference, as a member of the ABA Standing Committee on the Federal Judiciary, and as section delegate to the House of Delegates of the ABA Litigation Section. On the community affairs side, he currently serves as a fellow of the Society for Values in Higher Education, as chairman of the Board of Fellows of Claremont

University Center and Graduate School, and as a member of the Board of Directors of the Los Angeles Festival.

Mr. Olson’s extensive litigation experience and participation in professional and community organizations have earned him a reputation of excellence both in and out of the courtroom. The University of Pennsylvania Law School is honored to have him as their the fifth Irving R. Segal Trial Advocacy lecturer.

On Tuesday, February 28, Ronald L. Olson, a partner with the Los Angeles firm of Munger, Tolles & Olson addressed an audience of law students, faculty and alumni for a lecture on “Litigation and Your Profession in the Year 2000”.

The lecture was the fourth in a series of Irving R. Segal Lectureships in Trial Advocacy established in honor of Irving R. Segal, ‘38 senior partner at Schnader, Harrison, Segal & Lewis by his friends, partners & families.

Mr. Segal has argued extensively in state and federal courts of the nation, and has lectured widely on the techniques and strategies of trial appellate practice.

Mr. Olson began his lecture on the future of litigation by reminiscing about one of his earliest trials, in which he was trying a case against a senior member of the bar, a man who impressed Mr. Olson with his litigation skills, oratory and finesse: The attorney was Irving R. Segal.

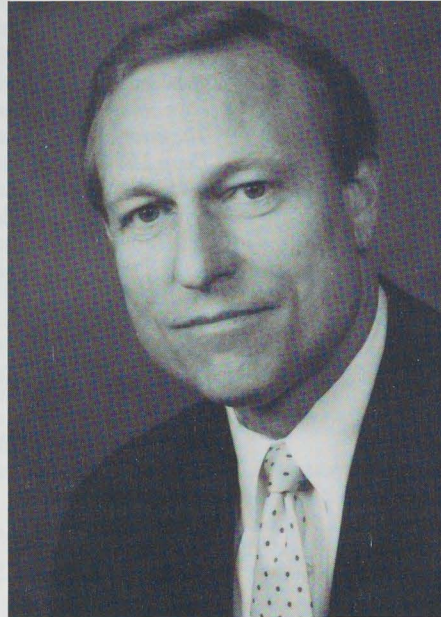
Mr. Olson has had substantial experience and success as a litigator since his early days in the courtroom, and spoke about the current state of the litigation process:

“Litigation has become this nation’s secular religion. Litigiousness is more of a social phenomenon than a legal one. The litigation process has become more democratized. Increasingly, the plaintiff is the one who is economically disadvantaged.”

In pointing out the aspects of litigation that are by no means ideal, Mr. Olson stated, “Litigation is very cumbersome, tedious and expensive. Litigators are (often times) the only ones who can solve the differences.”

However, in recognizing that the litigation process is by no means perfect, Mr. Olson emphasized that it is still, “one of society’s most important counter balances.” Mr. Olson continued his lecture by predicting what the state-of-the-art will be for future litigators:

“By the year 2000 there will be over one million lawyers... Companies will have systems for supplier disputes and customer disputes.” Mr. Olson strongly believes that there will be a continuing move to institutionalize dispute resolutions. “Mediation services will have been created. State-wide funding will be in place for alternative dispute resolutions.”



The **IRVING R. SEGAL** Lectureship In **Trial Advocacy**

GUEST LECTURER

RONALD L. OLSON, Esq.

LITIGATION AND YOUR PROFESSION

IN THE YEAR

2,000

Continued on page 18



P E N N S Y L V A N I A L A W P E R I O D I C A L

IN THE NEWS

Steven A. Arbittier '63, senior partner in the Litigation Department of Wolf, Block, Schorr & Solis-Cohen and counsel for Sands Hotel & Casino, was successful in winning \$14 million in damages and lost revenues in his client's case against Perini Corporation. As Mr. Arbittier explained in *Lawyer's Digest* (March, 1989), "The significant part of the case is that we were able to prove that the casino actually lost gambling business during the summer of 1984 because construction was incomplete."

Richard I. Beattie '68 was quoted in the *National Law Journal* (2/27/89) in relation to the question: "M & As: Serving or Sabotaging the Economy?" Mr. Beattie remarked that "Leveraged companies have demonstrated a strong ability to survive economic adversity.... leveraged buyouts have occurred in many sectors of the economy which have not shared in the general prosperity of the past several years, and these buyouts have survived well. The reason for this high survival rate is that the people who sponsor and finance leveraged buyouts are highly cognizant of the business cycle, and test debt repayment projections against recession and high interest rate scenarios..."

Fred Blume '66 was featured in a *Legal Intelligencer* article concerning the recent acquisition of Braniff Airlines by a group headed by Jeffrey Chodorow '75. The article, "In Face of Adversity City Lawyer Lands Deal to Rescue Airline" (1/20/89), discussed Mr. Blume's role in the deal, which was the first leveraged buyout in the history of the airline industry.

Marshall Breger '73, a visiting professor at the Law School, was designated senior adviser to the director of policy development for President Bush's transition team. He currently serves as chairman of the Administrative Conference of the United States, an independent federal agency that develops recommendations for improving the government's administrative processes. Mr. Breger served as special assistant to President Reagan from 1983 to 1985.

Anita De Frantz '77 was featured in the *Massachusetts Lawyers Weekly* and the *Los Angeles Sentinel* for her important role as a member of the International Olympic Committee, U.S. Olympic Committee executive board, and a trustee of the Women's Sports Foundation and the U.S. Olympic Foundation. An activist for wider sports involvement, Ms. De Frantz now heads a private, nonprofit institution created by the Los Angeles Olympic Organizing Committee to manage Southern California's 40 percent share of the 1984 Games surplus. The institution awards grants for a variety of amateur sports projects in the area.

Joseph P. Flanagan, Jr. '52 was quoted in an article which appeared in the *Legal Intelligencer* on January 5. The article, "City Firm 'Bonded' to Public Works" discussed the rapid growth and success of the public finance department at the Philadelphia firm Ballard, Spahr, Andrews & Ingersoll. The firm led the nation in 1987 as counsel for bond issues that financed municipal resource recovery projects, and as Mr. Flanagan notes, "There is no one even close to us in the city."

Honorable L. Anthony Gibson '64 was featured in *The Press*, Atlantic City, NJ (1/25/89) as among the top Superior Court judges in New Jersey. In a survey rating 255 Superior Court judges released by the *New Jersey Law Journal*, Judge Gibson ranked among the top five judges in the state and was rated number one in the Atlantic and Cape May districts. Lawyers were asked to rate judges on a scale of 0 to 10 on knowledge of the law, promptness of decisions, ability to handle complex matters, demeanor, ability to foster compromise and overall competence.

Marcia Greenberger '70, attorney for the National Women's Law Center, represented the Chicago advocacy group "Women Employed" in its sex discrimination case against Harris Trust and Savings Bank of Chicago. The case involved a record \$14 million settlement for the group. In an article in the *San Francisco Chronicle* (1/11/89), Ms. Greenberger said the number of employees involved in the settlement is "in the thousands."

Sam Halpern '27 was featured in an article last summer in the *Coatesville PA Record* for his successful 61 years of practice of law, the last 43 of which have been spent in Chester County, PA. At 85 years of age, Mr. Halpern is the oldest practicing attorney in Chester County.

Peter Hearn '61 was featured in an article which appeared in *The Legal Intelligencer* (12/9/88) entitled "Hearn Pledges Judicial Reforms." As chancellor-elect of the Philadelphia Bar Association, Mr. Hearn says that merit selection, the resolution of the city's tax crisis and making local courts work are the challenges facing the association next year. He says, "Public confidence in our court and in the

fairness of its judgments has been badly damaged. We must change. For many reasons, I can report to you that achievement of this aspiration of decades may be close at hand."

Robert C. Heim '72 was profiled in an article which appeared in the *Philadelphia Business Journal* (12/12/88). The article discusses Mr. Heim's legal career and recent election as vice-chancellor of the 11,000 member Philadelphia Bar Association. Mr. Heim is a senior partner at Dechert, Price & Rhoads.

Steven A. Kauffman '73 was profiled in "The Philadelphia Lawyer section" of *The Legal Intelligencer* (2/22/89). The interview discussed Mr. Kauffman's entry into the professional sports world as a player agent. Among his clients are Glenn "Doc" Rivers, Charlie Criss and John Battle of the Atlanta Hawks; Tree Rollins of the Cleveland Cavaliers; Terry Tyler of the Detroit Pistons, Jerome Brown of the Philadelphia Eagles; and Ron Darling of the New York Mets. Mr. Kauffman previously served as the first commissioner of the Continental Basketball Association.

Benjamin Lerner '65, the head of the Philadelphia Public Defender Association, was quoted in an article which appeared in *The Legal Intelligencer* ("Supreme Court to Hear Drug Profile Case" 1/10/89). The article discussed the constitutionality of the so-called "drug courier profile" used by law enforcement officers, especially the Drug Enforcement Agency, to stop drug trafficking. Mr. Lerner states, "There's an inherent danger when a judgment is based on an official's hunch rather than an objective observable criterion. How many innocent people are detained in the utilization of a plan to get someone carrying something? For each hit, how many misses are there?"

Gilbert Malone '63 was profiled in the *York (PA) Daily Record* (10/11/88). A municipal solicitor, Mr. Malone represents five townships and one borough, and is highly respected throughout York County for his expertise and advice. As noted in the article, Mr. Malone takes great pride in the work he is doing: "As a solicitor, I feel I'm contributing something and I think things in those communities are better since I've been there."

Honorable Jack K. Mandel '61, of the Superior Court of Orange County in California, was profiled in the *Los Angeles Daily Journal* (7/28/88). A family law expert with a seven-year track record for speedy pretrial settlements, Judge Mandel was chosen to head a pilot program aimed at settling disputes before they go to trial. Now in its second year, the program boasts an 85 percent to 90 percent success rate, thus freeing the courts to handle cases that need to be tried.

Continued on page 22

BANKRUPTCY



Elizabeth Warren

Who is in Bankruptcy?

The bankruptcy files are a cross-section of America. There are some important subgroups in bankruptcy, but the data generally show that the bankrupt debtors are not an isolated class. These bankrupt debtors are not all—or even mostly—day laborers and household maids living in squalid apartments on the wrong side of the tracks. More than half are homeowners, and they work at pretty much the same jobs as the rest of us. While it is important that further research focus on the special problems of some of the subgroups we have identified, our sample indicates that the financial trouble that leads to bankruptcy can be found anywhere in our communities and that no social or economic group is immune from it.

We began with a metaphor, the bankruptcy courts as hospitals for the treatment of the financially diseased. The compelling fact about bankruptcy in the 1980s is that a growing number of Americans—now approaching half a million a year—find themselves filing for bankruptcy. Researchers faced with a dramatic increase in hospital admissions would look to see if the increases were a product of doctors and patients collaborating in unnecessary admissions, using hospital beds for people with minor injuries or illnesses. In our analogous investigation of bankruptcy, we have found that most of the people in our bankruptcy sample were very sick financially, weighed down with

debts far beyond their capacity to pay them. We did find a small group, perhaps 5% of the bankrupt debtors, who may be abusing the system—or who may have more complicated tales of distress than an analysis of the numbers in the files reveals—or who may have been badly advised by lawyers anxious to process cases in a high volume practice, rather like physicians who administer unnecessary treatment.

Finding a small group of potential abusers raises the same question in any system: what should be done to identify and deal with the abusers and how high a cost should be borne to support that effort? But the key finding in these data is that the problem of abuse is one that should be dealt with as an aberration, not as the guiding issue in structuring the system. Overwhelmingly, this system treats those who need it.

Subgroups: Women, Entrepreneurs, Junkies, and All the Rest

Perhaps the most dramatic finding in our Study is its confirmation of the marginal economic position of American women, especially women heading their own households. This is a finding that is as much about people not in bankruptcy as about bankrupts, because our findings highlight the fact that millions of women are living on the edge of financial disaster.

Women are consistently underpaid compared to men throughout the population. The difference between single women in and out of bankruptcy is to a large extent the availability of outside support, over and above a woman's own earnings. Aside from the terrible lack of independence implied in that finding, dependence on outside support combines with low incomes to make single women extraordinarily vulnerable to financial disruption. Our data show that a relatively slight dip in income or a small unexpected expense is often enough to

throw a family headed by a single woman over the financial edge into bankruptcy.

The social ills that underlie these findings extend far beyond the reach of the bankruptcy laws. But these facts emphasize and particularize the impact of bankruptcy laws on people at the fringes of the middle class. As a group, single women are so close to financial collapse that many enter that financial twilight zone where people are too broke to go bankrupt. Indeed, these data raise the suspicion that single women are underrepresented in bankruptcy because many are too poor to obtain credit in the first place or to seek legal help when their bills overwhelm them. Any proposed change in the law that complicates the bankruptcy system, making legal help more expensive, would have a disproportionate impact on single women. Our sample contains men and married couples in equally desperate straits, but the close financial comparisons between women in and out of bankruptcy combined with the low incomes, assets and debts for single women in bankruptcy suggests that these women live with special economic vulnerability.

Our data also show that married women who have chosen a traditional role, staying at home as a housewife and mother, are more at risk for bankruptcy than are those who join the national trend of two-income families. The disproportion of nonworking spouses in bankruptcy is striking and serves, among other things, to discount the stereotype of couples who work and park the children in day care to gather a glut of material possessions. The bankruptcy data sound a different caution that the middle-class wife who does not work may be an endangered species.

Another high risk group uncovered in the bankruptcy data are the entrepreneurs. Long heralded as the backbone of the capitalist system, their needs were presumably taken care of by the Chamber of Commerce and the Small

Elizabeth Warren,
Professor of Law at this
Law School is coauthor of the book
As We Forgive Our Debtors, Oxford Press,
which will be available in bookstores this fall. The
book is the culmination of a comprehensive study based
on Bankruptcy in Ten Judicial Districts including Pennsylvania,
Illinois and Texas undertaken by Professor Warren and two
colleagues from the University of Texas at Austin. The
book will also be featured in the Indiana Law
Journal with reviews from judges, practi-
tioners, legal academics, sociologists,
and political scientists.



Business Administration. Many academics have dismissed the financial problems of small business owners, suggesting that they are protected by corporate limited liability so that personal discharge is irrelevant to coping with business debt. Our data thoroughly dispose of that complacent assumption. Many thousands of Americans go into personal bankruptcy each year as the price of an entrepreneurial system that includes a high risk of failure for small businesses.

One of the discoveries in these bankruptcy data are a group of formerly self-employed debtors. These debtors have found a job by the time of filing, but their financial collapse derives from failure of a small business. The 10.4% of the debtors in the bankruptcy sample currently in business at the time of filing are nearly matched by the 9.6% who are formerly self-employed, combining to make one in five people in bankruptcy a failed entrepreneur.

The identification of this hidden group of entrepreneurs enables us to understand the very large role that business debts play in individual bankruptcies. Entrepreneurs are nearly three times more likely to go into bankruptcy than are their wage-earner counterparts in the general population. The self-employed and formerly self-employed make up about 20% of our sample, but they account for more than half of all its debt. When those facts are combined with the discovery that business debt is much less fully secured than consumer debt, it is apparent that commercial lending makes up a very large part of the total creditor exposure in individual bankruptcies.

The significance of this finding reverberates throughout all the announced data on bankruptcy. It highlights the misleading nature of aggregated statistics about so-called consumer bankruptcies when one in five involve small business failures and half of all the debt listed is from entrepreneurs with staggering commercial debts. It also demonstrates that the only regularly collected bankruptcy data, the statistical summaries of the Administrative Office of the Courts, is highly misleading. The business-personal distinction in the AO statistics, based on status at the time of filing (and then on erratically applied criteria) is virtually meaningless, and the analyses that have depended on that classification are fatally flawed. These data suggest that even the little we thought we knew about individual bankruptcies has not given us a reliable picture.

Other groups in bankruptcy may be more notable for who was not there than for who was. We found some debtors who took bankruptcy to deal with crushing medical debts, some who seemed unable to resist the lure of their credit cards, and some who waltzed through the bankruptcy courts more than once, but their numbers were surprisingly small. The vivid stories about declaring bankruptcy at the conclusion of a catastrophic illness or after a wild spending spree with enough plastic cards to cover the living room floor are just that—vivid stories. They may be true, and they

are certainly noteworthy when they are. But these data also show they are aberrational. Reality is far more sedate.

The grim fact for the debtors in bankruptcy is that few had flashy stories to tell. Most were tales of debtors who worked alongside the rest of the population, who took on greater debts and who frequently suffered an interruption in their incomes, until they eventually found themselves in circumstances with their incomes and debts hopelessly out of balance. Most faced a point where they could not possibly repay their debts because interest charges were mounting faster than their incomes could possibly cover. Many filed bankruptcy as the only way to stop their slide deeper and deeper into a financial black hole. The stories were often sad, and many represent human pain that we try not to dismiss, but newspaper headlines they were not.

Causes of Bankruptcy

As we said at the Outset, it is fundamentally misleading to claim to explain the “causes” of bankruptcy, as opposed to isolating various factors that contribute to the decision to file a petition in Federal court. On one level, of course, the cause of bankruptcy is self-evident. Bankruptcy is caused by debt. If there were no debt, there would be no bankruptcy. This simplistic formulation is not as silly as it seems, because it starts the inquiry with the central proposition that bankruptcy is a function of debt. Our data confirm the perspective, showing that people in bankruptcy have enormous debts in relation to their incomes, far out of proportion to the great bulk of the population.

Nonetheless, the inquiry cannot stop there, because only about 4% of the population files bankruptcy each year, even though undoubtedly many more people have seriously distorted debt-income ratios. Some people in financial

trouble file bankruptcy, others muddle through, others run away, and still others stick up convenience stores. Because we have not studied the population of people in serious financial trouble who do *not* file bankruptcy—a monumental task and one that may be impossible even in concept—we cannot say for sure what distinguishes those who file from those who do not. What we can say is that avoiding bankruptcy is not necessarily the same as choosing a socially acceptable and healthy alternative. Running away or robbing a store are not better solutions. The only alternative to bankruptcy that is appealing to most of us is paying one’s bills. And that is the one thing most people in our sample cannot do.

This emphasizes the distinction between an increase in a particular type of legal proceeding—bankruptcy—as a response to financial trouble and an increase in financial trouble itself. We study the bankruptcy data partly to understand that system, but also partly as a clue to an increase in financial trouble generally that is much harder to examine.

While the recent increases in bankruptcy are striking, they are part of a long-term increase that has been plotted throughout the Twentieth Century. There have been peaks and valleys over the last ninety years, but each turn of the wheel has left bankruptcy filings at an ever higher plateau. During that time the population has risen greatly, but there has also been a steady increase in filings per thousand people. The rise in bankruptcy has, in a very general sense, been coincident with the rise in consumer debt. Both have increased greatly throughout the century.

Again, the truism that bankruptcy is a function of debt is the starting place for any analysis. The debt to income ratio for consumers in America has steadily risen throughout the century and come to a crescendo in the 1980s. These data show that the most distinguishing characteristic of bankrupt debtors is their high debts in relation to their incomes. The constant increase in debt for all Americans has served as the driving engine of the American economy and therefore of the world economy, but it also has meant that ever more American consumers have debt-income ratios that make them candidates for bankruptcy.

There has been a long-continuing debate about the growth of consumer debt in the United States, with some arguing that it has become pathologically overextended, while others insist that it has remained relatively stable, when other factors are considered. The debate is complex and technical. Our findings do not resolve the question, but they add to an understanding to the troubled edges of credit growth. Our data reveal some of the factors that have increased the numbers of Americans in financial difficulty, increasing the pool from which bankrupt debtors come.

Conclusion

In the final analysis, the findings of the Consumer Bankruptcy Project are both reassuring

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“Perhaps the most dramatic finding in our Study is its confirmation of the marginal economic position of American women, especially women heading their own households.”

OUR CONSTITUTION

THE DARKER SIDE

Hon. Edmund B. Spaeth, Jr.

On April 20 of last year, the Honorable Edmund B. Spaeth, Jr., Senior Fellow at this Law School and Head of the Center on Professionalism, delivered a talk at the "Bread Upon the Waters" Free Public Lecture sponsored by the College of General Studies Special Programs.

Our celebrations last year of the 200th anniversary of our Constitution were filled with the light of Reason. As we reflected on the growth of our country under its shelter of law, we came to understand, with more clarity, perhaps, than ever before, that our Constitution rests on, it exemplifies, the conviction that we are rational beings — that our world is neither vengeful nor capricious but regulated by laws, which we have the power to discover. Its every clause assumes a correspondence between our own innermost selves and all about us, and the government it creates is designed to enable each of us to realize and enjoy the powers that inhere in all of us alike. Tonight, I should like to explore with you the darker side of our law. My argument will be that the wonderful creation we celebrated last year is in peril, and that if the process it prescribes is to continue to function as intended, we must rethink and redefine the role we wish to play on this "fragile planet" we share with 50 many others.

The Constitution, in our view, represents the delegation by the people of so much of their sovereign power as they deemed it appropriate for their government to have. Without a government, the premise is, the strong will oppress the weak. The role of government is to prevent such oppression, so that each of us may pursue life, liberty, and happiness. Beyond that, government has no role. It is not a Leviathan, with a soul of its own. It is our creation, its powers limited to those we have given it so that it may serve us.

These limited powers are enumerated in the Constitution and are divided among the Congress, the President, and the courts. The division is not sharp but interlocking. For example, while "legislative Powers granted [by the People] [are] vested... in a Congress... consist[ing] of a Senate and House of Representatives," the President is granted the power to disapprove of any bill enacted by the

Congress, in which event the bill will become law only if reconsidered and approved by two thirds of both Houses of the Congress. Similarly, the President is granted the "Power... to appoint Judges of the Supreme Court," but only "by and with the Advice and Consent of the Senate." And the Supreme Court may declare an act, either of the Congress or of the President, "entirely void," if in the Court's view the act is "repugnant to the Constitution." Beyond such constraints are the constraints incorporated in and imposed by the Bill of Rights and the Fourteenth Amendment, which together forbid the Congress, the President, and the States to invade or deny our fundamental rights, the preservation of which is our government's only role — the right, for example, to freedom of speech, or "to be secure in [our] persons, houses, papers, and effects, against unreasonable searches and seizures," or not to be deprived of "life, liberty, or property, without due process of law."

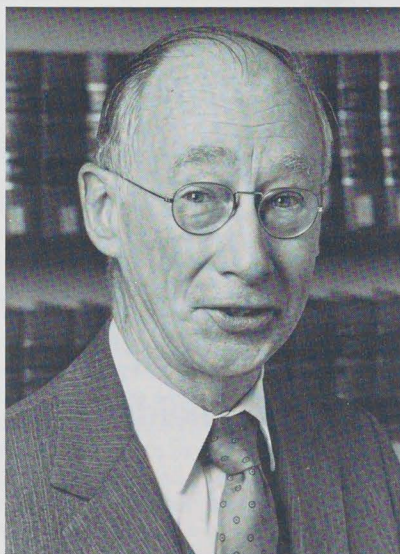
It is this system of limited, enumerated, divided powers that we celebrated last year. And we were right to celebrate. For our Constitutional process has proved both sturdy and flexible. True, the process nearly failed, to be repaired only by civil war and Constitutional

amendment. Nevertheless, as our sense of justice has expanded, so have the great clauses of our Constitution expanded. Blacks, women, persons accused of crime are afforded protections once denied. Without question, we have far to go before we may say that all who live in our country enjoy "the equal protection of the laws." Nevertheless, it is neither complacent nor callous to say that a great deal has been achieved, and that further achievement may be expected.

But when we turn from our domestic affairs to our foreign affairs, we may make no such claim. There, we have no cause to celebrate. There, instead of an expanding sense of justice, a record of achievement, a sense of growth, we find uncertainty and confusion, our thinking locked in the past.

As we consider this unhappy contrast, the starting point, I suggest, is our theory of government. As regards the conduct of our domestic affairs, the Constitution is plain that our government is a government of limited powers. The prescribed process may be summarized by saying that no federal official may do anything without first finding a provision in the Constitution granting the power to do the contemplated act, and then making sure that there is not some other clause that forbids the act as an invasion of our individual rights. Is the Congress contemplating enacting a bill to regulate the manufacture of goods? Perhaps it may do so under Article I, section 8, which empowers the Congress "[t]o regulate Commerce among the several States." But the regulation must not violate the provision of the Fifth Amendment that no one may be "deprived of ... liberty, or property, without due process of law." As regards the conduct of our foreign affairs, however, what is our theory of government? Is the government still a government of limited powers, enumerated in the Constitution?

This question was considered by the United States Supreme Court in a famous — some would say notorious — case, *United States v. Curtiss-Wright Export Corp.* There the issue was whether Curtiss-Wright could be indicted for conspiracy to sell arms to Bolivia in violation of an embargo proclaimed by President Franklin Roosevelt. The President had acted by the



Hon. Edmund B. Spaeth, Jr.



authority of a joint resolution of the Congress. Curtiss-Wright argued that the joint resolution was an unconstitutional delegation of legislative power. In examining this argument, Justice Sutherland, for a majority of the Court, found what he described as “fundamental” differences “between the powers of the federal government in respect of foreign or external affairs and those in respect of domestic or internal affairs.” The federal government’s domestic powers, Justice Sutherland said, were carved out of the powers once possessed by the States; these are the powers enumerated in the Constitution as affirmative grants to the several branches of the government, such as the power to regulate commerce granted to the Congress by article I, section 8. But the government’s “powers of external sovereignty,” as Justice Sutherland called them, “did not depend upon [such] affirmative grants of the Constitution. This was so because, while the States possessed the power to conduct domestic affairs, some of which power could therefore be taken from them and given by the Constitution to the federal government, they never possessed the power to conduct foreign affairs.

From what source, then, did the federal government derive the power to conduct foreign affairs—the power, for example, to declare war, or to make treaties? As we’ll discuss in a moment, these powers are in fact mentioned in the Constitution. But, said Justice Sutherland, “if they had never been mentioned in the Constitution, [still they] would have vested in the federal government as necessary concomitants of nationality.” If this seems mysticism, it is nevertheless the mysticism of the modern world—the world of the nation-state, of sovereignties with interests of their own that may transcend the interests of individual citizens.

The point is fundamental. When our government conducts its domestic affairs it acts on us—on individuals. We must, for example, pay taxes demanded of us by the Congress. As regards such domestic action by the government, the Constitution imposes many constraints—and we have just mentioned some of them. But when our government conducts its foreign affairs, as, for example, when it makes treaties, or provides foreign aid, or severs diplomatic relations, or in the most extreme situation, declares war, the Constitution imposes no comparable constraints. It does not say that the government may not deny any nation due process or equal protection of the laws. And, of course, it could not say anything like that, for other nations are not subject to our law; as our government has no power to grant them equal protection of the laws, it equally has no power to deny them such protection.

The question remains, Who in the government is responsible for exercising the government’s powers of external sovereignty? Generally stated, the Constitution’s answer is that the President and the Congress are.

As between these two, the Constitution, on its face at least, gives the President “strikingly little” power. Article II provides that the President “shall have power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators

**“Let us try to see
ourselves and those about
us in a different light: not
as citizens of separate
nations, but as individuals
inextricably and
increasingly dependent on
one another.”**

present concur; that he “shall appoint Ambassadors,” also “by and with the Advice and Consent of the Senate;” and that he “shall receive Ambassadors and other public Ministers.” That’s all—unless one wishes to add the provision that the President “shall be Commander in Chief of the Army and Navy of the United States.”

To be sure, interpretation may make this grant of power not so meagre. The power to appoint and receive ambassadors, it may be argued, implies the power to recognize other governments; to establish relations with them; to instruct the ambassadors on what to say, and thus, to determine and declare the foreign policy of the United States. In any event, as we know, the President’s power as regards the conduct of our foreign affairs is anything but meagre. It transcends, if it does not eclipse, the power of the Congress.

The reasons for this were explained by Justice Sutherland in the *Curtiss-Wright* case: *Not only... is the federal power over external affairs in origin and essential character different from that over internal affairs, [the Justice said], but participation in the exercise of the power [by the Congress] is significantly limited. [T]he President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent to the Senate; but he alone negotiates [W]e are here dealing [the Justice continued] with... the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations... [I]f, in the*

maintenance of our international relations, embarrassment... Is to be avoided and success for our aims achieved, [the Congress]... must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not [the] Congress, has the better opportunity of knowing the conditions which prevail... He has his confidential sources of information. He has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered by them may be highly necessary

As a description of political reality this statement is very telling, and certainly it will encourage a President determined to have his own way. It is nevertheless plainly wrong. For under the Constitution the President is *not* “the sole organ of the federal government in the field of foreign relations.” Great power is also granted to the Congress. Not only may the Congress withhold its consent to the appointment of an ambassador or the making of a treaty, it may otherwise impose upon the President its own concept of foreign policy. Only the Congress may “lay and collect Taxes;” without Congressional appropriation, the President will have no money even to build an embassy much less for foreign aid. And while the President is Commander in Chief of the Army and Navy, only the Congress may “raise and support Armies,” “provide and maintain a Navy,” and “regulate Commerce with foreign Nations.” And finally, only the Congress may declare war.

As Professor Henkin has observed in his notable study of foreign affairs and the Constitution, the uncertainty resulting from this division of power between the President and the Congress

should not be exaggerated: much is clear, and the relations of the United States are conducted every day with reasonable efficiency within the constitutional framework. The President conducts foreign relations, and no one challenges his authority and responsibility even when Congresses resolve and Congressmen travel and talk and televise. The President largely makes foreign policy... [and] [t]here is generally little disposition even to challenge his use of troops for foreign relations purposes where they are not likely to become involved in fighting.

But while this may usually be the state of our affairs, it has not always been so. And it isn’t so today. The confrontations between President Reagan and the Congress on the issue of what should be our foreign policy toward Central America; the proper interpretation of the SALT treaty; the secret sale of arms to Iran; and before these confrontations the confrontations between President Johnson, President

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Nixon, and the Congress regarding the never-declared Vietnam war — all are recent examples of how the Constitution's division of the power to conduct our foreign affairs has produced the most profound turmoil and bitterness.

In other situations of Constitutional crisis we have turned to the courts. The power of the federal government to respond to the Great Depression of the 1930s was ultimately defined by the Supreme Court's interpretation of the provision in the Constitution that "[t]he Congress shall have Power... [t]o regulate Commerce... among the several States ..." The turning point in Watergate was the Supreme Court's order requiring President Nixon to surrender his tapes. May black children go to public schools with white children? May a woman terminate her pregnancy? May a criminal be put to death? And so on, and on. As has often been remarked, echoing de Tocqueville, sooner or later, it seems, every major issue in our society ends up defined in the adversarial terms of a law suit, in which one party asserts that the other party has denied or ignored rights guaranteed, or procedures prescribed, by the Constitution.

And so it has been with issues involving the respective Constitutional authority of the President and the Congress to conduct our foreign — affairs but with a difference. When the issues have involved our domestic affairs, the courts have been responsive, declaring conduct both by the President and the Congress unlawful as forbidden by the Constitution. When the issues have involved our foreign affairs, the courts have consistently denied relief.

We cannot take time to review the cases, but Professor Henkin's summary of them is still accurate; he reports

no case in which the Supreme Court [has] invalidated a statute, treaty, or executive act intimately related to foreign affairs on the ground that it was beyond the power of the federal government

Sometimes the Court has relied on technical doctrines. Thus it may abstain from deciding the merits of a case challenging the conduct of our foreign affairs on the ground that the courts should [n]ot decide what have come to be called "political questions." Although the Court has been careful to say that

it is error to suppose that [the political question doctrine means that] every case or controversy which touches foreign relations lies beyond judicial cognizance,

still, it has emphasized that

not only does resolution of such issues frequently turn on standards that defy judicial application, or involve the exercise of a discretion demonstrably committed to the executive or legislature; but many such questions uniquely demand single-voiced statement of the Government's views.

Other times, as in the *Curtiss-Wright* case, the Court has decided the merits of the case, and

has concluded to uphold the Government's conduct.

But whatever their reasoning, the cases make plain the courts' reluctance to intervene in the conduct of our foreign affairs. Although, as I just remarked, we cannot review the cases, a few examples will illustrate the point. In *The Prize Cases* the Court upheld President Lincoln's blockade of the Southern ports, with the observation that

[w]hether the President in fulfilling his duties, as Commander-in-chief, [had acted properly in the circumstances, was] a question to be decided by him and this Court must be governed by the decisions and acts of the political department of the Government which this power was entrusted.

In *Hirabayashi v. United States* the Court upheld an executive order, ratified by the Congress, requiring the removal of over 100,000 Japanese-Americans from the West Coast. In *Mora v. McNamara* the Court refused to review a lower federal court's decision dismissing an action by Army draftees claiming that American military activities in Vietnam were "illegal."

Now, then, some of you may think, from this highly selective reference to the cases, that my purpose is to chastise the courts — to suggest that while in cases involving our domestic affairs the courts have been courageous — even,

**“By dividing the power
to conduct foreign affairs
between the President
and the Congress, the
Constitution invites them
to cooperate.”**

sometimes, noble — in cases involving our foreign affairs they have been timid — even, sometimes, craven. I don't mean that at all. It is striking that the Supreme Court has granted relief, for example, to a prisoner in response to his handwritten petition complaining that at his trial he should have had a lawyer, but has turned its back on young men sent to kill or be killed in an undeclared jungle war thousands of miles away. And yet, I submit, the Court's reluctance to intervene in the conduct of our foreign affairs is not an abdication of judicial responsibility.

We must not ask the courts, and they should not try, to do what under the Constitution the President and the Congress are charged with doing. If the President and the Congress differ, it is not the courts' responsibility to resolve their difference. By dividing the power to conduct foreign affairs between the President and the Congress, the Constitution invites them to cooperate. But it also recognizes that they may quarrel. The uncertainty and confusion that I have referred to are not *Constitutional* uncertainty and confusion. For the Constitution entrusts the definition and conduct of our foreign policy to the political process, and uncertainty and confusion are a necessary incident of that process. If the Senate refuses to consent to a treaty negotiated by President Wilson, if the House of Representatives refuses President Reagan's request that it appropriate funds for the Contras, or for Star Wars, the ensuing controversy, however bitter and prolonged, is within, not outside, the Constitutional process.

No doubt, crimes may be committed by persons unwilling to abide by the Constitutional process — persons, for example, who seek to subvert that process by lying to the Congress. That is a different matter, with which the courts are fully competent to deal. But as regards the conduct of our foreign affairs otherwise, Professor Henkin has described the situation with his usual precision: it is the responsibility of the President and the Congress. Even if the President sends the troops, the

Congress [he says] cannot “sit it out,” for whether it wishes or not, it shares responsibility if only because it has authority. The real complaint about Vietnam was not that the President usurped constitutional power but that, acting within his powers, he virtually compelled [the] Congress to go along. That was a complaint against the Constitution. It is not the only respect in which in our constitutional system, one branch has been able to compel cooperation by another, or to use its dominance in one area to exact concessions in others, and that may even be what the Fathers [by which he means, the authors of our Constitution] contemplated.

In opening our discussion, I said that I wanted to explore with you the darker side of our law. We are now, I believe, in a position to do that.



At this moment, a command center in the Pentagon and a hardened underground alternate command center are collecting and collating intelligence gathered by surveillance satellites. In the event of a nuclear alert, the President would go to a situation room in the White House. If time allowed, and depending on the risk, he might transfer to a communications aircraft kept always ready at Andrews Air Force Base near Washington. Provision has further been made for response in the event of the President's death, or disablement. Inside Cheyenne Mountain, in Colorado, is the North American Air Defense Command, with operational alert authority. A general of the Strategic Air Command is always airborne in a special aircraft. An emergency rocket communication system, mounted in Minuteman missiles, is ready to broadcast the order to fire.

So much is known. But information about which location the President would go to, which communication lines he would use, how much predelegated authority has been given provincial commanders, even whether the launch procedure has been computerized, which is to say whether there are machines instructed to order the launch of missiles upon the presentation by other machines of predetermined warning signals—all this information is held in the deepest secrecy.

For with it, the feasibility of what in nuclear jargon is called a decapitory strike could be calculated: an enemy would know how to outwit our warning systems, destroy our command centers, and by paralyzing the authority to order a return strike, escape retaliation.

And so the dreadful logic of nuclear deterrence has subverted the procedures prescribed by our Constitution. No longer may we count upon the protection of the political process by which officials accountable to us—the President and the members of Congress—openly debate how to discharge their shared responsibility for the conduct of our foreign affairs. Instead, a decision far graver than a declaration of war, far graver than any contemplated by the Founding Fathers—the decision to respond to or initiate a nuclear attack may be made by persons unknown, without debate, without warning, without even our knowledge.

If we are willing to admit that this is the situation into which we have drifted, then, I submit, we must ask whether the fundamental premise of our Constitution has been proved mistaken. *Are we rational beings, capable of open, democratic governance?*

In his study of the history of the ethics of military command, John Keegan argues that if the world is to escape its awful danger, we “need[] not new hardware but a change of heart.” We must, he says, abandon “[t]he concept of Struggle, and its attendant ethic of heroism.” It is one thing to be stirred, as Alexander was, by Homer's verse. Today, the arena is not limited to a windy plain outside a walled city. Today, everyone, everywhere, is

threatened. Some, a tiny few, might find shelter in deep bunkers or airborne command posts. Most would be open to the poisoned rain.

[W]hat is asked first of a leader in the nuclear world [Keegan concludes] is that he should not act, in any traditionally heroic sense, at all... [O]ne who does nothing, sets no striking example, says nothing stirring insists above all in his modesty, prudence and rationality is the sort of leader the nuclear world needs

Others have argued not for a change of heart but a change of process. One result of that argument was the passage of the War Powers Resolution of 1973, which provides, among other things, that

[i]n the absence of a declaration of war, in any case in which United States Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated... The President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth ... the circumstances necessitating the introduction the constitutional and legislative authority under which such introduction took place; and... the estimated scope and duration of the hostilities [or involvement]...

Plainly, the purpose of the War Powers Resolution is to compel the consultation, to enforce the political process, prescribed by the Constitution's division of power between the President and the Congress, and in this purpose perhaps to some extent the Resolution has succeeded. But in one notable instance, at least, it has failed. Although more than six months have elapsed since United States Armed Forces began escort operations for reflagged Kuwaiti vessels in the Persian Gulf, the President has never sent the Congress the report required by the Resolution.

As a result of the President's inaction, some 100 members of Congress have filed an action in the federal courts, seeking an order requiring the President to comply with the Resolution, but so far they have been unsuccessful. Counsel for the members of Congress most courteously sent me copies of the briefs—his and the Department of Justice's. Were you to read these briefs, you would find that they argue some of the issues we have been discussing, and you would be reminded of how reluctant the courts have been to intervene in the conduct of our foreign affairs. Perhaps in the end the courts will order the President to submit a report. But what sort of report will it be? And what will happen next? I wish the members of Congress good luck in their action. The fact remains that if we are to escape our awful danger, it will not be by law suits.

But if the War Powers Resolution has failed, it nevertheless recognizes the nature of our situation. “Give us *time*, Mr. President,” it says. “Do not commit us too far. Do not subvert the political process prescribed by the Constitution. Permit it to go forward.”

“When the issues have involved our domestic affairs, the courts have been responsive, declaring conduct both by the President and the Congress unlawful as forbidden by the Constitution. When the issues have involved our foreign affairs, the courts have consistently denied relief.”

This reasoning is the reasoning of the Constitution itself. I do not believe that the premises of the Constitution have been proved mistaken. For while the Constitution assumes that we are rational beings, it recognizes that we are not ruled only by Reason but also by Fear. Its conviction is that Reason will win—if given the chance. Its entire design—the enumeration of limited, divided powers; the ability of one branch of the government to check another branch is intended to provide us with *time*—the time within which by discussion, debate, the assembly and examination of facts, Reason may overcome Fear.

As matters stand now, we have lost that time. Can we regain it?

A few weeks ago John Russell of The New York Times wrote about “Pei's pyramid”—the pointed glass enclosure that has been erected in the courtyard of the Louvre. He liked it. When he looked out from inside the pyramid, he wrote, the courtyard's dimensions, its entire character, seemed changed. Instead of a vast and barren space, it had become a well-proportioned, inviting enclosure.

We must do as Russell did. We must regard ourselves and those about us in another perspective. In particular, we must, I suggest, transcend the view of the world implicit in such expressions as the *Curtiss-Wright* case.

No doubt the strongest ideology—at least, the strongest secular ideology—is still the ideology of nationalism. But it has been overtaken by reality.

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THE FACULTY

Associate Professor Regina Austin '73 has recently been appointed to the Committee on Academic Freedom and Tenure of The Association of American Law Schools (AALS) and the Philadelphia Bar Association's Committee on Minorities in the Profession. Her article "Employer Abuse, Worker Resistance, and the Tort of Intentional Inflection of Emotional Distress" appeared in *41 Stanford Law Review* 1 (1988). Professor Austin will be spending the 1989-90 academic year as a visiting professor at the Harvard Law School.

Professor Stephen B. Burbank is the principal author of *Rule II in Transition: The Report of the Third Circuit Task Force on Federal Rule of Civil Procedure II*, which was published by the American Judicature Society in April. Professor Burbank will co-moderate a seminar on the Corporation in Society at the Aspen Institute for Humanistic Studies in June.

Practice Professor and Director of the Clinical Program Douglas Frenkel '72 recently participated in the April 14 Public Interest Symposium debating whether Mandatory Pro Bono Practice should be instituted (see Symposium p. 6).

Professor Robert Gorman was principal speaker and discussion leader on the subject of proposed curriculum changes with the faculties of Washington and Lee Law School, University of Virginia Law School and Creighton University Law School. He also served as chairman for the Planning Committee for the Association of American Law Schools day-long conference on curriculum development at the AALS annual meeting in January. Professor Gorman presently serves as a member of the University's Planning Committee on Professional Education, appointed by the Provost as part of an effort to chart the future of the professional schools at the University of Pennsylvania. He has also been appointed to serve as a member of the Curriculum Committee of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

He is the co-author of a forthcoming third edition of the casebook, *Copyright for the Nineties* (Michele Publishing Co.). In March, Professor Gorman presented a talk on recent domestic copyright developments at a conference co-sponsored by the U.S. Copyright Office and a talk entitled: "How Copyright Protect Symbols" at a conference sponsored by the U.S. Trademark Association.

Emeritus Professor George L. Haskins has been invited to deliver an address in Europe next October on the influence of Dutch law beyond the Netherlands. He will draw on research now in progress and will speak on "Dutch Family Law in Historic Context," and more specifically on its transmission to America through the Pilgrim landings at Plymouth Colony.

Leon Meltzer Professor of Law A. Leo Levin '42 was re-elected president of the American Judicature Society. Founded in 1913, the American Judicature Society is a national independent organization of more than 20,000 concerned citizens working to improve the nation's justice system. Professor Levin served as Course Planner and Moderator for Pennsylvania Appellate Courts Educational Conference in March 1989. Professor Levin also served as Chair of the Rawle Award Committee of the ALI-ABA. Professor Levin is also a member of the Advisory Panel of the Subcommittee on the Role of the Federal Courts and their Relationship to State Courts of the Congressionally-created Federal Courts Study Committee.

Dean Robert H. Mundheim was elected to the Executive Committee of the Board of Governors of the NASD. Dean Mundheim also chaired the Panel on Protecting the Law Firm: A Discussion of Conflicts of Interest at San Diego Securities Law Institute. Dean Mundheim is Vice-Chairman of this annual national three-day conference.

Assistant Professor of Law Gerald L. Neuman will be an Associate Professor effective July 1, 1989. Next fall, Professor Neuman will be Visiting Professor of Law at the Johann Wolfgang Goethe University, Frankfurt, Germany. Among other things, he will be teaching a seminar in comparative discrimination law with Manfred Weiss.

Young Woo Park, Visiting Scholar at this Law School has undertaken research on the management and operations of an American Law School, the American system of bar examination, and post-graduate education of law professionals. Mr. Park is a Professor of Law in the College of Law, Chung Nam National University, Taejon, Korea. He also serves as a commissioner of the National Labor Committee arbitrating unfair labor practices and as director of the Council of Civil Law Institute, the Academic Research Organization. His most recent paper deals with the subject of "Modern conception of the abuse of private rights."

Algermon Sydney Biddle Professor of Law Curtis Reitz '55, along with Kevin R. Reitz, '82, have agreed to serve as co-reporters for revision of the ABA Criminal Justice Standards relating to sentencing and appellate review of sentences. A Drafting Committee, appointed by the ABA Criminal Justice Section, held its initial meeting in Miami, Florida on March 31 and April 1. The revision process is scheduled to be completed in 1991. Kevin R. Reitz is Associate Professor of Law at the University of Colorado in Boulder.

Professor Emeritus Louis B. Schwartz '35 was a participant in the University of California at Berkeley Conference on

"Antitrust, Innovation, and Competitiveness." Professor Schwartz spoke at the Urban Land Institute Panel on Radical Restructuring of Supermarket Retailing on the West Coast. He discussed antitrust considerations in recent mergers in the supermarket field.

Professor Schwartz is one of a group of academics coming to the defense of the insurance initiative Proposition 103 approved by California voters at the last election. The insurance companies have attacked the proposition as unconstitutional. The initiative rolls back casualty insurance rates by 20%, provides for an elected insurance commissioner and advance approval by the commissioner of rate increases, allows banks to sell insurance, and repeals the insurance industry exemption from the state antitrust law.

Senior Fellow Edmund B. Spaeth, Jr. was recently appointed by Pennsylvania Governor Robert Casey to serve as a member of the Judicial Inquiry and Review Board. The Winter 1988 issue of the *Temple Law Review* features a paper written by Judge Spaeth: "To What Extent Can A Disciplinary Code Assure the Competence of Lawyers?"

Jefferson B. Fordham Professor of Law Clyde W. Summers has been elected chairman of the United States Branch of the International Society for Labor Law and Social Security. During spring break this year, Professor Summers taught a one credit course at the University of Puerto Rico: "Past, Present and Future of American Labor Law: A Comparative Analysis." He has recently published two articles: "Comparative Perspectives" appeared in *Labor Law and Business Change* (edited by S. Estreicher and D. Collins) and "Trade Unions and Their Members" appeared in *Civil Liberties in Conflict* (edited by L. Gostin).

Professor Elizabeth Warren presented two papers to Florida lawyers last December on the topics "Restrictions on Bankruptcy Discharges" and "Substantive Consolidation in Bankruptcy." On February 23 of this year, Professor Warren delivered a paper at the University of Indiana School of Law entitled "Economic Modeling in Legislative Decisionmaking." On March 30, she presented the paper "The Judge's Role in Monitoring Attorney Conflicts of Interest" at the Federal Judicial Center Regional Workshop for Bankruptcy Judges of the 5th, 6th and 7th Circuits.

Professor Warren has been invited to join the Editorial Advisory Board of Little, Brown and Company and is an active participant in several professional organizations: chair of the Debtor/Creditor Section of the Association of American Law Schools at the January 1989 meeting; participant in the National Bankruptcy Conference Task Force to Review the Bankruptcy Code; and participant in the American Bankruptcy Institute Committee on Professional Fees in Bankruptcy.

OUR CONSTITUTION *Continued from previous page*

What does it *mean* to be a "nation"? Most nations can't even feed themselves; they have to import food grown thousands of miles away. In no sense are their economies independent. Consider the United States, the most powerful nation of all. We complain of competition from abroad. Our banks are endangered by foreign loans. We hear each morning on the news the latest Tokyo stock market report. And what do phrases like "national security" and "national power" mean any more? Boundaries offer no security. When the nuclear reactor at Chernobyl melted, lambs in Wales, fields in Italy, were poisoned. And of what use are missiles that we are afraid to fire? Have they helped in Nicaragua? Iran?

Let us try to see ourselves and those about us in a different light: not as citizens of separate

nations, but as individuals inextricably and increasingly dependent on one another. Let us try to establish new connections, new arrangements, which will give assurance against secret attack and instant destruction.

In this attempt, we shall be true both to our Constitution and to its animating spirit. We shall be true to the Constitution, for we cannot preserve it unless we change its environment. If we are to achieve the open, democratic governance it contemplates, we must create a world in which the process it prescribes can work. And we shall be true to the Constitution's animating spirit, for the Constitution is not simply a national charter; it is the expression of an ancient dream. "[T]here will not be different laws at Rome and at Athens," Cicero said. "Divine reason," the Stoics argued,

"dwells in all [people] everywhere, irrespective of nationality or race." Their dream was of a world in which all would live in harmony under law. That is our Constitution's dream.

We may fail to realize that dream. The ability to recognize that we *need* to create a new world does not necessarily imply the *ability* to create it. Perhaps after all we are imprisoned by our technology, ruled by our weapons and our old habits of thought. But as we reflect upon our Constitution, and consider all we have achieved, we may find the courage to hope, the will to act. We may find that our hearts have changed.

Thank you.
Edmund B. Spaeth, Jr.



ALUMNI BRIEFS

BERYL RICHMAN DEAN, '64

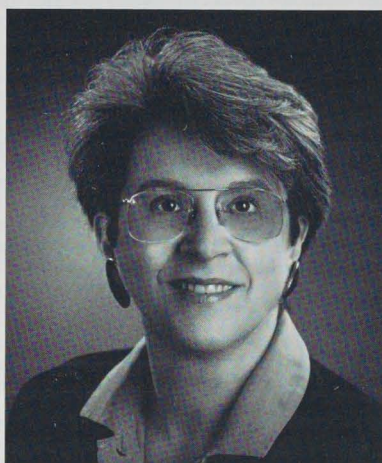
Among the Philadelphians committed to Pro Bono Publico is Beryl Richman Dean '64, former Deputy Director for both the Philadelphia Bar Association and Foundation, and current volunteer with the Philadelphia Committee for the Homeless, a charitably funded non-profit organization.

Public Service is not a novel concept for Ms. Dean, whose academic background and professional experiences reflect a lifelong commitment to pursuing altruistic goals. Majoring in Philosophy at Vassar College, Ms. Dean wrote her undergraduate thesis on Law and Social Action.

Attending Penn Law School was a logical progression for Ms. Dean, whose Aunt, Gertrude Hoffman '30, father, Jacob Richman '31, uncle Phillip Richman '28, brother-in-law, Michael Dean '57, and father-in-law David Dean '27 graduated from Penn Law School. Her husband, Morris Dean is also a lawyer with the firm of Blank, Rome, Comiskey & McCauley.

"Legal issues were the topic of dinner conversation. My father was a lawyer's lawyer. He would take cases because they needed to be taken. He had a lot of fun being a lawyer and literally made law. I wanted a career and thought that law was a way to have an impact on society; to set rational goals for society," remarks Ms. Dean. "I have always believed and still feel that you can affect people's behavior by law."

Positively influenced by Professor Howard Lesnick and his classes, Ms. Dean thought she wanted to practice labor law. "I liked the course and the political philosophy of it but in 1964 there were no women attorneys in Labor Law."



Also interested in a government job, but told they already had "one woman" Ms. Dean became a research assistant for Phillip Meecham, then Dean Jefferson Fordham, and then worked for the American Law Institute.

Originally enrolled with the Class of 1962, Ms. Dean had her first child in the middle of the first year of Law School returning to classes when her infant daughter was four weeks old. She took two years off, and graduated one of six women in the Class of 1964.

Along with having two more children, Ms. Dean continued working and teaching at the Philadelphia Institute for Paralegal Training. In looking back at her academic training at Penn Law School, Ms. Dean "credits everything I've done to my Law School training. I worked so hard to get this degree. I always wanted to use it. I feel that I got substance from both

schools-Vassar and Penn Law. You want to be able to sustain and keep that form."

Classmate Jim Strazzella, then Vice Dean of the Law School, asked Ms. Dean to become a pre-law advisor for the Penn undergraduate schools. Within two years Ms. Dean was Director of the Career Advising Office and was teaching Legal Studies at Wharton. She recently wrote a book entitled *The Definitive Job Hunting Book For Lawyers*.

Ms. Dean volunteered for the Philadelphia Committee for the Homeless because she "was moved and troubled by the situation of homelessness and learned that PCH was an organization which offered employment services for the homeless. Employment counseling was an area in which I was skilled. It was a skill with which I could contribute to the problem."

Since August, Ms. Dean has worked on getting jobs for the homeless on a one-to-one basis. She has started a program called "Just One Job" which is a Corporate Advocacy program dealing with sensitizing Philadelphia companies to hire the homeless. She is also developing a Cooperative Employment Initiative for that significant percentage of the victims of homelessness who need help to return to the employment track and to the community.

Her three children are now grown and have pursued careers other than law. "When we get to the point of establishing ourselves and our children, we see our place in the world differently. Wisdom evokes an opportunity to do Pro Bono work."

LITIGATION


Continued from page 9

Mr. Olson theorizes that an innovative private justice system will be in place, and that minor offenses, traffic violations, divorce, and child custody issues will all be handled outside of the court system. Yearly pro bono service will be mandatory in conjunction with relicensing. "Torts," Mr. Olson anticipates, "will be resolved by a singular proceeding."

The role of the attorney, however, is rapidly changing even at the close of this decade. "I'm

very worried that we lawyers are not upholding our trusteeship of the judicial system." Mr. Olson remarked "Lawyers are becoming more like clients. We are becoming better businessmen... But are we becoming better lawyers?"

Mr. Olson was inspiring in conveying to the audience the ideological purpose of being a lawyer, pointing out that perhaps the role models of the past will enable the profession to re-establish positive goals for the future. He

concluded his forecast for the future of litigation by reminding everyone that "The heroes of today aren't the Clarence Darrows or the Buddy Segals of before... by the year 2000, a higher sense of purpose and professionalism will return." 

ALUMNI BRIEFS

'30 Dr. Adolph G. Rosengarten received the Pennsylvania Hospital's Fourth Good Samaritan Award at a dinner in his honor last Summer. Mr. Rosengarten has been involved in numerous civic and community affairs over the years, and has given generous support to Pennsylvania Hospital. The hospital has benefited from his creation of an endowment fund dedicated to maintaining and improving the hospital's collection of textbooks and journals.

'35 J. Pennington Straus, a member of Schnader, Harrison, Segal & Lewis, has been reappointed for a one-year term as trustee of the Jenkins Law Library. Mr. Straus has served as a trustee since the founding of the library in 1957.

'36 Karl Strohl was honored last Fall in recognition for his outstanding service and commitment to the Israel Lodge 1151, International Order of Odd Fellows. Mr. Strohl is a past grand of the Israel Lodge, past exalted ruler of the Scranton, PA Lodge of Elks and trustee for 25 years of the Scranton Lodge of Elks.

'39 Roxana Cannon Arsh was awarded a medal of distinction from the University of Delaware during winter commencement ceremonies at the Newark campus. Judge Arsh was appointed Delaware's first woman judge in 1971.

'49 The Honorable Louis J. Carter took part in the first Jewish Law Day ceremonies on October 11, the day Mayor W. Wilson Goode presented a proclamation to Judge Carter and Rabbi Robert Layman at Temple Beth Zion-Beth Israel, designating the day as a new holiday.

'49 Henry R. Nolte, Jr. has retired from the Ford Motor Company after 28 years of service, including 15 years as the company's top legal officer. Ford chairman Donald E. Petersen noted, "Mr. Nolte has exhibited exceptional dedication and leadership benefiting both the company and the auto industry... We shall miss his contributions as a member of the management team." Mr. Nolte is joining the Detroit law firm of Miller, Canfield, Paddock and Stone as senior partner and chairman.

'50 Charles C. Hileman has become a fellow of the American College of Trial Lawyers. A partner in the Philadelphia firm of Schnader, Harrison, Segal & Lewis, Mr. Hileman has been practicing law in the area for 35 years. Until recently, he was chairman of the firm's litigation department.

'51 Honorable Harold Berger has been appointed Chairman of the National Committee on the Federal Judiciary of the Federal Bar Association. He is recipient of a Special American Bar Association International Law Award and a Special Service Award of the Pennsylvania Conference of State Trial Judges. Judge Berger formerly served on the Court of Common Pleas of Philadelphia County.

'51 Herbert H. Linsenberg was honored by the Lawyers Division of the Jewish National Fund Council of Philadelphia on December 7. Mr. Linsenberg, a senior partner at Fox, Rothschild, O'Brien & Frankel, received the Lawyers Division "Man of the Year" award for his work on behalf of the State of Israel. He is co-chairman of the Lawyers Division of the 1989 Federation Allied Jewish Appeal Campaign, vice chairman of the Committee on Local Services of the Federation of Jewish Agencies, and a member of its Committee on Allocation and Planning. He was also elected recently to the board of directors of the Pennsylvania Economy League, a nonprofit association of citizens organized to help achieve more effective and economical state and local government in Pennsylvania.

'51 Honorable Joseph L. McGlynn, of the U.S. District Court for the Eastern District of Pennsylvania, presided at naturalization ceremonies held last January in U.S. District Court in Philadelphia. Approximately 96 citizens from 34 countries became naturalized.

'52 Edward W. Madeira Jr. has been elected vice chairman of the Philadelphia office of Pepper, Hamilton & Scheetz.

'53 Vincent J. Apruzzese has become a member of the American Bar Association board of governors. Mr. Apruzzese is senior partner in the Springfield, NJ law firm of Apruzzese,

McDermott, Mastro & Murphy, a life fellow of the American Bar Foundation, and a member of the American College of Trial Lawyers.

'54 Lawrence J. Lichtenstein, a partner at Mesirov, Gelman, Jaffe, Cramer & Jamieson, has been appointed chair of the Committee on Bankruptcy of the Business Law Section of the Philadelphia Bar Association. Mr. Lichtenstein is chair of Mesirov's Bankruptcy and Creditors' Rights Group and has practiced in this area for more than 30 years, having handled major liquidations, reorganizations, workouts and other significant bankruptcy matters.

'55 Robert L. Kendall, Jr., a partner with Schnader, Harrison, Segal & Lewis, has been elected a vice president and secretary of the Mann Music Center.

'55 State Senator Charles Lemmond Jr. (R-Pennsylvania) was the featured speaker at the Bradford County Republican Party's annual dinner-dance last September. A resident of Dallas, PA, Senator Lemmond is a former Luzerne County judge, and also served as assistant district attorney for that county, as well as solicitor for various boroughs, townships and school districts in Northeastern Pennsylvania.

'56 Harris Ominsky spoke in Vancouver, Canada at the American College of Real Estate Lawyers on the topic of "Creative Financing: How to Refinance Your Property in the Face of Lock-in Devices." He also spoke in Philadelphia at the National Association of Industrial and Office Parks, Delaware Valley Chapter, on the topic of "Tips for a Successful Real Estate Closing."

'57 Charles R. Alexander was nominated by Governor Robert Casey of Pennsylvania to fill a vacant seat on the Court of Common Pleas of Clarion County, PA. Mr. Alexander, a partner in the Clarion firm of Alexander, Garbarino, Kifer and Speer, will fill the seat until November 1989, when the seat will be up for election.

'57 Richard M. Rosenbleeth, a partner in the Philadelphia firm of Blank, Rome, Comisky & McCauley, has been invited to become a fellow of the International Academy of Trial Lawyers. Fellowship in the Academy is limited to 500 select United States trial and appellate lawyers and 100 fellows from 30 foreign countries who have demonstrated that they meet the highest standards and techniques of advocacy.

'57 Honorable Edward E. Russell was sworn in as a judge of the Family Court Division of Philadelphia's Common Pleas Court last August. Judge Russell has been a part-time faculty member at Temple University for more than 20 years. He lives in the Chestnut Hill section of Philadelphia with his wife, Ruth. They have four children and one grandchild.

'60 John F. Dugan was appointed to the council of the Allegheny County Bar Association Labor Law Section.

'61 Raymond K. Denworth is president of the United Way of Southeastern Pennsylvania. The United Way raised 6 percent more funds than last year, coming within 1 percentage point of achieving its \$575 million goal.

'61 G. Wesley Manuel, Jr., an attorney from Cherry Hill, NJ, was a panelist at the Camden County Bar Foundation Continuing Legal Education Committee seminar on "Psychological Strategies for Jury Persuasion and the Use of Communications Sciences to Improve Demonstrative Exhibits." The seminar was held February 25.

'62 Richard R. Block was the principal speaker at the winter program of the Junior League on the subject of "Women and the Law - Custody and Divorce."

Mr. Block has been the campaign chairman for Philadelphia Councilwoman Joan Specter in her three successful election victories. He is a frequent lecturer in the areas of matrimonial law and alternative dispute resolution.

'62 Kenneth M. Cushman serves on the Executive Committee of the Philadelphia firm of Pepper, Hamilton & Scheetz.

'63 Aaron D. Blumberg has been re-elected as assistant treasurer of the Philadelphia Bar Association. Mr. Blumberg is a partner in the Philadelphia firm of Litvin, Blumberg, Mausow and Young. An active member of the association,

Mr. Blumberg has been a member of the Bar Board of Governors, the governing body of the association for the past three years.

'64 Michael M. Baylson has been installed as interim U.S. attorney for the Eastern District of Pennsylvania. Mr. Baylson was appointed to a 120-day term by U.S. Attorney General Richard Thornburgh, filling the vacancy left by the promotion of Edward S. G. Dennis, Jr. '73. Mr. Baylson was the keynote speaker at a luncheon sponsored by the Federal Bar Association on February 17. His topic was "Law Enforcement Priorities Under the Bush Administration in Philadelphia."

'64 Roselyn B. Ramist has been named vice president and head of the trust department at Bank of Pennsylvania. Ms. Ramist practiced law in Lancaster, PA before joining the bank, and will be responsible for the overall management of the trust division.

'64 Richard L. Robbins works in law office automation and writes for *Computer Counsel*, a national monthly newsletter on law office automation. He lives in Evanston, IL and occasionally practices in the computer law area.

'64 James Strazzella, acting dean of Temple University School of Law, received the Attorney General's Advancement of Justice Award. Dean Strazzella received the award for his outstanding leadership of a project to improve Pennsylvania's law enforcement response to problems of family violence, including child abuse and violence against spouses and elders. He recently served as president of the St. Thomas More Society, an organization of Catholic lawyers in Philadelphia and has also been active in community activities such as the Boy Scouts and the Red Cross.

'65 Paul C. Heintz was recently elected to serve a three-year term on the Philadelphia Bar Association's Board of Governors. Mr. Heintz is a partner in the firm of Obermayer, Rebmann, Maxwell & Hippel. He and his wife, Jane, have four children and reside in Haverford, PA.

'65 Ernest D. Preate, attorney general of Pennsylvania, has been selected as a presiding judge for the annual Samuel Polsky National Moot Court competition held at Temple University School of Law. Teams of competitors from 16 East Coast law schools participated in the preliminary rounds.

'66 Stephen J. Greenberg and a partner from the Computer and High Technology Group of Schnader, Harrison, Segal & Lewis presented a question-and-answer session at a meeting of the University City Science Center Application Development Center. The session was attended by officers of 35 emerging software industry companies from the Delaware Valley area.

'66 J. Anthony Messina has been elected to the Executive Committee of the Philadelphia office of Pepper, Hamilton & Scheetz.

'66 Stephanie W. Naidoff has been named a vice president of Thomas Jefferson University. She has been university counsel since 1981 and will continue to direct all of Jefferson's legal activities. In her new role, Ms. Naidoff will assume additional responsibilities including oversight of university relations activities, such as media relations and community and governmental affairs. In recognition of her promotion, Ms. Naidoff was featured in an article which appeared in the *Philadelphia Business Journal* (2/20-2/26/89).

'66 H. Donald Pasquale has been elected to the Episcopal Academy Board of Trustees. Episcopal Academy is a coed, college preparatory school with campuses in Merion and Devon, Pennsylvania. Mr. Pasquale is the managing partner of Pasquale Real Estate in King of Prussia, PA.

'67 William A. Macan has written a chapter entitled "Tax Aspects of Equipment Leasing" which is included in the recently published third edition of the Practising Law Institute's *Equipment Leasing-Leveraged Leasing*. Mr. Macan is a partner with the New York office of Morgan, Lewis & Bockius, and his practice has concentrated for the last 18 years on tax-oriented leasing and project finance matters.



'67 Gordon Morie is vice president, secretary and general counsel of Paccar, Inc., located in Bellevue, WA.

'67 Dennis H. Replansky, a partner with Blank, Rome, Comisky & McCauley, spoke on "Revolution in Adjustable Rate Mortgage Disclosures" at a meeting of the Southern New Jersey Compliance Officers Association.

'67 Anthony F. Walsh, a partner with Saul, Ewing, Remick & Saul, has been elected president of the Clean Air Council.

'68 Charles P. Eyer is a sole practitioner of law in Stroudsburg, PA and is also a Pennsylvania District Justice in Marshalls Creek, PA. He is president of the Monroe County Bar Association and director of the Pocono Lively Arts.

'68 Howard L. Shecter, a partner in the law firm of Morgan, Lewis & Bockius lectured to a group of senior executives of Japanese companies at a seminar in Tokyo, Japan, in November. Mr. Shecter spoke on the subject of "Mergers and Acquisitions in the United States."

'70 Edwin O. Robinson, Jr. was recently named vice president and corporate secretary of Holiday Corporation. He continues to serve as associate general counsel, corporate finance/asset management. Mr. Robinson joined Holiday Corporation in 1976 as senior counsel to the international hotel division and most recently has had responsibility for Holiday's finance and asset management legal functions at the company's world headquarters in Memphis.

'71 Honorable G. Craig Lord was sworn in as a judge of the Common Pleas Court of Philadelphia last September. Judge Lord was previously general counsel for a real estate investment company and a partner with Blank Rome, Comisky & McCauley where he was a member of the Management Committee and former co-chair of the Real Estate Department.

'72 Ira Genberg is one of three lawyers in the United States selected by McGraw-Hill Publishing Company to speak at an international seminar in London, England. The seminar concerns trial practice and international construction law and will take place from May 22 through May 25.

'72 Robert C. Heim was elected vice chancellor of the Philadelphia Bar Association for the year 1989. He will become chancellor of the PBA in 1991. Hr. Heim is a partner in the Philadelphia firm of Dechert, Price & Rhoads, and a fellow of the American College of Trial Lawyers.

'72 John E. McKeever, a partner with Schnader, Harrison, Segal & Lewis in Philadelphia, has been elected to the Board of Trustees of DeSales School of Theology for a three year term. The school is administered by the Oblates of St. Francis DeSales, a Roman Catholic order of priests, and is located in Washington, DC.

'72 Martin J. Satinsky was named the new tax partner in charge of the Syracuse, NY tax office of Coopers & Lybrand. Mr. Satinsky moves to Syracuse after six years in C & L's Philadelphia office. He is the author of several books on federal income tax law and financial planning.

'73 Timothy C. Russell co-chaired a three-day course on environmental regulations in January. Mr. Russell, a partner in the Washington, DC office of Drinker, Biddle & Reath, gave a presentation on the civil liability cleanup provisions under the Superfund Act.

'74 Julie Kurtz Chapin has been appointed assistant secretary of the corporation and corporate officer at Hoechst Celanese Corporation in Somerville, NJ. Ms. Chapin is the associate general counsel of the corporation, and lives in Pennington, NJ with husband Thomas and daughters Alexis Kate and Stephanie Lynn.

'74 Ian M. Comisky participated in the National Institute on White Collar Crime's third annual seminar entitled, "White Collar Crime 1989," sponsored by the Criminal Justice Section of the American Bar Association on March 3. Mr. Comisky is a partner with the Philadelphia firm of Blank Rome, Comisky & McCauley. He has contributed several articles to *The Legal Intelligencer* which previously appeared in the "Corporate Criminal Liability Reporter," Summer 1988 edition.

'74 Elliott J. Hahn has been elected a partner in the Los Angeles office of Whitman & Ransom, where he specializes in East Asian trade and investments. He is an adjunct

professor at Pepperdine and Southwestern Law Schools, and he was recently appointed to the Master Planning Committee of Rancho Palos Verdes. He and his wife Toby are expecting a child in May.

'74 H. Ronald Klasko has been elected president of the American Immigration Lawyers Association. He is a partner and chairman of the Immigration Group at Dechert, Price & Rhoads in Philadelphia. Mr. Klasko has extensive experience in business immigration issues, and has served on the AILA's board of governors for eight years, the last four as a national officer. In February, he made the opening speech at the Business Immigration Conference co-sponsored by the American Immigration Lawyers Association and the National Foreign Trade Council, held in New York City.

'74 Honorable Frederica Massiah-Jackson, of the Philadelphia Court of Common Pleas, was the keynote speaker at the American Bar Association's Meeting of Special Committee on Youth Education for Citizenship held last November in Orlando. She was recently appointed to serve a one-year term on the Advisory Commission of that organization. Judge Massiah-Jackson presently sits on the Board of Directors of the National Catholic Educational Association, the Temple University law-related Educational Advisory Board, and participates with the Philadelphia School District's Law-Related Education Program.

'74 Helen P. Pudlin was elected to a three-year term on the Board of Governors of the Philadelphia Bar Association. Ms. Pudlin was the third top vote-getter in the election. She is a partner in the firm of Ballard, Spahr, Andrews & Ingersoll.

'74 Michael W. Steinberg was admitted to partnership in the Washington, D.C., office of Morgan, Lewis & Bockius. Mr. Steinberg is a member of the Firm's Government Regulation Section where he practices in the field of environmental law.

'74 Roy H. Wepner has written "The Patent Invalidity/Infringement Parallel: Symmetry or Semantics?" which was published recently in the *Dickinson Law Review*. Mr. Wepner is a member of the law firm of Lerner, Littenberg, Krumholz & Mentlik in Westfield, NJ.

'75 C. Suzanne Buechner has been elected to partnership at the Philadelphia firm of Montgomery, McCracken, Walker & Rhoads. A member of the firm's Estates and Trusts Department, Ms. Buechner concentrates her practice on estate planning, administration and litigation, and estates, trusts and fund counseling for nonprofit organizations.

'75 Anthony Ching has been appointed as a member of the Judicial Council Advisory Committee on Local Rules. A litigation attorney for the Los Angeles firm of McKenna, Conner & Cuneo, Mr. Ching serves on the executive committee of the State Bar's litigation section and the editorial board of the bar's litigation magazine, *Litigation in Brief*.

'75 Marc B. Davis, a partner with Pearlstine/Salkin Associates in Lansdale, PA, was found qualified by the Montgomery Bar Association Judiciary Committee in its search to fill vacancies on the Montgomery County Court of Common Pleas.

'75 Donald C. Klawiter has been admitted to partnership in the Washington, DC office of Morgan, Lewis & Bockius. Hr. Klawiter is a member of the firm's Antitrust and Trade Regulation Section whose practice primarily involves antitrust litigation. He formerly worked with the Antitrust Division of the Philadelphia office of the U.S. Department of Justice as a trial attorney. He was later appointed chief of the Antitrust Division's Dallas field office and later returned to Washington as a senior trial attorney in charge of litigation and investigations involving the energy, communications and financial institutions industries.

'75 Thomas D. Rees, a partner at the Norristown, PA firm of High, Swartz, Roberts & Seidel, presented a lecture and a paper last August on "The Status of Public Projects Under Pennsylvania Land Use Laws" at a luncheon seminar of the Pennsylvania Municipal Authorities Association. Earlier this year, his article on this same topic was published in *The Authority* magazine. Mr. Rees also serves as editor of the Pennsylvania Bar Association Municipal Law Section *Newsletter*, and he practices in the areas of business and employment law, government regulation, and land use law.

'76 Jeffrey Ivan Pasek has been elected to the board of directors of the Pennsylvania Chamber of Business and Industry. Mr. Pasek is a partner with Cohen, Shapiro, Polisher, Shiekman & Cohen in Philadelphia and concentrates in labor and employment law. He served as chairman of the chamber's Industrial Relations Committee from 1984-1987 and currently chairs the Education Committee.

'77 Gilbert F. Casellas has been named vice chair of the Board of Governors of the Philadelphia Bar Association. Mr. Casellas serves on numerous committees of the bar association, is the new President of the Law Alumni Society, and is a partner in the firm of Montgomery, McCracken, Walker & Rhoads.

'77 Robert D. Lane, Jr., a partner in the Real Estate Department of the Philadelphia office of Fox, Rothschild, O'Brien & Frankel, has been named to the Zoning Code Revision Task Force of the Central Philadelphia Development Corporation (CPDC). The Task Force was created to evaluate the proposed changes to center city Philadelphia's commercial classifications to the zoning code.

'77 Michael W. Steinberg has been admitted to partnership in the Philadelphia office of Morgan, Lewis & Bockius. He is a member of the firm's government regulation section where he practices in the field of environmental law, with special emphasis on litigation and counselling in regard to hazardous waste matters. Prior to joining the firm, Mr. Steinberg served as the assistant chief of the Environmental Defense Section of the U.S. Department of Justice where he handled and supervised litigation under all environmental statutes.

'78 Marguerite J. Ayres has been admitted to partnership at the Philadelphia office of Mesirov, Gelman, Jaffe, Cramer & Jamieson. Ms. Ayres practices personal injury defense and real estate litigation.

'78 Gail Bassok Mayland has become a partner in the Philadelphia firm of Kleinbard, Bell and Brecker. Ms. Mayland concentrates in employee benefits and securities law, and has been with the firm since 1984.

'78 Lise Rappaport has started her own business, Westags, Inc. The company makes identification tags for joggers and children which fit easily between the shoelaces of sneakers. The business has really taken off and she reports, "I love being head of my own business."

'79 Joseph C. Crawford was recently elected to a three-year term on the Board of Governors of the Philadelphia Bar Association. Mr. Crawford is a partner in the firm of Schnader, Harrison, Segal & Lewis. He and his wife Patricia and children Colin and Kara reside in Wallingford, PA.

'79 Gerald McHugh spoke on "The Discovery Rule or Overcoming the Statute of Limitations" at the first 1989 Luncheon Lecture of the Philadelphia Trial Lawyers Association on January 17. Mr. McHugh is a partner at Litvin, Blumberg, Matusow & Young.

'79 Mary Jo Reich and her husband **David Reich '78** announce the birth of son Scott William. Vital statistics: Birth date: 11/22/88; Weight: 8 lbs.; Height: 20.5 in.

'79 Peter Roorda, LL.M. and family are now living in the United States. Mr. Roorda is the second resident partner in the New York office of his Amsterdam based law firm, and he expects to remain in the U.S. about five years.

'80 James P. Golden has been elected to partnership at Blank, Rome, Comisky & McCauley in Philadelphia. Mr. Golden has been with the firm since 1980 and is a member of the Litigation Department.

'80 Dr. Stephen M. Lowry has been named a partner in the Los Angeles office of Morgan, Lewis & Bockius. Dr. Lowry is a member of the firm's litigation section and his practice concentrates in the areas of securities litigation, construction disputes and unfair competition matters. He currently resides in Pasadena, CA.

'80 Dorothy A. Malloy has been appointed to the newly-created administrative position of general counsel of Villanova University. Ms. Malloy, who has been serving as associate general counsel at the University of Pennsylvania, will head Villanova's first in-house legal office.

Continued on page 21

THE CALENDAR

AUGUST

Saturday, August 5
LAS-ABA Cocktail Reception -
Honolulu, HI

SEPTEMBER

Thursday, September 14
LAS-Past President's Lunch

OCTOBER

Wednesday, October 4
LAS Board of Managers Meeting

Tuesday, October 17
Benefactors Dinner

Wednesday, October 18
Alumnae Workshop

Tuesday, October 24
Owen J. Roberts Lecture:
Leon Meltzer Professor A. Leo Levin '42

NOVEMBER

Friday, November 3
Parents and Partners Day

DECEMBER

Tuesday, December 5
New York City Alumni Cocktail
Party - Classes 1970-1989

JANUARY 1990

Friday, January 5
LAS Luncheon for Alumni at
Annual Meeting of the AALS - San Francisco

Wednesday, January 17
Board of Managers Meeting

FEBRUARY 1990

Wednesday, February 7
LAS Luncheon for Alumni at the
ABA Mid Year Meeting - Los Angeles

Wednesday, February 21
Alumnae Workshop

MARCH 1990

Wednesday, March 21
Annual New York City
Alumni Dinner

APRIL 1990

Thursday, April 19
Alumni Luncheon - Baltimore

Saturday, April 28

LAS Sponsored 3rd Year Student Party

MAY 1990

Tuesday, May 15
LAS Cocktail Reception -
Pennsylvania Bar Association - Hershey, PA

Wednesday, May 16

LAS Alumni Luncheon at the Annual Meeting
of the ALI - Washington, DC

Friday, May 18

Law Alumni Day
250th Anniversary of the University and the 200th
Anniversary of the Law School.

Saturday, May 19

Reunion Weekend: Quinquennial Class Reunion
Parties

JUNE

Wednesday, June 6
LAS Board of Managers Meeting

*For information on Law School and Law Alumni
events, call our Voice Mail Phone Number 24 hours a
day: (215) 898-2644*

IN MEMORIAM

'23 Felice E. Darkow
New York, NY
January, 1989

'25 Louis A. Bloom
Media, PA
December, 1988

'26 Rachel H. Bellamy
Rochester, NY
January, 1989

'26 Samuel B. Irwin
Philadelphia, PA
January, 1989

'27 C. Leo Sutton
Glenside, PA
January, 1989

'29 Morris B. Gelb
Scranton, PA
October, 1988

'30 Ralph C. Busser, Jr.
Philadelphia, PA
March, 1989

'31 John F. Goldsmith
Easton, PA
February, 1989

'34 Lawrence M. Bregy
Rockport, ME
November, 1988

'35 George C. Doering
Mitchellville, MD
February, 1989

'39 James Hunter III
Medford, NJ
February, 1989

'39 Ralph S. Mason
Princeton, NJ
December, 1988

'39 Elias W. Spengler
Bath, PA
January, 1989

'48 Albert H. Gold
Philadelphia, PA
March, 1989

'52 Frederic G. Antoun
Harrisburg, PA
November, 1988

'56 A. Fred Freedman
Silver Spring, MD
November, 1988

'65 Donald F. Wright
Indianapolis, IN
January 5, 1989

ALUMNI BRIEFS *Continued from previous page*

'80 Fran R. Robins-Liben has been named a partner at Tillinghast, Collins and Graham in Providence, RI. Her practice is concentrated primarily in business litigation and employment law.

'80 Wayne W. Suojanen has become a partner in the Philadelphia firm of Hoyle, Morris & Kerr.

'80 Mark Weldon has been elected to partnership at the New York-based law firm of DeForest & Duer. Mr. Weldon practices in the area of health law.

'81 Rudolph J. DiMassa, Jr. and David E. Loder '81 have been named partners at Duane, Morris & Heckscher in Philadelphia. Mr. DiMassa practices in the Reorganization and Finance Section and his areas of professional concentration include creditors' rights and commercial litigation. Mr. Loder practices in the Administrative Law Department and his areas of professional concentration include litigation, environmental law, health care and employment law.

'81 Olivier Wyssa, LL.M. has become a partner in the Geneva, Switzerland law firm of Rudolf Sieber. Mr. Wyssa is a member of the Geneva bar and has been admitted as a federal tax expert in Switzerland.

'82 Robert D. Feder has become associated with Schnader, Harrison, Segal & Lewis in Philadelphia and will concentrate in the area of family law.

'83 Glen Cornblath is a partner at Sachnoff, Weaver & Rubenstein in Chicago and practices in the real estate area. He and his wife, Marci proudly announce the birth of their second child earlier this year.

'84 Judy Levenstein and her husband Philip Kruger announce the birth of their first child, Sarah Ruth, born last June. Ms. Levenstein is an attorney at the Philadelphia law firm of Dilworth, Paxson, Kalish and Kauffman.

'86 Amy Pearce De Shong has become associated with the firm of Schnader Harrison, Segal & Lewis in Philadelphia and will concentrate in the area of family law.

'87 Linda Bradmiller is the co-author of an article titled "Buell and its Aftermath: Emotional Distress Claims Under the FELA." The article appeared in the January issue of *The Bulletin*, the publication of the Association of American Railroads Law Department. The piece reviews the U.S. Supreme Court decision in *Atchinson, Topeka & Santa Fe Railway Co. v. Buell* and its impact on claims under the FELA throughout federal courts. Ms. Bradmiller is an associate with

Schnader, Harrison, Segal & Lewis whose practice includes products liability and personal injury matters.

'87 Nancy P. Brennan has become associated with Steven L. Sugarman & Associates and will concentrate in commercial and real estate litigation and condominium law.

'87 Timothy M. Kolman presented a speech entitled "Acquisitions: The Way Into America," at the British-American Chamber of Commerce in London and gave a speech entitled "1992: An Overview of Europe," at the International Trade Association in Philadelphia. An attorney at Blank, Rome, Comisky & McCauley in Philadelphia, Mr. Kolman concentrates his practice in the area of international services.

'87 Jacqueline Spierdijk has left the Chicago office of Sidley & Austin to practice in the Amsterdam, Netherlands office of DeBrauw & Westbroek.

'88 Craig I. Adler has joined the Philadelphia office of Fox, Rothschild, O'Brien & Frankel as an associate. Mr. Adler resides in Drexel Hill, PA.

'88 Jan A. Buckner has joined the Philadelphia office of Reed, Smith, Shaw & McClay.



“AN ALUMNUS IN BANGKOK”

Norman P. Zarwin '55 recently toured the Orient, and looked up fellow classmate Sudharm Bhadrakom '55 after not having seen him for 33 years.

Zarwin and Bhadrakom met for dinner in Bangkok, Thailand. They exchanged gifts and flowers. Zarwin presented Bhadrakom with a medal commemorating Penn Law School's 200th anniversary and Bhadrakom gave Zarwin a red and blue striped silk tie.

Zarwin reports that Bhadrakom has had a distinguished career. He was Chief Justice of the Supreme Court of Thailand for 13 years,

and Minister of Justice for 3 years. He is now retired but teaches law and serves as an advisor to the Thai Parliament.

Bhadrakom remembered and specifically mentioned Eileen Downey Farrell '56, Judge Paul Mueller '55, David Fink '53, Honorable Norma L. Shapiro '51, and Dean Jefferson Fordham.

Bhadrakom is married to Chatjane and has five children. Zarwin remarked that the Bhadrakoms were most hospitable, generous and kind, and that their “reunion” added a special component to his trip to the Orient.



Sudharm Bhadrakom '55 and Norman P. Zarwin '55 in Bangkok, Thailand

PENN LAW PEOPLE *Continued from page 10*

Honorable Joseph L. McGlynn '51 was profiled in an issue of the *Legal Intelligencer* (1/31/89). Judge McGlynn spoke of his assignment as a temporary judge of the third federal circuit to the U.S. Virgin Islands until a permanent judge is installed. In addition to his regular duties as a federal judge in Philadelphia, Judge McGlynn periodically travels to the Virgin Islands and left in March to hear 35 cases. As Judge McGlynn states, “It’s no vacation...It doesn’t mean a diminution of your current caseload. You’ve still got to carry what you’re carrying here.”

David S. Shrager '60 was quoted in a *Wall Street Journal* article regarding the crash of Pan Am flight 103 last December. The article discusses potential liability issues stemming from the crash. Mr. Shrager says that air carriers bear a “very high duty of care toward their passengers.” He states that if Pan Am knew about a threat to its flights and didn’t step up security, it would be at great risk in a trial. He also adds that the legal standard that would come into play is whether Pan Am’s security was “state of the art” in light of the increased terrorist threat.

The Honorable Edmund B. Spaeth, Jr. presented the Lawyers Alliance for Nuclear Arms Control (LANAC) Service Award in the Cause of Peace to Herbert Newberg at a reception in Philadelphia on December 9. Present at the reception were chief Soviet START negotiator Lem Y. Masterkov, former U.S. chief negotiator Ralph Earle II and humorist Art Buchwald, who each gave presentations. Judge Spaeth was also appointed by Pennsylvania Governor Robert Casey to fill a vacancy on the state Judicial Inquiry and Review Board. He has been active in the movement to revamp the state’s judicial system.

Janet Stotland '69 was profiled in “The Philadelphia Lawyer Section” of *The Legal Intelligencer* in a recent issue (1/24/89). The full-page interview discussed Ms. Stotland’s career in public interest law, the past 13 years of which have been spent as head of the Education Law Center in Philadelphia. The center conducts workshops throughout the state to educate teachers, parents and lawyers about students’ rights, advises the state Department of Education on new regulations and offers advice to about 2,000 students and parents a year in grievances against public school districts.

Jefferson B. Fordham Professor of Law Clyde Summers was quoted in the *Boston Globe* (12/8/88) in regard to the federally-supervised Teamsters election of officers linked to the previous corrupt regime. Professor Summers remarked, “I think it’s a real disaster for the future of the labor movement.” The election could affect the U.S. Department of Justice’s suit against the International Brotherhood of Teamsters, which seeks to oust the parent union’s board and establish a trustee to keep out corruption and establish elections. Professor Summers also commented on the low rates of drug testing by American employers in the *Los Angeles Times* (1/15/89). He cites a lack of widespread enthusiasm for the tests, which are difficult to administer.

Raymond F. Trent, senior library clerk at the Biddle Law Library, was featured in an article which appeared in *The Philadelphia Inquirer* (2/10/89). The article, “Noting a Collector of Black History,” discusses Mr. Trent’s 25 year devotion to the voluminous collection of books, articles, audio tapes and other information related to black history. After his many years of information gathering, the Law School is taking one portion of his life’s work to create the “Raymond F. Trent Collection on the Black Lawyer in America.” As Biddle Library Director Elizabeth Kelly points out, “I’m pretty sure there’s not a collection like it in the law school world.”

BANKRUPTCY *Continued from page 12*

ing and troubling. The data suggest that the present bankruptcy system works, at least in the sense that it gives debtors in trouble some chance to start over. It also works in the sense that the debtors who use it are those who are in very serious trouble and who are least likely to repay their creditors even without bankruptcy protection. Bankruptcy gives play in the joints to a system of debt enforcement, and it provides a safety valve to avoid the formation of a deeply angered debtor class.

But the bad news comes with the good. The data show a bankruptcy system that poorly serves many of those who seek its protection. The depiction of how the system operates also illustrates the lamentable consequences of debating policy and passing laws using simplistic models and ignoring the empirical assumption that underlie the debate. Moreover, by focusing on the ragged edge of the credit system, the people in deepest financial trouble, the bankruptcy data give some insights into other financial hazards within the credit system. The data show larger economic troubles—women at the edge of economic survival, entrepreneurs at highly disproportionate economic risk, wage-earners facing unsteady incomes, creditors extending credit when the evidence is overwhelming that the debtor cannot repay.

Whatever we do about bankruptcy ought to be done with an understanding that our bankruptcy law is distinctively American. Although virtually every market society has a law designed to respond to the crisis of insolvency, our bankruptcy laws are unique in concept, not merely in detail. They rest on the notions of a fresh start and protecting the little guy, ideas some might describe as “liberal”. But they also differ from the rest of the world in being highly individualistic and in minimizing the role of governmental regulation and subsidy, values generally considered “conservative.” In one sense, bankruptcy is unAmerican, because we do not much like to think about failure. But it is peculiarly our own because of its solicitude for the “taker-of-risks.” In that sense, bankruptcy is as American as apple pie—and likely to be a permanent, and even growing, feature of the economic life of the late Twentieth Century.

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