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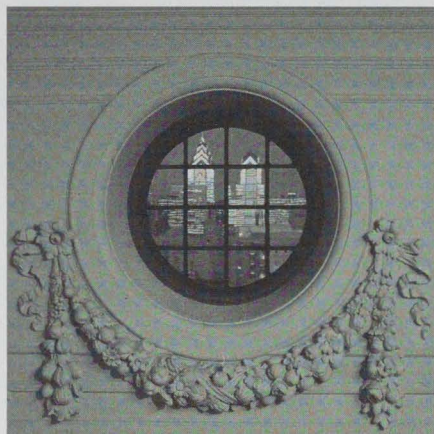
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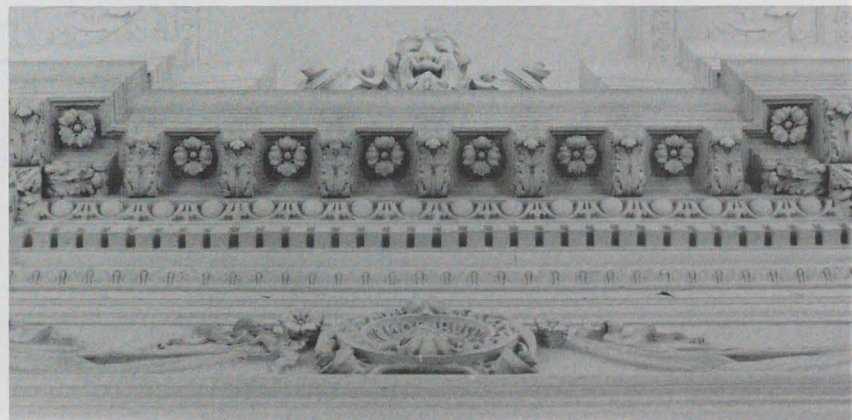


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The cover photograph captures the Philadelphia skyline at dusk through a graceful window in the Biddle Law Library Staff Offices in Lewis Hall. The space features two windows complete with ornamental plaster moldings. Plans to renovate Lewis Hall after the completion of the Law Library building will incorporate these impressive windows.

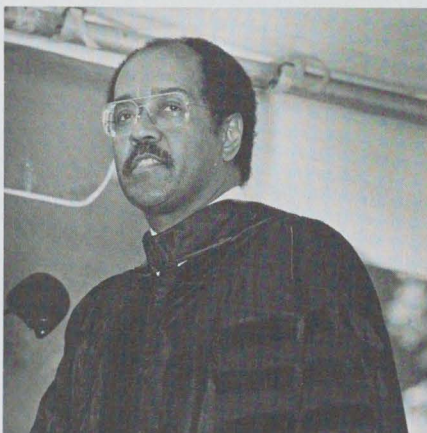
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As our 200th Anniversary year drew to a close, alumni returned to the Law School for two impressive occasions. Alumni Weekend, May 18 and 19, featured Alumni/Faculty Exchanges, the Medallion Recognition Brunch, Ground-breaking for the new Law building, an Open House, Quinquennial Parties and an All Class Brunch. Below, Dean Diver makes his remarks to the alumni gathered while University President Sheldon Hackney, the Honorable Arlin M. Adams '47 and Myles Tanenbaum '57 look on.

The weather cooperated on May 21 for Commencement, where graduates and their families and friends gathered on the lawn behind the Second Bank in Independence Park to hear from the Honorable William H. Gray III, Majority Whip of the United States House of Representatives.



Your Annual Report, which will be mailed in early October, will feature fuller coverage of these events.

From the Dean

LEARNING BY TEACHING AND BY DOING



Educational psychologists tell us that the best way to learn is by self-teaching. That insight explains the remarkable durability of the so-called Socratic method of teaching law. Students master the content, purposes, and limits of legal doctrines by being challenged to answer questions about their application to disparate factual settings. Soon they begin reflexively asking themselves those questions as they study the assigned material. The role of the teacher is to guide students to teach themselves.

The Socratic method is no longer as dominant in legal education as it once was. (Nor are its practitioners as domineering as they once were!) Other pedagogical styles—lectures, panel discussions, role-playing simulations, research projects, client-service clinics—have proliferated in recent decades.

Traditional casebooks have been supplemented by problems, case studies, monographs, videotapes, and computer-assisted learning exercises.

While the Socratic method may be waning, the practice of learning by self-teaching is thriving. At Penn, this is especially evident in the growing number of academic programs for which students take a major responsibility in the planning and implementation. Today, every Penn Law student participates in at least one such program.

One leading example is the student-edited law journals. Law review membership has long been regarded as a powerful learning experience, but one that was available to only a small fraction of the students. Today, with three formal law journals, Penn can offer this experience to nearly 40 percent of the class.

Another example is the cluster of programs—the Government Policy Research Unit, Externship Program, and Public Service Program—that provide students with an opportunity to undertake an intensive program of work and study in a government agency or community organization. Through these avenues, students draft legislation for state legislators, research briefs for the Juvenile Law Center, represent the Philadelphia District Attorney's Office in preliminary hearings and pretrial motions, teach "street law" in the Philadelphia public schools, and perform countless similar tasks.

A third example is the so-called "student initiated seminar," in which students develop a syllabus, assemble course materials, and take turns leading the discussion. This year, for example, a

group of students, with assistance from Professor Lani Guinier, organized a seminar on critical race and gender theory.

Experiential learning is not confined to the curriculum. I am ceaselessly impressed by the extraordinary range of extracurricular activities in which Penn Law students engage. Each year students plan, organize, and run symposia and colloquia of exceptional quality. This academic year, for example, the Penn Black Law Students Association ran a conference on drug abuse, at which we dedicated the portrait of Sadie T. M. Alexander '27, the first black woman graduate of Penn Law. Each year a group of students organizes the Edward V. Sparer Public Interest Conference, this year's focusing on public policy toward children in need. The student-run Equal Justice Foundation organized a week-long program on public interest law, which included its annual fund-raising auction. Other student groups hosted lectures and debates on a wide variety of topics.

It is no accident that the plans for the new Law School building and the renovation of Lewis Hall include substantial added facilities for student activities. At Penn legal education has become more committed than ever to the goal of student-initiated education—learning by teaching and learning by doing.

Colin Durr

Symposium



Edward S.G. Dennis Jr. '73 speaks with students prior to his address at the Annual Law Review Banquet held at the Franklin Institute.



Alexander C. Gavis '91, Editor-in-Chief of Volume 139 of the University of Pennsylvania Law Review, joins Trip Dorkey '73 (left), Dean Colin S. Diver, and Arlene Fickler '74 at the Annual Law Review Banquet

EVENTS

Noting that public service is not simply one facet of the legal profession, but rather that our profession itself should be public service, Edward S. G. Dennis Jr. '73 spoke eloquently as the featured speaker at the Annual Law Review Banquet on March 21, 1991. Dennis presented his view that technical competence alone does not make a successful lawyer, and encouraged his audience to be discerning in their practice of law, choosing to be counselors rather than merchants in law. Dennis recently joined the Philadelphia office of Morgan, Lewis and Bockius after having spent many years as a public servant, most recently heading the Criminal Division of the United States Department of Justice and as the United States Attorney for the Eastern District of Pennsylvania. The Banquet hosted alumni editors of the University of Pennsylvania Law Review as well as the outgoing and incoming staff and many faculty.

Public Interest Law Week at the Law School featured a host of events sponsored by the Equal Justice Foundation. On Monday, March 18, the Honorable A. Leon Higginbotham, former Chief Judge of the United States Court of Appeals for the Third Circuit, presented the Keynote Address. The second annual Public Service Fair took place on Wednesday, offering an opportunity for alumni and other sponsors of Public Service Placements to describe their efforts to students (for more information on the success of the Public Service



Judith Bernstein-Baker, left, and Dean Colin S. Diver join State Senator Allyson Schwartz, Keynote Speaker at the 10th Annual Edward V. Sparer Conference in Public Interest Law.

Program to date, see Docket at page 20). A panel discussion entitled "Public Interest Law — Wherever You Are" followed. Thursday featured the annual EJF Fundraising Auction, where donations from faculty and others were auctioned off to the supportive crowd.

Breaking a twelve-year tradition of producing Gilbert & Sullivan operettas, this year's Light Opera Company presented Stephen Schwartz's "Pippin", and to much acclaim. The Company attracted such great interest that for the first time, the production featured Penn Law students (and faculty!) exclusively. Jeff Cooper '91, who played the lead role in this year's production while serving as President of the Board, enthusiastically proclaimed the show a success.

LECTURES AND DISCUSSIONS

In January, alumni James Crawford '62, of Schnader, Harrison, Segal & Lewis, and Richard Bazelon '68, of Bazelon, Less & Price, joined Lecturer in Law and

Philadelphia Court of Common Pleas Judge Jane Greenspan in a panel designed to demystify pre-trial motion practice for members of the Class of 1993. The program coincided with the class' assignment to write trial briefs in support of motions for summary judgment as part of the first year legal writing and research program.

The Honorable Cecil F. Poole of the Ninth Circuit Court of Appeals presented the Irving R. Segal Lecture in Trial Advocacy on March 26, 1991. Judge Poole presented "Fame or Fortune: Or Is There Balm in Gilead?" as part of the Lecture Series, which features prominent practitioners and jurists each semester at the Law School.

Patricia DeCarlo '74, Executive Director of the Norris Square Civic Association joined Charles Cunningham of the Defender Association of Philadelphia and Michael Pratt, chair of the Young Lawyers Section of the Philadelphia Bar Association, for a well-attended brown

bag lunch with students. The program, held during Black History Month and co-sponsored by the Career Planning and Placement Office and the Public Service Program, was billed as a showcase for minority role models in public service.

CONFERENCES

Penn Law hosted the International Jessup Moot Court Competition this year in February. Moot Court teams from law schools throughout the east coast participated. While the Penn team was not a winner, Larry Rosenberg, member of the Class of 1992, took the second award as an Oralist. The Competition was competently staffed and organized by students.

February also featured the 10th Annual Edward V. Sparer Conference in Public Interest Law. Titled "Kids in Crisis: Opportunities for Change", the Conference—conceived and organized by students—featured Pennsylvania State Senator Allyson Schwartz as the Keynote Speaker, and sponsored panel discussions on a broad range of issues centered on opportunities to improve options for our children. Faculty and alumna who participated in the program are Judith Bernstein-Baker, Director of the Public Service Program; Harriet Dichter '84, Director, Maternal and Infant Health Division of the Philadelphia Department of Health and Human Services; Professor Stephen Morse, Professor Ralph Smith, Professor Susan Sturm, and Professor Barbara Woodhouse.



Anne Bartow '90 and Storm Jamison-Gold '90, who led the fundraising effort to support the portrait of Dr. Sadie T. M. Alexander '27, with Dean Diver and the completed work. Dr. Alexander's portrait hangs to the right of the Goat in the Law School.

The Black Law Students Association's Annual Sadie T. M. Alexander Conference featured lectures and discussion of "Legal Response to the Drug Dilemma". The Conference gathered alumni, community activists and practitioners in in-depth discussion of this deep-seated problem. BALSAs alumni joined together for a lunch at which Pennsylvania State Senator Hardy Williams '57 received the Alexander Award.

Dr. Alexander's recently completed portrait was also unveiled at the Conference's Keynote event, which featured Washington D.C. attorney R. Kenneth Mundy, Esquire. The tremendously successful effort to fund a portrait of the Law School's first African American woman graduate came to fruition on February 21, 1991, when the portrait of Dr. Sadie T. M. Alexander, Class of 1927, was unveiled. With many friends and family members in attendance, Dean and Bernard G. Segal Professor of Law Colin S. Diver commented on Dr. Alexander's many contributions to society, the legal community and to the Law School. Carol A. Black '79 spoke movingly about Dr. Alexander's influence not only on her decision to become a lawyer but also on the careful way she approaches her craft. The portrait hangs

in the Law School's entry corridor.

BALSAs alumna Alison Lane '90 is attempting to update alumni records for the group. If you would like to help in this effort, please contact the Alumni Office at (215) 898-6303.

In April, the Law School and the Institute for Law and Economics co-sponsored a seminar for federal judges through the Federal Judicial Center. The seminar hosted 30 bankruptcy judges from throughout the nation—who applied for limited slots in the program—for a series of lectures by faculty from Penn Law, Wharton, Pennsylvania's economics department and the Institute. The federal jurists were exposed to historical and critical thought from many disciplines influencing current bankruptcy practice.

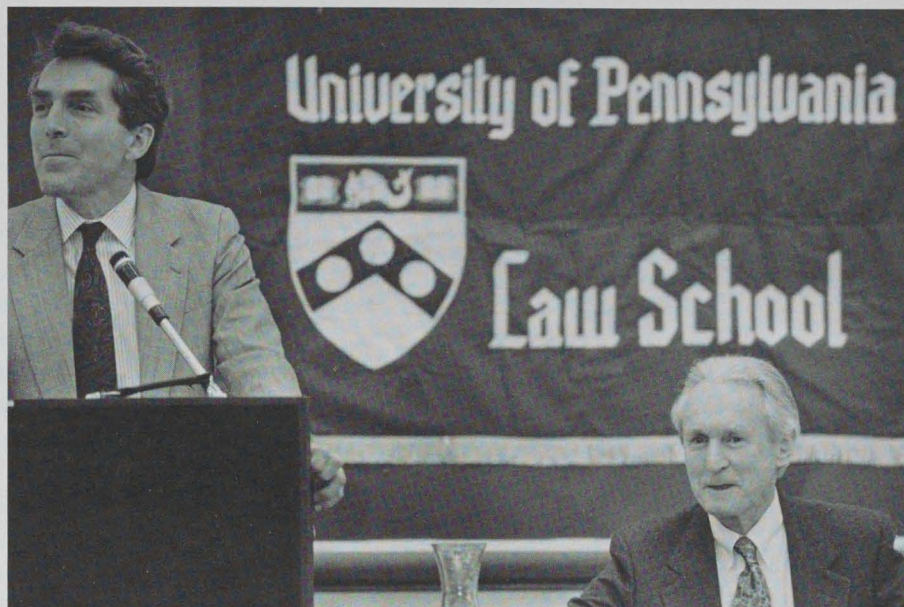
The Institute for Law and Economics also sponsored a Roundtable on the Government Regulation of Housing Markets in May. The Conference gathered faculty and participants for in-depth group discussion and examination of the topic. Faculty and alumni who joined in the Roundtable included Dean Colin S. Diver, Sylvan M. Cohen '38, Michael M. Dean '57, Harris Ominsky '56, Professor Michael H. Schill, Nina Segre '74, Professor David J. Shakow, Professor Reed Shuldiner, Robert Toll '66, and Institute Director Michael L. Wachter.

CLINICAL PROGRAM

Alumni returned to the Law School to work with students on exercises in negotiation and depositions this year through the Clinical Program. "It's a terrific idea to give clinical experience in something as common as depositions," notes Alfred H. Wilcox '68. Working through problems with students, alumni played the role of opposing counsel in these hour-long exercises. Both alumni and students value the practice—for alumni, it provides an opportunity to see today's legal education first-hand. Sarah A. Kelly '85, who joined two deposition



Carol A. Black '79 pays tribute to Dr. Sadie T. M. Alexander '27 at the unveiling of Alexander's portrait during the Annual Black Law Students Association Conference.



Dean Colin S. Diver introduces the Honorable John J. Gibbons as the presenter of the 32nd Owen J. Roberts Lecture.

exercises in between out-of-state depositions in her practice at Morgan, Lewis and Bockius, comments, "I found the exercise a lot of fun. I wish I had that kind of experience when I was in Law School. The students are very eager to do the right thing and I enjoyed my part."

The Clinic Program extends its thanks to the following alumni who worked with students this academic year: William R. Adams '79, Peter Meadows Adels '83, Marguerite Ayers '78, Dr. Robert Bass, Jr. '73, Suzanne Bohannon '89, Michael Boni '88, Paul Brenman '86, Douglas Candeub '82, David Castro '86, Jeffrey M. Chebot '80, Frances Cressio-Fortuno '78, Thomas J. Eicher '83, Abbe Fletman '88, Richard Gold '78, Dean Jerrehian '86, Sarah A. Kelly '85, Lori Kettering '89, Stephen K. Ludwig '83, Gerald A. McHugh '79, Melissa McKee '90, Donald Millinger '79, Robert S. Natalini '86, Amy Norr '85, Julie Shapiro '82, Brian J. Sisko '85, Laura B. Sorscher '88, Joshua Spielberg '81, Jo-Ann Verrier '83, Valerie West '83, and Alfred H. Wilcox '68.

If you are interested in working with students in these exercises in the coming academic year, please contact Valerie Rose at (215) 898-8427.

SHILS PROFESSORSHIP

In a successful fundraising effort to increase the endowment for the Edward B. Shils Professorship in Alternative Dispute Resolution, Vartan Gregorian, President of Brown University and former Penn Provost, addressed more than 250 contributors to the Professorship. The effort to fund the chair is led by family and friends of Dr. Shils, who achieved both his J.D. (in 1986) and his LL.M. degrees (in 1990) from Penn Law.

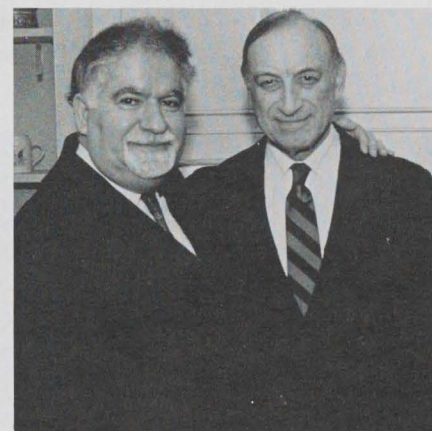
ROBERTS LECTURE

The 32nd Annual Owen J. Roberts Memorial Lecture, held February 21, 1991, featured the Honorable John J. Gibbons, former Chief Judge of the Third Circuit Court of Appeals. Judge Gibbons presented his paper, "Intentionalism, History and Legitimacy", which examines various theories of judicial legitimacy and constitutional interpretation. Judge Gibbons, a 1950 graduate of Harvard Law School, was appointed to the Third Circuit Court of Appeals in 1970 and served as the Court's Chief Judge from 1987 until 1990. He is currently the Richard J. Hughes Professor of Law at Seton Hall University School of Law.

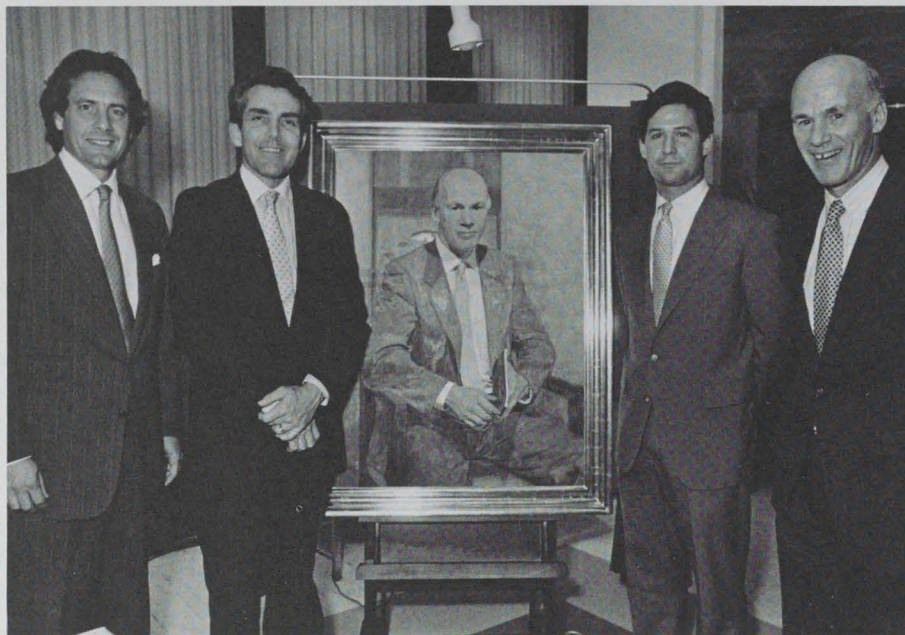
As is customary with the Roberts Lecture, Judge Gibbons' remarks will be published in a forthcoming edition of the *University of Pennsylvania Law Review*. Sponsored jointly by the Pennsylvania Chapter of the Order of the Coif and the Law Alumni Society, and supported by an endowment from the Philadelphia office of Montgomery, McCracken, Walker and Rhoads, the Roberts Lecture continues to feature esteemed legal theorists at the Law School.

ALUMNI EVENTS

Dean Colin S. Diver visited alumni from coast to coast this semester. In February, Dean Diver enjoyed a reception in Seattle during the American Bar Association meeting, and then traveled to Portland for lunch with alumni in Oregon, hosted by Eric E. Merck '66 at the Danner Boot Factory. James K. Sterrett II '72 sponsored a catered lunch for San Diego Penn Law alumni at his offices with Pillsbury, Madison, Lillick, Sutro & McHose. With the assistance of Marshall A. Rutter '59 and Curtis A. Graham '79, alumni in Los Angeles gathered to meet Dean Diver at the University Club.

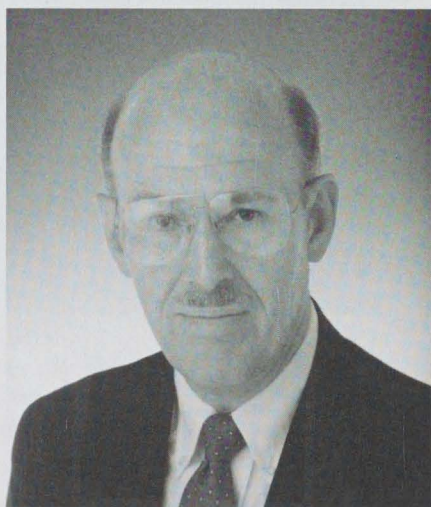


Vartan Gregorian, President of Brown University and former Penn Provost, with Dr. Edward B. Shils '86, LL.M. '90. Gregorian spoke at a Dinner in support of the Shils Professorship in Alternative Dispute Resolution.



Howard L. Shecter '68, who led the Mundheim Portrait Committee during his tenure as Law Alumni society President, Dean Colin S. Diver and painter David Langfitt join former Dean Robert H. Munheim.

The Dean next joined alumni in Miami for a reception at an area restaurant, organized by Wifredo Ferrar '90. In April, Dean Diver and New York City alumni gathered at the Royalton Hotel's restaurant, owned by Jeffrey Chodorow '75. May featured a gathering of Pennsylvania Penn Law alumni during the annual meeting of the Pennsylvania Bar Association, at which the Law Alumni Society presented the Alumni Award of Merit to John A. Carpenter '58 for his



John A. Carpenter '58, recipient of the Alumni Award of Merit

service as outgoing president of the PBA.

Meeting alumni at these gatherings has given Dean Diver a flavor for the Law School's history and for alumni goals for its future, and he looks forward to getting to know more graduates in the years ahead.

DEAN MUNDHEIM PORTRAIT

Former Law School Dean and University Professor Robert H. Mundheim returned to the Law School on April 9, 1991 for the unveiling of his portrait. Joined by faculty and alumni, Dean Colin S. Diver welcomed Myles Tanenbaum '57, Professor A. Leo Levin '42 and Sylvan Cohen '38, who paid tribute to Dean Mundheim's accomplishments at the helm of Penn Law. Dinner for the group followed in the administrative corridor of the Law School, where Dean Mundheim's portrait is proudly displayed.

AMERICAN BAR FOUNDATION FIFTY YEAR AWARD

Edward I. Cutler '37

The American Bar Foundation presented the prestigious Fifty Year Award to Penn Law alumnus Edward I. Cutler, Class of 1937. Bestowed annually on one attorney in the nation for major contributions to the legal profession through a half century of practice, the Award acknowledges Cutler's professional accomplishments and continued community activism.

The Law School itself has gained through Cutler's beneficence. In honor of his 50th Reunion in 1987, Cutler made a \$50,000 gift to endow a fund at Biddle Law Library. Cutler's seed gift is establishing Penn's Law Library as the center for study of uniform commercial law on both the national and international level. Professor C. W. Mooney states that this endowment has had particular impact on his research in the field.

The Law School proudly commends Ed Cutler on his receipt of the Fifty Year Award.

THE LAW SCHOOL BOARD OF OVERSEERS

The Board of Overseers met for their Spring meeting on April 10, 1991. The Honorable Arlin M. Adams '47 chaired the meeting. Dean Diver reported on the state of the Law School and introduced recently appointed Assistant Professor of Law Reed Shuldiner, a specialist in taxation. Judith Bernstein-Baker, Director of the Public Service Program, spoke with two of the Program's advisory Board members, Louis Rulli and Toby Oxholm, on the success of their efforts to date. Lourdes Fuentes '92, Brian Graff '92, Oded Solomy '92 and Ann Zedd '92, second year students who have completed their service in the Program, reported on their personal experiences as participants.

At lunch Dean Diver thanked overseers David Marion '63 and Stephen A. Cozen '64, whose terms end in June 1991, for their years of dedication and

service to the Law School. He expressed his hope "that their talents and expertise will continue to be available in new and different capacities." Jeffrey M. Stopford '69, who is ending his successful two-year term as National Annual Giving Chair, was also thanked for his boundless energy and dedication to task. All three received framed prints of the photograph adorning the cover of this edition of the *Journal* to mark the occasion.

THE LAW ALUMNI SOCIETY

The Law Alumni Society held its annual elections during the Society's Board of Managers meeting on April 9, 1991. The Honorable Frederica Massiah-Jackson '74 presented the Committee's report, and a motion from the floor moved for election of the Committee's slated candidates. Elected to the 1991-92 Board of Managers were the following: Officers John F. DePodesta '69, President; Jerome A. Apfel '54, First Vice President; Helen Pomerantz Pudlin '74, Second Vice President; Arthur Lefco '71, Secretary; Arlene Fickler '74, Treasurer; Managers Timothy F.S. Cobb '89; George Edwards '74; Nicholas Nastasi '67; David Nelson '49; Marcia Olives '84; Lawrence Rothenberg '65; Jerome Snider '75; Vernon Stanton '60; Jeffrey Stopford '69; Michele Tuck '83; and Steven Waxman '70.

Dean Colin S. Diver spoke of the Board's accomplishments this past year, noting its work in the area of legacy admissions, Biddle Law Library's EX-LIBRIS program, and Law Alumni Day (which all will learn more about through a letter from committee chair Arlene Fickler, which will be included in your July mailing from the Society). Expressing his gratitude to departing Board members and particularly to President Gilbert F. Casellas '77, Dean Diver presented gifts of appreciation to the outgoing officers and managers.

Incoming President John DePodesta spoke to the group, announcing his intention to form a Bylaws and Mission Committee to formulate goals and purposes for the Society in the coming years. DePodesta requested the service of Jeffrey M. Stopford '69, who will complete his term as National Giving Chair this June, and former Society President Howard Shecter '68 on this important task force. Reports from this Committee and from other Society Committees will be forthcoming.

LAW ANNUAL GIVING

June is the final month of Law Annual Giving 1990-91. Class agents and their committees, reunion gift committees and law firm solicitors will be on the phones with alumni in a final push toward the goal of \$1.75 million by June 30. Jeffrey M. Stopford '69 will be tirelessly leading this effort to raise a record \$1.75 million before he passes the baton of leadership on to Charles E. (Trip) Dorkey, III '73 for the next two years. (See the sidebar article on page 30.)

In 1984, Jeff joined the ranks of Annual Giving fund raisers. From the beginning his achievements set an example for others to follow. Demonstrating that, with effort and attention, at least 80% of a class can be expected to contribute annually, Jeff became a motivating force for other fund raisers. As Class Agent Chair and then National Campaign Chair, Jeff's influence spread—and the Annual Giving totals kept increasing. Jeff's energy and achievements have given Law Annual Giving a visibility and personality during the two years of his national leadership. Thank you, Jeff!

ALUMNI WEEKEND

Alumni Weekend, held in Philadelphia May 18 and 19, 1991, was a great success. Alumni from quinquennial classes joined graduates from all classes for festivities at the Law School on Saturday. Two Alumni/Faculty Exchanges featured panelists from the Penn Law commu-

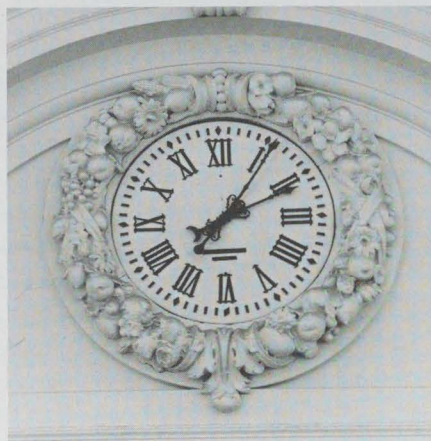
nity. Professor Barbara B. Woodhouse moderated "In Defense of Childhood: Views from the Front Lines," featuring Judith Bernstein-Baker, Director of the Public Service Program; Paul Minorini '91, Intern at the Community Legal Services Universal School Lunch Project; Professor Ralph Smith, Executive Director of the Philadelphia Children's Network; and Janet Stotland '69, Director of the Education Law Center. A second panel, "Real Estate Finance in the '90s," featured Professor Michael Schill Robert I. Toll '66, of Toll Brothers, Inc.; William A. Schnader Professor Elizabeth Warren; and Jack D. Weiner '80, Vice-President for Real Estate with Provident National Bank.

Groundbreaking festivities marked the ceremonial beginning of the Law School's new Library Building. Dean Colin S. Diver and University President Sheldon Hackney joined National Campaign Chair Myles Tanenbaum '57 and Chair of the Overseers Arlin Adams '47 to turn a shovel of ground at the location of the new building. Plans are underway for clearing of the site to begin this summer.

An Open House followed, at which friends and families got reacquainted with old classmates and the Law School. Quinquennial class celebrations took place throughout the city on Saturday evening, and a Brunch on Sunday at the Law School rounded out the weekend. Watch for photographs and more details of the festivities in the 42nd Annual Report of Annual Giving, which you will receive in October.

Calendar

FALL 1991



SEPTEMBER 1991

Tuesday, September 24
Annual Giving Kickoff
The Rittenhouse Hotel
4:30 Business Meeting
6:00 Cocktail Reception

OCTOBER 1991

Wednesday, October 2
Law Alumni Society Past
Presidents Lunch
*Philadelphia Office of
Pepper, Hamilton & Sheetz*
noon

Law Alumni Society Board of
Managers Meeting
International House
5:00 p.m.

Thursday, October 10
Alumni Reception in NYC
America
7:00 until 9:00 p.m.

Tuesday, October 15
Benefactors Reception
*The Cassatt Lounge
The Rittenhouse Hotel*
6:00 Cocktails
6:45 Program

Tuesday, October 22
Benefactors Dinner
The Four Seasons Hotel
6:00 Cocktails
7:00 Dinner

NOVEMBER 1991

Friday, November 1
Annual Law Alumni Society
Parents and Partners Day
for Class of 1994
and members of their families

Wednesday, November 13
Board of Overseers Meeting
(tentative)
Owen J. Roberts Lecture
(tentative)

DECEMBER 1991

Date to be determined
Keedy Cup Competition

JANUARY 1992

Wednesday, January 15
Law Alumni Society Board of
Managers Meeting
International House
5:00 p.m.

Penn Law Talent

COMBINING LAW AND LYRIC



E. Ellsworth McMeen, III '72 in a promotional shot for his album "Of Soul and Spirit" (Shanachie 1991)

Pursuing both avocation and vocation can be difficult at best, particularly when the call to combine the two begins to ring loudly in one's ears. "Do What U Luv", a pop single penned by Penn Law graduate Matt Yee '85, describes the difficulty: "Sometimes you just got to go for it... There's always a price to pay for the perfect fit." Yee's current attempt to do what he loves—write and produce his own music—is satisfying him greatly.

Yee took a traditional route out of Penn Law, returning to his native Hawaii to work at Chun, Kerr, Dodd & Kaneshigi. In 1988, Yee decided to live out his dream—embodied in "Do What U Luv"—and resigned from the firm to pursue a career in music. He immediately found a position with a production company, which provided both insight into the recording industry and sufficient

time to devote to serious song writing. Yee released his first album, "Innocent Love", in 1990, and while Mattaio, his stage persona, isn't yet a household name, "Do What U Luv" is enjoying increased air time.

Having studied at Dartmouth on a music scholarship, Yee used his talents at the Law School, participating in the annual holiday chorales, Law Revue shows, and the Light Opera productions, including a memorable role in the "Pirates of Penzance." While his music career currently takes the front seat, Yee does not rule out a return to the law. Not only have his legal experiences provided musical inspiration, but his background proved invaluable in drafting artists' contracts and in negotiating a settlement in a landlord-tenant dispute for the production company for which he worked. At the moment, though, Yee's focus is fully on his music, and he beams, "To be able to tap an emotion while performing... that's really cool."

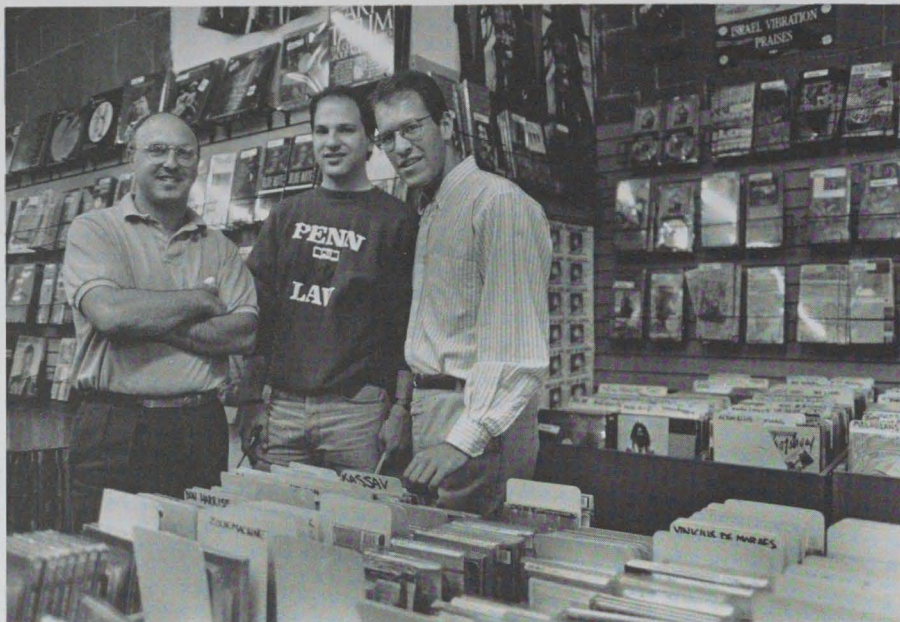
E. Ellsworth McMeen, III '72 has also recently released his first performance album. The prestigious Shanachie Records has picked up McMeen's solo acoustic guitar work and in the spring released "Of Soul and Spirit," a collection of hymns and Irish meditations. McMeen, who combines his music with a full-time corporate law practice with LeBeouf, Lamb, Leiby and MacRae in New York City, compares the discipline required of attorneys to that required of musicians. "The trick is maintaining your level of talent and proficiency during the first years of your practice and then moving on to break new ground once your legal career is established."

McMeen began playing the guitar in college, working in the folk idiom. He credits folk-singer Phil Ochs and friend Caleb Crowell as having had a major impact on his playing. He also suggests that his guitar playing improved with the help of Stefan Grossman's Guitar Artistry Series, a collection of guitar lessons on cassette. "Grossman raised my level of playing to the point that he asked me to do some workshops for the series. I ended up doing eight one-hour lessons."

McMeen, who has a studio in his home and attempts an hour and a half of practice on the guitar each day, notes that there is little in his life outside of "my work, my music and my family. Combining music and a law career is difficult. It can be done, but it takes a lot out of you."

Stephen M. Goodman '65—a jazz pianist with regular performance dates in Philadelphia and a full-time corporate practice at Wolf, Block, Schorr, and Solis-Cohen—agrees, but notes, "I love the combination. I love the practice of law, and I'm not a frustrated musician. I think the balance is what is comfortable with me."

Goodman has been playing the piano for more than four decades, with early classical training giving way to his preference for jazz in his adolescence. Goodman now plays what he styles as "cocktail jazz" twice monthly in the Cassatt Lounge in the Rittenhouse Hotel, and also gives occasional benefit performances, such as a recent reception for the Business Volunteers for the Arts and a past appearance at the Penn Law Benefactors Dinner. In the past, Goodman ran a jazz jam session at the



Gary Lazoff '82—shown here with student editors Marc Carrell '93, center, and Scott Nabel '93, right—left his law practice at Wolf, Block, Shorr, & Solis-Cohen to sell music. As owner of Third Street Jazz and Rock, a speciality record store in Philadelphia, Lazoff entered the record business “by happenstance.” It was the challenge of business that attracted him. While his music business finds him in a much more informal setting than a law practice, Lazoff sees similarities between his present and former professions. “Just as counseling is an important part of lawyering, personal service and counseling consumers of music is a large part of my business.”

Hershey Hotel; there, he would play with as many as ten other musicians before a highly appreciative audience.

A highlight of Goodman’s dual career is his clerkship with Justice William Brennan on the Supreme Court of the United States, during which he arranged the music for Justice Brennan’s daughter’s wedding. Combining music and law continues to be rewarding for Goodman. “I see a relationship between creativity in putting together corporate transactions—improvising to achieve the best results for the client—and putting together music by improvising themes as a jazz musician.”

The successful combination of music and law juggled by these alumni is of particular interest to Bernie Solnik, a member of the Class of 1992. Solnik, too, plans to continue balancing his interest in both music and law. Originally trained as a classical pianist, Bernie turned to rock and roll in high school, playing guitar and percussion with a band. As an undergraduate at Duke, he played keyboards in a rock band and sold the school a rap song about its 1986

NCAA Basketball team in exchange for studio time *and* royalties (which might have been lucrative if the song had been resurrected this year!). Before law school, Bernie spent a year in London as a studio musician, where he was exposed to diverse musicians and styles, including punk, 60s, African, funk, and reggae.

But upon confronting the reality of a starving artist’s lifestyle, Bernie decided a career with more security and intellectual stimulation was in order. While at Penn Law, Bernie has been enjoying his hybrid role as student / artist. In addition to lending his musical talent to law school productions such as this year’s “Pippin,” Bernie composes and records music with local musicians. He currently works with a group of Wharton students to make contacts to sell his and others’ work. Upon graduation, Bernie hopes to practice entertainment law in New York and continue his musical endeavors on the side. Bernie feels he has the best of both worlds and that his unusual background is an asset: “Law firms don’t necessarily want to hear my songs, but they do appreciate an artist’s

perspective on legal issues.”

At the Law School, Kenneth W. Gemmill Professor Robert A. Gorman encourages the musical talents of Penn Law students like Bernie Solnik. Gorman, also trained as a classical pianist, began involving students in music in 1971, when he and Professor Noyes Leech formed the *Airs-at-Law* to sing holiday tunes and carols to students in the Great Hall. The Law School’s Light Opera Company was an outgrowth of this chorus, and in 1978 staged—appropriately—Gilbert & Sullivan’s “Trial by Jury.” A Gilbert & Sullivan show has been staged each year since, until the group’s board departed from the tradition this year with its performance of “Pippin” in April.

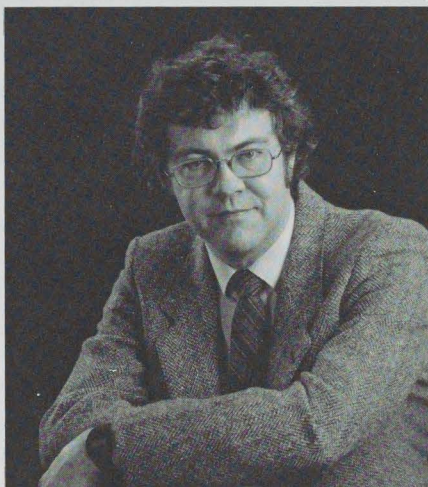
Gorman—who admits to stage fright that prohibited his consideration of a career in music—continues to form a quartet each year at the Law School, which entertains the Penn Law community on various occasions. “While I still get nervous, at least I know it’s a friendly crowd... and teaching 100 or more students with regularity hopefully has developed self-confidence.” He also performs, mainly for charitable organizations, with a barbershop chorus based in Cherry Hill. Teaching copyright law is another way Gorman can gratify his artistic side, and he feels his musical background helps greatly in informing his understanding of the legal issues. Gorman—who admits indulging in an occasional duet with his colleague, Professor Susan Sturm—is looking forward to the day when his commitments loosen up to afford him some free time to “brush up on piano lessons.”

As noted by El McMeen, “a lot of very talented people turn to the law as a profession.” These talented members of the Penn Law community have pursued both music and the law with vigor—and with rewarding results.

—Marc Carrel '93

—Scott Nabel '93

Faculty Excerpts



C. Edwin Baker

EDITOR'S NOTE:

In 1989, C. Edwin Baker, Nicholas F. Gallichio Professor of Law, published *Human Liberty and Freedom of Speech, a critically-acclaimed examination of free speech issues and the First Amendment*. In the following discussion, written for the Journal and based on pages 259-262 of his book, Professor Baker outlines his view that legislative revisiting of the Fairness Doctrine in broadcasting is unwarranted and unwise.

MISGUIDED FAIRNESS

C. Edwin Baker

Legislation to mandate "fairness" in broadcasting was introduced in Congress on January 16, 1991. The legislation would reestablish the "Fairness Doctrine," once imposed administratively by the FCC, that required, first, that broadcasters cover issues of public importance and, second, that they assure their presentations of controversial issues are "balanced." Although it was unanimously upheld in 1969 by the Supreme Court, in 1988 the FCC abandoned the Fairness Doctrine because it concluded the doctrine violated the First Amendment. The U.S. Court of Appeals wisely avoided this constitutional issue in affirming on the FCC's alternative ground that the Fairness Doctrine did not serve the public interest. *Syracuse Peace Council v. FCC*, 867 F.2d 654 (1989), cert denied 110 S.Ct. 717 (1990).

The current move to impose "fairness" in broadcasting is misguided for four main reasons. First, the Doctrine's second prong, the balance requirement, penalizes a broadcaster for the content of her speech. If a broadcaster says something controversial, she must then present an opposing view even if she believes that this presentation would undermine the station's advocacy or that this opposing view is already over represented in the general media or that this opposing view is flatly wrong and immoral. Being forced to present such an opposing view is a fairly hefty penalty for saying what one thinks. The Fairness Doctrine directly penalizes precisely the

speech the First Amendment most needs to protect, controversial speech.

Second, requiring a broadcaster to "balance" all controversial presentations with "the" main opposing viewpoints chills speech. The broadcaster legally evades this obligation simply by not broadcasting controversial material. Thus, a major practical effect of the balance prong of the Fairness Doctrine is to reinforce already powerful commercial pressures that militate against controversial commentary in broadcasting.

Third, the concept of "balance" is neither content neutral nor value neutral. It is intrinsically ideological—specifically, balance represents a middle of the road, status quo policy. (In our political order, it is also a very "pro-incumbent" policy, making its legislative popularity easy to understand. The extreme advantages of incumbency make partisan support of broadcasters unnecessary. Balance, however, removes the threat that broadcasting could be one of the few potentially effective oppositional forces.) Can one imagine the muckrakers mounting forceful critiques if they were required to carefully give the "other side" equal time? Balance is designed to take the sting out of attacks—to suggest that there are (at least) two sides to every issue. It is the Aristotelian notion of the mean—a position quite out of line with our

historically most vital, reform-oriented press. Although a complex combination of reasons are needed to explain why the United States no longer has a strong partisan press on the European model, “freedom of the press” should at least mean that this absence does not reflect government command. But non-partisanship is precisely the meaning of “balance” and “fairness.”

Fourth, “fairness” is even less neutral in practice than in theory. If enforced, the doctrine requires someone to identify the issues a broadcast presents, determine whether they are controversial (and thus require balance), and decide whether balance is achieved—each an incredibly manipulatable judgment. This “someone,” if the doctrine is to have legal force, must ultimately be the government—at the first stage of enforcement, the FCC and then, presumably, reviewing courts. Placing this power and responsibility in government hands, even in the best of circumstances, has foreseeably troublesome effects. Often the obvious subjectivity of the necessary determinations led the government to avoid enforcement. But the periodic enforcement predictably embodied a centrist and often progovernment conception of what “balance” requires.

Predictably, balance would not be achieved by contrasting a Democrat with a Marxist, but only with a Republican. Before fighting began in the Persian Gulf, television news presumably could create balance by contrasting continued use of economic sanctions with someone favoring use of military force—but not with someone who opposed all intervention or who tried to present the issue from the Iraqi perspective.

Even more troublesome than the government imposed centrist, the government evaluators often perceive only opposition to, not support of, government positions to be controversial. After the executive branch, represented by the Surgeon General, found smoking to be dangerous, thereby establishing the “official” viewpoint, the FCC found that cigarette ads presented one side of a controversial issue and

must be balanced with anti-smoking commercials. Several years later, however, the FCC concluded that anti-smoking ads, which embody this official perspective, did not speak to a controversial issue—and, therefore, did not require an answer. Likewise, during the Vietnam War, a period of draft card burning and massive draft resistance, the FCC and the reviewing court agreed that military recruitment ads did not raise a controversial issue. When enforced by the government, a requirement whose content is so entirely manipulatable and whose meaning must depend on perspective predictably results in requiring “balance” primarily when the broadcast challenges established or government views. In contrast, Fairness operates to deter presentation of variable, wide ranging critiques of dominant perspectives. The doctrine’s operational logic is precisely to reinforce the status quo. This turns the First Amendment on its head.

Even beyond these objections, those interested in a more democratic, informative media should recognize that Congressional enactment would be a strategic disaster. There are a variety of legislative or administrative reforms of broadcasting that would make the medium into a more useful as well as more open communication source. The effort to enact the Fairness Doctrine would divert energy and political capital from these more meaningful media-oriented, legislative initiatives. More importantly, its enactment is likely to lead to a court decision that, in holding it unconstitutional, announces that broadcasters should be treated like the print media (with the possible exception of permitting continued regulation of broadcast indecency).

Despite unanimously upholding the Fairness Doctrine, including a right-to-reply requirement, for broadcasting in *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969), the Court unanimously struck down a right-to-reply requirement

for newspapers in *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974). “Scarcity of the airwaves” was the most popularly noted consideration mentioned by the Court to distinguish broadcasting from print. Economists delight in demonstrating that this scarcity either never existed or does not distinguish broadcasting from other communications media. Markets balance supply and demand. If the government permitted market sales of broadcasting frequencies, as it effectively does given the FCC’s usually routine approval of license transfers, frequencies would not be particularly scarce—anyone who pays the market clearing price can have one, just as anyone who pays the even larger amount of money necessary to buy or initiate a daily newspaper can do so. Alternatively, frequencies are scarce, but scarce in the same way newspapers are—if there is no charge for a broadcast license, more people will want to broadcast, will want a free channel, than there are available channels. But if the cost of publishing newspapers were zero, more people would want to publish than presently get to do so. Theoretically, broadcast frequencies and newspapers are no different in their both being scarce economic goods.

Moreover, broadcasting outlets are as a practical matter more numerous in every American city than are daily newspapers. And the disparity is increasing. Since the *Red Lion* decision in 1969, the number of daily newspapers, which have been in general decline throughout the century, has been relatively constant; but by 1987, the number of radio stations had increased by 54% and television stations by 57%. (Moreover, cable provides countless additional video channels.)

These flaws in the scarcity argument are routinely accepted in academic commentary. Still, scarcity is the only argument ever offered that provides any plausible support for the peculiar content restrictions embodied in Fairness. When scarcity is inevitably relied upon to try to justify any legislative reenactment of

Fairness, these flaws are almost certain to lead to its judicial invalidation. But since this will be seemingly the only argument for distinguishing broadcasting from print, the pressure will be intense to announce that broadcasters should be treated like newspapers, hence thwarting other, more legitimate forms of legislative intervention.

Despite its popular invocation, scarcity has never provided the best justification, or even the judicially most relied upon justification, for governmental regulation of broadcasting. Regulation of broadcasting originally reflected the need for the government to set up some system of economic rights. The problem to which the government responded was not scarcity but chaos. As the Court explained: "Without government control {read: "intervention"}, the medium would be of little use because of the cacophony of competing voices, none of which could be clearly and predictably heard." 395 U.S. at 375-76. The government's task necessarily required it to make choices about what rights to create, what industry structure to promote—choices presumably properly guided by a concern to promote a diverse, democratic and useful communication system. The Court has often noted that the government could have, but did not, set up broadcasting as a common carrier. Moreover, "a licensee has no constitutional right... to monopolize a radio frequency to the exclusion of his fellow citizens... [N]othing in the First Amendment... prevents the Government from requiring a licensee to share his frequency with others." 395 U.S. at 389. Similarly, the government surely does not violate telephone companies' First Amendment rights if it imposes common carrier duties that require the companies to allow anyone to use their lines; the government can prohibit these companies from censoring what others say on

their communication lines. Likewise, similar regulations imposed, for example, on cable should not violate any First Amendment rights.

Government intervention to provide for the economic or "property" rights was necessary. The choices implicit in creating these rights necessarily affect the nature of the resulting communications industry. Given the necessity of choices about allocations of rights to use the airwaves and about possible conditions imposed on the allocations of these rights, the choices should not present any constitutional problems as long as they do not involve censorship and do not punish the speech choices of recipients of broadcast rights—the precise flaw in the balance requirement of the Fairness Doctrine. Allocations or conditions on allocations that represent reasonable governmental judgments as to how to create a diverse and useful communications system should be upheld.

This understanding of the rationale for government involvement in the broadcast medium suggests that the coverage prong of the Fairness Doctrine, unlike the balance prong, could be constitutionally acceptable—although practically it was ineffectual in promoting controversial public affairs programming. Requiring a broadcaster to devote a certain portion of its time to public affairs programming does not punish the broadcaster for its own speech choices. Rather, mandated allocation of broadcast time should be seen as a partial payment for the broadcast channel. Congress' 1990 decision to require broadcasters affirmatively to provide for television needs of children is a similar form of "charge."

These allocational conditions imposed on individual broadcast channels are in principle little different from the government's decision to allocate some channels or frequencies to noncommercial, educational or "public" broadcasters—decisions representing the judgment that these uses provide a fuller, more diverse, more useful overall media

environment. Moreover, a suggested rule that would prohibit broadcasters from discriminating among advertisers and, thus, not prevent censorship of issue oriented advertising, would be a possible way to open-up the media to more perspectives. (This converts into a common carrier form the time that the broadcaster gives up to others, the advertisers, for their speech.) Unlike the balance requirement in the Fairness Doctrine, this partial common carrier type reform does not involve the government in censoring or punishing any type of speech. It is a reasonable way to make broadcast frequencies available for private use. It distributes private economic rights in a manner thought most likely to make the resulting industry serve democratic needs for a diverse communications order.

Some governmentally imposed allocational requirements could produce a better broadcast media. But the justification of these requirements is not technological scarcity. And the justifications do not support censorship and ideological control implicit in the "balance" required by Fairness.

TOWARDS A REVITALIZATION OF FAMILY LAW:
PRINCIPLES OF A REVITALIZED FAMILY LAW

Barbara Bennett Woodhouse



Barbara Bennett Woodhouse

EDITOR'S NOTE:

The Texas Law Review recently published a book review by Barbara Bennett Woodhouse, Assistant Professor of Law (69 Texas Law Review, No. 1, 1990). Here, we excerpt the concluding section of Professor Woodhouse's review of The Transformation of Family Law: State, Law, and Family in the United States and Western Europe (University of Chicago Press, 1989), a comparative law study by Harvard Law Professor Mary Ann Glendon. In this edited excerpt, Professor Woodhouse rejects the contemporary view that law does not or should not influence intimate behavior and calls for a complete rethinking of family law and the effects of legislating family relationships.

Our energies and attentions have been mesmerized by the pathology of broken marriages and dissolving families. Professor Frank Furstenberg has this to say:

Not much thought or public attention has been given to whether it is possible to strengthen the institution of marriage or parental arrangements that are the functional equivalent of marriage. Difficult as it is to define provisions for dealing with the consequences of divorce, it is even more difficult to invent ways of rejuvenating commitment to marriage or promoting the stability of existing family units. Consideration of this should ultimately push us in the direction of cross-national comparisons—a much underutilized method of inquiry.

The challenge is enormous, yet Glendon's book presents an important step in the right direction. It suggests the hope of revitalizing American family law into a positive force for family stability.

A revitalized family law would need, first and foremost, to openly accept its role in imparting values. Professor Carl Schneider of the University of Michigan Law School has chronicled modern family law's retreat from moral discourse. Raising provocative questions about the meaning and likely directions of this trend, Schneider shows—and the theme is echoed in Glendon's work—that family law has grown shy of “aspirational morality.” Increasingly, family law reflects common conduct rather than moral ideals.

Says Schneider:

Any society must give its members a sense of stability and mutual concern. Is some commonality of belief about the central moral issues family law poses necessary to that sense? In other words, can a liberal, secular, pluralist, individualist society be a moral community? Can a society prosper that is not a moral community?

Not easy questions, and they are complicated further by our still imperfect understanding of the history of family law and its cultural purposes. Yet I would prefer to risk embarking on a project of revitalization—which necessarily includes an open and notorious moral discourse—than to accept as inevitable the trend documented by Glendon, Schneider, and others toward overvaluing individualism and devaluing commitment, solidarity, and the nurturing, cooperative behavior of families.

But one may ask, “Why Law?” Why should law, as opposed to religion or custom, be pressed into service to further a society's values? One must start from the proposition that we need families, broadly defined, as I think it is clear that we do. Some agency must perform the role of describing desired family behavior because, left unguided, humans are very likely to act on short-term individual interests. It is axiomatic that, in modern industrial societies, religion and custom are growing progressively weaker as normative forces and law progressively stronger. Law has become our civil religion and the one universally accepted arbiter of correct behavior. Nor can we seriously argue anymore that civil law must be value-neutral. That is obviously an illusion, as Glendon points out.

A revitalized family law will need to confront many questions. To be of any

lasting worth, the answers must be the product of a pluralist dialogue—a dialogue that one may hope will not be choked off by recasting the debate in terms of individuals' constitutional rights. Our past performance in this regard is not cause for optimism. Reformers in this country approached divorce reform in the narrowest way, as a response to the specific ill of perjured fault trials. I, for one, find it troubling that even though the laws may have failed in their intended goals of eliminating fault from the courtroom, they have worked a fundamental change in how ordinary people think about and live within core relationships. These no-fault remedies, developed without laboratory testing to treat the pathology of divorce, may be proving toxic to the ideology of marriage.

It seems that the French, among all the jurisdictions Glendon studied, got the process of revitalization right. Instead of framing a new family law solely in response to the pathology of divorce, they asked the general public—married as well as divorced people—for guidance. Before approaching any family law reform, we ought first to ask whether it reflects widespread and generally shared beliefs about marriage and family. I expect Americans would include not only the individualistic elements but also those aspects that make marriage and family a worthwhile collective enterprise for couples, children, and society. The essential question is: How can we regulate marriage to preserve these values and modify divorce to mitigate the damage of marital breakup?

I would suggest that any proposed standard be based in care giving and be strongly child-centered: the goal against which to measure family laws should be whether they promote the family's contemporary purpose of insuring a stable base for the growth of children and the mutual support of adults. Laws should encourage and reward family-centric, cooperative, nurturing behavior.

Three things draw me to this choice: first, it seems morally right; second, it seems pragmatically sound; and third, it respects the notion of liberty as freedom coupled with responsibility enshrined by John Stuart Mill.

I am not suggesting a return to "traditional values." I am far from convinced that traditional family law with its strongly hierarchical tilt has actually furthered, rather than merely paid lip service to, these values. Moreover, traditional family law has imposed gender-linked roles where I would wish to see real freedom of choice in role division, role sharing, or the invention of new and different roles. Finally, tradition as a touchstone binds law to traditional forms of family, and I would open it to new forms. Among the most promising developments in modern family law is the attention to function over formalism. In applying the standard outlined above, I would ask not whether the family form looked like a family, but whether it acted like one.

Because I have criticized Glendon for failing to illustrate family ecology in action, I am now compelled to offer a few illustrations of my own project of revitalization. One question a revitalized family law must address is whether society can afford to validate serial polygamy without imposing continuing responsibility for dependents. As Glendon notes, needs of dependents can be (1) assigned to parents, stepparents, or other private parties, (2) addressed by public benefits, or (3) shared between private and public sources. Glendon's comparisons of the very different ways in which France, Germany, and Sweden approach the question certainly set the stage for a debate about American law. These provocative issues—such as whether children of a first marriage have a "first mortgage" on parents' earnings or whether adequate support of children inevitably involves "hidden alimony" to the custodial parent—have sprung to life around the country as state legislatures have grappled with federal mandates to draft uniform statewide support guidelines. In scholarly journals, the debate has taken a new twist in response

to the suggestion of Professor David Chambers of the University of Michigan Law School that the law should be revised to conform to the behavior of noncustodial parents (over 90% of whom are fathers), who show a postdivorce tendency gradually to detach both emotionally and financially from their children. To minimize state coercion and intrusion on the liberty of individuals, Chambers has suggested limiting the duration of these fathers' responsibility for child support to three years. Professor Harry D. Krause of the University of Illinois College of Law, in a variation on this theme, has suggested that fathers who do not have custody of their children lose the social value of the parent-child relationship and therefore should not be saddled with continuing responsibility for child support. These commentators raise values of individual liberty and self-fulfillment as well as notions of bargaining in the exchange of support for companionship as rationales for terminating parental commitments to dependent children. These approaches reflect a shift from the moral, child-centered question "Is this right?" to the psychological, narcissistically focused question "Is it working for me?"

A family law predicated on rewarding nurturing, commitment, and solidarity, and on sustaining friendly environments for children's growth, would draw a different balance and engage in a different inquiry. First, it would ask what happens in an intact marriage. Then it would question what happens to children after divorce. Last, it would ask how the effects of a family breakup can be mitigated. To begin with, studies of intact families show that time is not the essence of father-child relationships. In several studies, fathers in typical families spent an average of only twelve to twenty-four minutes a day in solo child care. The typical visitation schedule may actually increase the quantity of solo time a child spends with the father.

Studies of children after divorce indicate that they benefit from contin-

ued relationships with their absent fathers. However, it is not the amount or frequency of visitation but the level of financial support that most closely correlates with children's well-being. Perhaps children benefit not only materially but psychologically from this tangible proof of their father's support. Intriguingly, these studies suggest that the relationship between child and parent (at least the parent who is not the primary care giver) has not been assimilated to the same "companionate" model as marriage. It is the intergenerational commitment and tangible help that fathers give which matter most to children—and to fathers, as judged by their conduct in intact families. This commitment to family solidarity should be sustained in the postdivorce family, not undercut by law.

But why then do fathers withdraw support from their children? There is reason to doubt the common wisdom that they do so because they are foreclosed from maintaining relationships with their children. Observers may have found the answer, however, in a newly emerging concept of fatherhood—one in which parental responsibility lasts only as long as the relationship with the child's mother. Commenting on a recent study of 1,000 noncustodial fathers, showing about half had had no contact with their children in the past year, Professor Furstenburg says: "Men regard marriage as a package deal.... They cannot separate their relations with their children from their relations to their former spouse. When that relation ends, the paternal bond usually withers within a few years, too." This concept of fatherhood may well be the product of an era in which divorce became epidemic, yet law failed to enforce meaningful support obligations. Ironically, the story law told fathers emphasized individual freedom, while the story law told mothers was one of sacrifice,

permanence, and family obligation. A law that valued nurture and promoted familycentric behavior would not tolerate this dissonance.

Another question is how law should respond to the new family forms brought about by remarriage that sociologists call "blended" or "reconstituted families." Some have suggested that families have become fluid, forming and reforming, and that law's role should be simply to ratify the reconstituted family. Yet stepfamilies do not simply replace families of origin; they exhibit their own peculiar dynamics and risks. What rules of conduct should prevail among these new family members? Should their members be financially responsible for each other, and if so, does that responsibility dissolve with the marriage that created the relationship? Should sexual relations between "blended" family members be illicit? Marriage law is one source of sexual norms, yet the trend has been toward discarding, without any clear sense of purpose, traditional barriers to marriage as violating rights of individual choice. As applied to biological, half, and adopted siblings, this trend is troubling. Glendon, taking a broad historical view, remarks that, "the range of prohibited marriages has altered with the changing structure of societies and changing patterns of family relationships." But in the past, the process has generally been gradual and law has been guided by the collective wisdom of religion and custom. Social scientists are beginning to offer a different brand of wisdom, but they too are often at a loss to explain why a taboo such as the prohibition against incest exists and whether it should extend to members of a functional family unit regardless of their blood relation. The Darwinist account, that incest risked pollution of the genetic pool, no longer commands much support. Current explanations of taboos against sexual contact within the family include the need to reduce sexual rivalry in the core family unit, the need to delay sexual activity until maturity, and the need to protect the young from exploitation. Studies on child abuse suggest that changing family patterns

may have outstripped built-in biosocial mechanisms that discourage sexually predatory behavior within the family. It seems wise, therefore, to focus on roles within the family as well as on blood relationship.

The constitutionalization of family law in America tends to reinforce deregulation. It makes defense of marriage and sexual prohibitions all the more difficult, because courts demand that we come up with rational explanations and prove that the prohibitions are not only wise but effective. Additionally, judges tend to confront the issues on a case-by-case basis as disputes between individuals rather than as challenges to broad rules prescribing norms of family conduct. I would suggest that we proceed with caution and pay close attention to what social scientists tell us about the dynamics within blended families, especially how they affect the stability and nurture of children.

Another question for a revitalized family law is how law should respond to changes in sexuality and society. Among these is the same-gender couple. Initially, advocates of same-gender marriage used constitutional arguments about the freedom to marry as a wedge in the door to social acceptance. However, *Bowers v. Hardwick*, 478 U.S. 186 (1986) slammed the constitutional door with a bang. Pressure for recognition of same-gender unions has shifted to other arenas, and judges, theologians, and lawmakers are responding pragmatically to claims based not on an abstract right to marry but on whether the couple is actually functioning as a family, performing nurturing tasks, and sharing economic and emotional interdependence. To me, these developments are healthy. A revitalized family law should place a premium on family-like behavior. A society that prizes family, and in which family is an endangered species, cannot afford to marginalize a community of people who are behaving like family. But again, I do not view protection of same-gender marriage and family as flowing

from an abstract and private freedom to define one's life. In same-gender, as in heterosexual marriage, law should promote values of stability, commitment, and interdependence.

These are only a few of the many issues confronting family law today. Like those undiscussed in this review, they challenge our understanding of the family and can be resolved in ways that either stabilize or further destabilize families as places for cooperative behavior among adults and for the nurture of children. One thing seems certain. In America, at least, the legal trends of the 1970s and 80s, instead of stabilizing nurturing environments for children, have had the opposite effect. The law has tended to withdraw responsibility from adults and shift it to children. Most troubling is that this is often done in the name of protecting children—a not inconsequential danger with the approach I suggest. A prime example of such a failed attempt to protect children is the “best interest of the child” standard for child custody disputes. In a fully litigated custody trial, the child becomes the object, not the subject, of a battle that probes her ties to her parents and questions their fitness to parent. A truly child-centered approach, instead of thrusting the child into the center of turmoil, would protect the child's stability and ratify her relationships by presuming that the parent who had been the primary caretaker should continue in that role. Another problematic development for children has been the banishment of fault from the grounds and economics of divorce, thus shifting allegations of fault into the child custody determination. A third example is the popularity, now apparently waning, of joint custody. This arrangement was supposed to give each child two parents, but, at its worst, has operated instead to give each parent half a child. These changes may have appealed to adults and to policy makers because they moved the struggle for moral and economic justice from the cratered battlefield of the marriage to the more noble arena of obligations to

children. But I fear they may have resulted in heightened stress on the child-parent relationship. The tensions associated with the dissolution of a marriage are now played out in the parent-child dynamic and in struggles between parents with children as the prize.

A poignant story told by therapist Judith Wallerstein comes to mind. A six-year-old child acting out his distress over his parents' divorce stood a number of baby dolls “firmly on their feet” and piled all the furniture on the heads of the dolls. Wallerstein writes:

The babies were supporting a great deal on their heads. Then, wordlessly, he placed all the mother dolls and father dolls in precarious positions on the steep roof of the dollhouse. As a father doll slid off the roof, John caught him and, looking up at me, said, “He might die.” Soon all the mother and father dolls began sliding off the roof. John caught them gently, one by one, saving each from falling to the ground.

“Are the babies the strongest?”

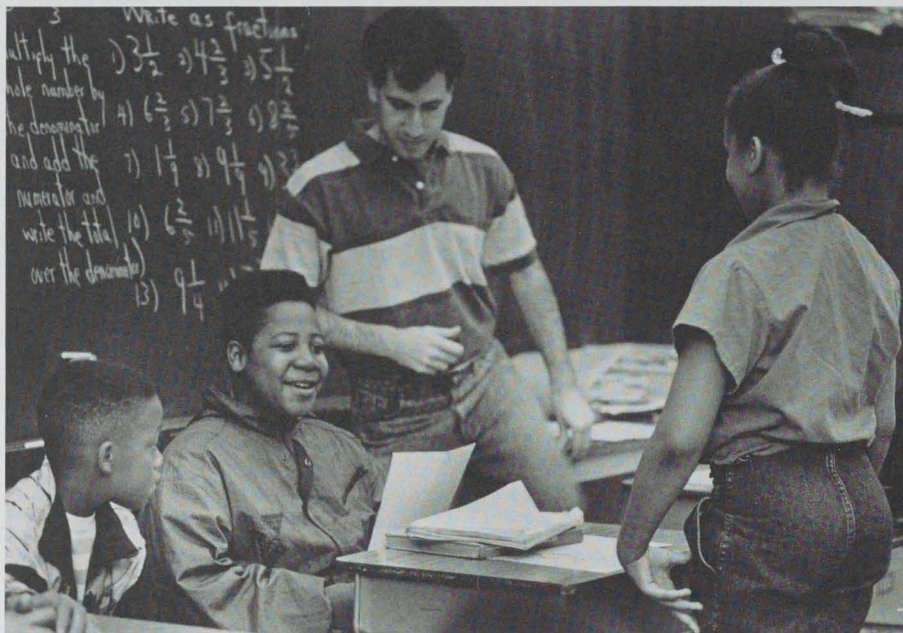
I asked.

“Yes,” John shouted excitedly.

“The babies are holding up the world.”

Indeed they are. I wish therefore that Glendon's book provided more details about how other countries are coping with child custody, child support, and other critical children's issues. Yet perhaps I am asking too much. One book cannot cover every base, and Glendon certainly poses important questions and supplies rich detail in many areas. Nor can I fairly complain that Glendon stops short of fleshing out her theory of family ecology or articulating the revitalization of family law that I here propose. As her book and this essay demonstrate, there is plenty of provocative material in the transformation of family law for a decade's worth of research and writing.

Docket



Paul Silver '92 looks on as a witness is examined in a mock trial performed by the 6th grade of the Hamilton School. As part of the Public Service Program, several students have visited Philadelphia public schools to coach mock trial teams.

The Docket section profiles programs and services at the Law School of interest to our alumni. In this edition, we take a look at the Public Service Program at the conclusion of its first year through the eyes of alumni, and converse with Office of Career Planning and Placement Director Lyn Davis about placement opportunities for our students and newest alumni.

THE PUBLIC SERVICE PROGRAM

"I hungered while at the Law School to see the application of the principles I was learning," says Robert Sutton '86. "Law school can be an isolating, ivory tower experience, and to see the actual effect of your skills on real people is a great experience."

Second year students working in the Public Service Program had that opportunity during the 1990-91 academic year. The Program—which requires 35 hours of public service work from students in both the second and third year of Law School—is wrapping up its first year in operation. This year, members of the Class of 1992 worked

with Program Director Judith Bernstein-Baker to select placements in a broad range of community involved projects.

As of March 1, 1991, second year students were working at 273 different placements ranging from representing children to representing the elderly, providing advice to prison inmates and assistance to district attorney and attorney general offices, working with indigent clients and HIV-positive patients, developing street law courses for public school students, and negotiating on behalf of abused women.

Bernstein-Baker is getting strong indication of student support for the program. Two students working on death penalty issues in a team with attorneys from a Philadelphia law firm are so involved with their cases that they have arranged to continue their work next year. The external reaction to the Program has been positive as well; Bernstein-Baker continues to respond to inquiries about Penn's Program from law schools throughout the nation, and recently presented a program entitled "Law Students: A Valuable Resource for the Pro Bono Community" to the American Bar Association's Annual Pro Bono Conference.

Closer to home, alumni who have worked as supervisors to law students have likewise been impressed with the Program. Lynn A. Marks '79, Executive Director of Pennsylvanians for Modern Courts, has strong support. "Both philosophically and in practice it is important for the Law School to say that public interest activities are an essential part of a legal education. The Program is potentially an invaluable experience for



The Hamilton School jury listens carefully to the testimony.

everyone involved—student, supervising attorney and, perhaps most importantly, the clients and organizations they serve.”

To Louis Lipschitz '27, who supervised a student in his law practice, bringing law students in contact with people and potential clients is one of the greatest benefits of the Program. “Law school does not teach students about compassion, and lawyers need compassion. When clients leave an attorney’s office, they want to feel better than when they came in. Law students need to spend more time with *people* and with potential clients, and this Program provides that opportunity.”

Sutton, chief assistant city solicitor with the Philadelphia Law Department’s Environmental Litigation section, worked with two students during the Public Service Program’s first year. Karen Bunning '92 worked with Sutton researching new legislation governing the city’s response in a hazard materials emergency and municipal liability in Superfund cases. Issues in city recycling efforts were researched by Bernie Solnik '92. “I personally had a very positive experience with the program. Often, we’re dealing with day to day issues and can’t give the time to researching areas which need our attention. Bernie and Karen provided us with valuable information, and at the same time got

the experience that I missed in law school—applying their skills to real problems and situations.”

Julie Lane '92 provided invaluable to assistance to criminal law practitioner Norris E. Gelman '67. “Julie really came through for me. I needed research done for a federal habeas corpus petition I was filing in a death penalty case, and she worked through a weekend getting the work done. In fact, based on that research, we were successful in getting a new trial awarded to a defendant on the basis of discriminatory jury selection.”

Gelman, Lipschitz, Marks and Sutton all found their experience as supervising attorneys rewarding. “My experience awakened me to the needs and desires of law students,” Lipschitz notes, “and I worked hard to make an impression on the student as to the importance of including pro bono work in a law practice.” Marks, who enjoyed being part of a process that opened up not only the world of public service to students but also the world beyond 34th and Chestnut Streets, added a caveat: “Supervisors need to understand that the 35 hour requirement is a very discrete amount of time. The sponsoring attorney should carefully plan a project or case assignment that will correspond to the time required. This can ensure that the interests of student, attorney,

and client are all well served.”

Bernstein-Baker reported on the Program’s first year and on plans for next year, when both second and third year students will be placed through the Program, to the Law School Board of Overseers at its April 1991 meeting. Joining Bernstein-Baker were students who discussed their placements and experience. Overseer Robert L. Friedman '67 comments: “I was really impressed by the students’ presentation and particularly by the enthusiasm they displayed. The program in general is an excellent one, and Penn should be proud of pioneering it and of Bernstein-Baker for organizing it so well.”

Pride is a repeated theme for both students and alumni. One student, who was not terribly enthusiastic about his participation in the Program initially, reported at the conclusion of his placement that his experience made him proud of his choice to attend Penn Law. Lynn Marks agrees. “The Program allows students to experience the application of their skills to serving clients, and attorneys are able to mentor students in public service and pro bono work. I am very proud that Penn chose to institute the Public Service Program.”

ALUMNI INVOLVEMENT IN THE PUBLIC SERVICE PROGRAM

From the Program’s inauguration, alumni have been welcome participants. Alumni act as supervising attorneys for students through many programs—in their own public service careers, through firm pro bono programs, in cooperation with the Philadelphia Bar Association’s Volunteers for the Indigent Program (VIP), and in individually conceived placement opportunities.

If you would like to include a Penn Law student in your pro bono or public service effort, please contact Judith Bernstein-Baker, Program Director, at (215) 898-0459.

PLACEMENT IN 1991:

Conversation with Lyn Davis

The Career Planning and Placement Office has its ear to the ground, assessing changes in the job market and working harder than ever to ensure the successful placement of Penn Law graduates in their field of choice.

In 1990, Lyn Davis—who holds a B.A. from Duke University and an M.S.S. from Bryn Mawr in counseling and social service—was named Assistant Dean for Career Planning and Placement. Davis joined the Office in 1981, and assumed its Directorship upon Helena Clark's retirement in 1986. Her staff includes three attorneys with a broad range of experience: Dana Devon, who holds her J.D. from Northeastern University and has practiced with the Civil Rights Division of the U.S. Department of Labor and with the National Labor Relations Board; Rosemary Byrd Meacham, a former staff attorney with the Legal Aid Society in New York, who has received an M.A. in Speech Communication and Theatre from the University of Michigan and a J.D. from New York University School of Law; and newly hired Susan G. Toler, a Rutgers Law School graduate most recently employed at Community Legal Services in Philadelphia.

In this conversation with Lyn Davis, the *Journal* takes a look at the 1990-91 recruiting season.

*Let's start at the beginning.
How have changes in the job market
affected the employment opportunities
of Penn Law students?*

We're beginning to put together our statistics as to where our students are going, both graduating students and our second year class. The preliminary indication is that my initial estimate, made last fall in response to the changing climate, will hold true—that about 10 to 15 members of our third year class may not have employment as of graduation. This compares with three unemployed students in the Class of 1990 at the time of graduation.

While this is a significant increase, it is in keeping with the experiences our peer institutions are having in the job market. Of course, the result is very discouraging for these 15 students... they've come to a nationally ranked, Ivy League law school anticipating a high demand for their newly acquired skills. We're working hard to support these students in this difficult position.

*Can you see who has been hardest
hit by the tighter market?*

Certainly the third year students without the option of returning to their second year summer employer had the toughest time. They came back to very limited opportunities. Some of our students found themselves at firms last summer that simply could not justify extending a large number of offers and, for example, may have extended offers to only half their second year summer associates.

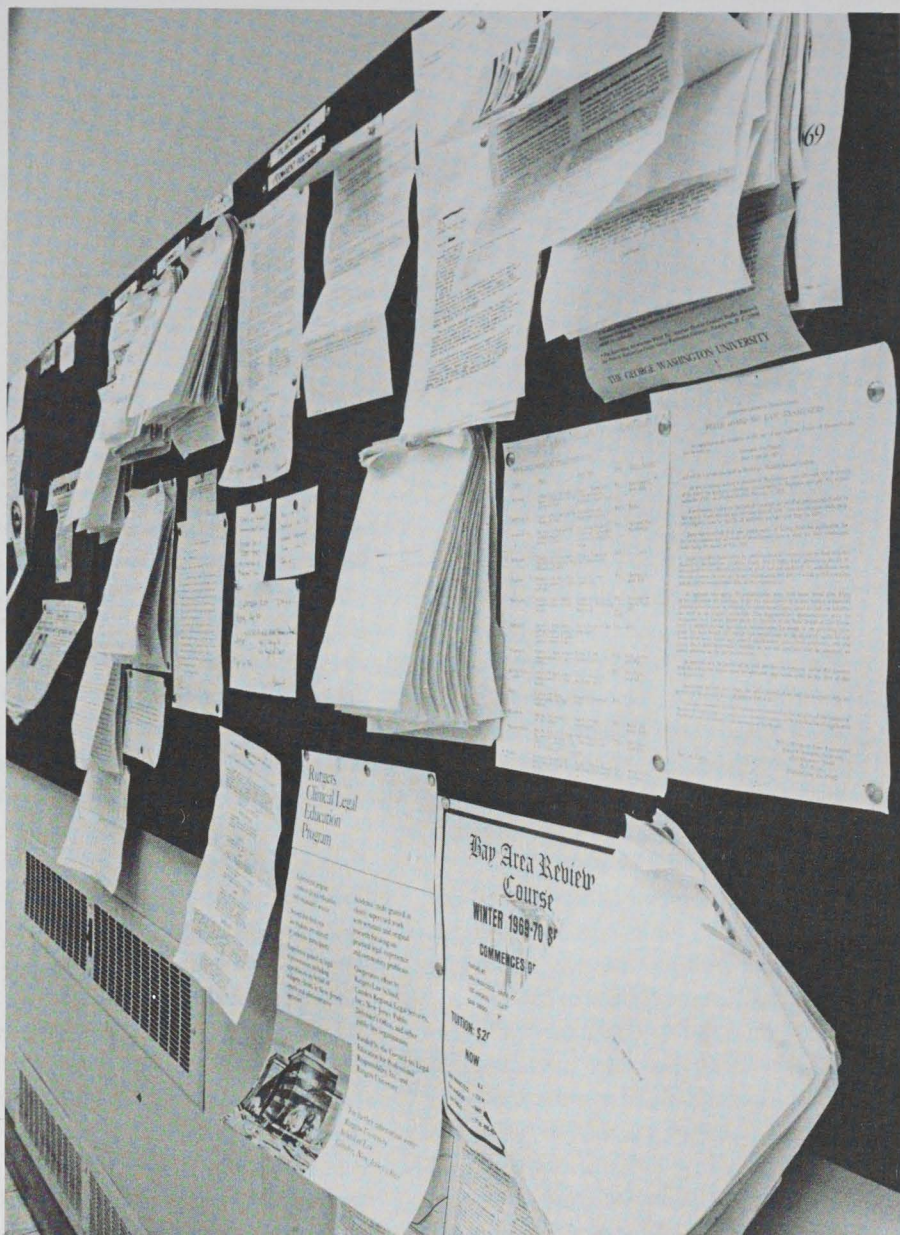
While more than twice as many students found themselves in this position this year as opposed to past years, those whose firms were ready to be open about their economic concerns were more successful in finding employment. Everyone understands the situation, and subsequent potential employers were more receptive to students whose second year employers had been both positive about the individual and honest about economic reasons for not hiring them permanently. Students without the information that the employer simply couldn't make an offer found themselves judged even where that was not appropriate.

It's also a tighter job market for the student who has a more complex presentation. Firms are going consistently with the student who is easy to read. Concerns about whether a student will "fit in" seem to have resulted in a negative hiring decision more often this year, perhaps depriving employers of the more diverse talents or experiences that student would bring to the position.

*How was on-campus recruiting
affected?*

We did experience a drop in recruiters prepared to hire third year students, as did 70% of Law Schools responding to a survey done by the National Association of Law Placement.

However, in contrast to some other schools, our number of interviewers overall was up. Our interview schedule for second year students was very healthy, and our initial indication is that second year students are not doing substantially worse than the last few years. Of course, we are quite concerned about the individual students who are not employed for the summer and we'll continue to pursue additional opportunities for them.



Career opportunities—from clerkships to firm openings, fellowships to international positions—are posted for students' perusal.

This brings up an interesting point. In light of the job market, have students expanded their view of what "opportunities" are?

I'd have to say that this has been a positive result of the market. Students are beginning to sit down and think carefully about what is the best placement for them. Some of the third year students who did not receive offers have told us that they feel free to consider alternatives they might not otherwise. So I am hopeful that people will look carefully at all the opportunities available to them, and that a broader look will result in placement success for graduating students who are willing to cast their nets further this year.

I'd also like to encourage alumni to think of the Office of Career Planning and Placement with employment opportunities. We continue to inform our students not only about large firm practice but also about the many strong and healthy firms our alumni have built for themselves.

CAREER PLANNING SUPPORT FOR ALUMNI

The Career Planning Office supports alumni in their job searches in several ways. First, the Office collects and publishes a newsletter of job listings placed by employers around the country, with an occasional international listing as well. This newsletter, published monthly excluding August and September, is available for \$30.00 per year. If you are in Philadelphia and it is convenient to visit during office hours, alumni job listings are kept on file.

Career planning counselors can offer counseling to graduates on a limited basis, and also maintain a list of alumni who have offered to counsel fellow graduates considering their first career change. The names of these alumni are available from the Office. We welcome additional participants in this effort as well— please call (215) 898-7493 with your inquiries or to volunteer.

Faculty Notes

William T. Allen, *Lecturer in Law and Chancellor of the Court of Chancery of the State of Delaware*, has been awarded an honorary LL.D. degree by the Board of Trustees of the Dickinson Law School.

As the Chief Judge of the Court of Chancery since June 1985, Chancellor Allen has written over 250 judicial opinions; these include *Blasius Indus., Inc. v. Atlas Corp.*, 564 A.2d 651 (Del. Ch. 1988); *City Capital Assoc. Ltd. v. Interco Inc.*, 551 A.2d 787 (Del. Ch. 1988); *In Re RJR Nabisco, Inc. Shareholders Litig.*, {1988-89 Transfer Binder} Fed. Sec. Rep. (CCH) Paragraph 94,194 at 91,700 (Del. Ch. 1989); *Paramount Communications Inc. v. Time Inc.*, {1988-1989 Transfer Binder} Fed. Sec. L. Rep. (CCH) Paragraph 94,514 at 93,264 (Del. Ch. 1989).

In October, he delivered the 1990-91 Rocco Tresolini Lecture in Law entitled "Competing Conceptions of the Corporation in American Law" at Lehigh University.

Babette B. Barton, *Visiting Professor of Law from the University of California at Berkeley*, has completed material to be included in a Handbook for the "10th Annual Institute: Advanced Tax Keynote Address on Current Developments in Real Property Tax Planning." She is concluding a manuscript entitled "Economic Fables/Tax-Related Foibles: The 'Cost' of Promissory Notes, Guarantees, Contingent Liabilities and Nonrecourse Debts," which will be in the *Tax Law Review* (forthcoming).

Barton is revising her co-authored *Taxation of Business Enterprises* as well. She is returning to Berkeley after spending this academic year at the Law School.

Judith Bernstein-Baker, *Director of the Public Service Program*, served on the committee to plan, "Cocaine: The Youngest Victims—Tools for Child Advocacy," a conference sponsored by the Philadelphia Bar Association's Legal Rights for Children Committee. Participating in the Northeast Regional Conference of the National Association for Law Placement, Ms. Bernstein-Baker spoke on a panel discussion entitled "Keeping the Interest in Public Interest Students."

Ms. Bernstein-Baker addressed the participants in the Twentieth Anniversary Celebration of the Constitutional Rights Clinic of Rutgers School of Law in Newark on the development of mandatory public service at the Law School. She also served as a panelist at the American Bar Association's Annual Pro Bono Conference held in Philadelphia addressing the topic, "Law Students: A Valuable Resource for the Pro Bono Community."

Stephen B. Burbank, *Professor of Law*, has been appointed by the Speaker of the United States House of Representatives to the thirteen member National Commission on Judicial Discipline and Removal. Professor Burbank had advocated the creation of the Commission in articles and in invited congressional testimony (see the January *Journal*, p. 13).

Professor Burbank has published two articles, with Professors Thomas Mengler of Illinois and Thomas Rowe of Duke, on recent legislation affecting federal practice and procedure. His review essay on *International Civil Litigation* by Gary Born '81 and David Westin appears in the *Michigan Law Review* (May, 1991).

Professor Burbank has been elected to the Executive Committee of the AALS Section of Conflict of Laws. In February he prepared the materials for, and participated with three federal appellate judges in, a Federal Judicial Center program on recent Supreme Court decisions for judges of the Tenth Circuit. He also made a presentation on Rule 11 in a similar program for bankruptcy judges held at the law school in April.

Due to his expertise on this matter, Professor Burbank, who in 1987 was commissioned by a Third Circuit committee to write a study of Rule 11, is quoted in both the *National Law Journal*, February 1991 ("Is Court's Fee Power Inherent?") and the *New Jersey Law Journal*, February 28, 1991 ("What Price Frivolousness") concerning the application of this Rule.

Colin S. Diver, *Dean and Bernard G. Segal Professor of Law*, chaired the Association of American Law School's Workshop for Senior Administrators in Washington (February 28 to March 2) where he discussed "Second Generation Diversity Issues in Law School Administration."

Dean Diver's book review entitled "Sound Governance" appears in the *Michigan Law Review* (May 1991).

William B. Ewald, *Visiting Assistant Professor of Law*, has authored *From Kant to Milbert: Readings in the Foundation of Mathematics*, published in two volumes by Oxford University Press 1991. Another work, "Kant Merder and Comparative Law," is in preparation.

Robert A. Gorman, *Kenneth W. Gemmill Professor of Law*, has recently authored "Copyright Law," published by the Federal Judicial Center (April 1991). He continues to serve as President of Association of American Law Schools.

Professor Gorman discussed "Threats and Challenges to American Legal Education in the 1990's" with the faculty of Case Western Reserve Law School and presented a lecture concerning the Visual Artists' Rights Act of 1990 at a conference sponsored by the U.S. Copyright Office.

Lani Guinier, *Associate Professor of Law*, appears in a *Chicago Tribune* article (2/3/91) that discusses how the upcoming redistricting of legislative districts across the nation has refocused attention on voting rights. Professor Guinier calls current efforts to secure voting rights a "battle [by minorities] to be meaningful participants in the process of making governmental decisions."

George L. Haskins, *Algernon Sydney Biddle Professor of Law Emeritus*, spent the spring term at Cleveland State University, as the Baker-Hostetler Professor of Law, teaching a course in "Conveyancing and Land Transaction." He also lectured in constitutional law and comparative law classes.

Professor Haskins delivered an address entitled "The Matrix of the Common Law," published in the *Cleveland Law Review* (1991), before the Cleveland Bar Association.

Heidi Hurd, *Assistant Professor of Law*, presented a lecture entitled "Four Models of Authority" to the Philosophy Department at the University of Iowa.

In March, Professor Hurd returned to University of Iowa for the Conference of Corrective Justice and Formalism, sponsored by the Law School, where she commented on Jules Coleman's theory of corrective justice in tort law (forthcoming in the *Iowa Law Review*).

She recently published "Challenging Authority" in Vol. 100 of the *Yale Law Journal* and completed an article entitled "Correcting Injustice to



Professor Lani Guinier

Corrective Justice."

In June, Professor Hurd will travel to Budapest, Hungary to teach a two-week course in Tort Theory to Eastern European lawyers and legal academics as part of the Program for Raising Rights Consciousness, sponsored by Columbia University's Center for Democratic Legal Development. She will spend the rest of the summer completing a paper on civil disobedience entitled "Justifiably Punishing the Justified." She will be spending next year as a Visiting Assistant Professor in the Philosophy Department of the University of Iowa.

A. Leo Levin,⁴² *Leon Meltzer Professor of Law Emeritus*, is serving as Reporter to the Advisory Committee of the Eastern District of Pennsylvania under the Civil Justice Improvement Act of 1990.

Lynn M. LoPucki, *Visiting Professor of Law from the University of Wisconsin*, and his colleague William C. Whitford of the University of Wisconsin Law School have completed their National Science Foundation sponsored study of "megabankruptcy" cases. He published "Bargaining Over Equity's Share in the Bankruptcy Reorganization of Large, Publicly Held Companies" in the *University of Pennsylvania Law Review* (November, 1990). "Venue Choice and Forum Shopping in the Bankruptcy

Reorganization of Large, Publicly Held Companies" appears in the *University of Wisconsin Law Review* (April, 1991). He will be a keynote speaker at the National Conference of Bankruptcy Judges' Annual Meeting in October, 1991.

Bruce H. Mann, *Professor of Law and History*, discussed imprisonment for debt in the eighteenth and nineteenth centuries on the Greater Media Cable of Philadelphia television program, "Today's Law," in December. In April he spoke on "The Politics of Insolvency in the Revolutionary Era" to judges participating in the University of Pennsylvania Special Program for Bankruptcy Judges. In March Professor Mann played the clarinet in the pit orchestra for the Law School Light Opera Company performance of "Pippin."

Michael S. Moore, *Leon Meltzer Professor of Law*, in April discussed several chapters of a forthcoming book on jurisprudence at a colloquium of the University of Pennsylvania Department of Political Science. In June, Professor Moore will deliver ten lectures on the theory of private property to various legislators, judges, and lawyers from Central and Eastern Europe. Sponsored by the Center for Democratic Legal Government, a joint venture of Columbia University and the U.S. government, these lectures will be given in Budapest, Hungary.

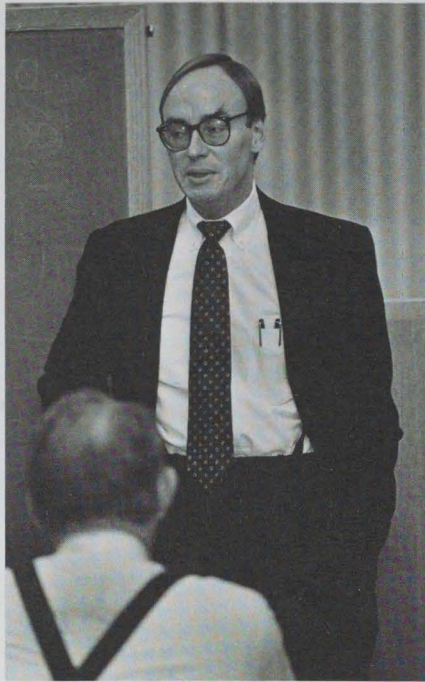
In August, Professor Moore will give a week-long series of lectures on jurisprudence to California judges at Dana Point, California. These are sponsored by the Center for Continuing Judicial Education and Research and funded by the State of California.

During the upcoming fall semester, Professor Moore will be a Visiting Professor of Law at Northwestern Law School in Chicago and in the following semester will be the Mason Ladd Distinguished Visiting Professor at the College of Law, University of Iowa.

Stephen J. Morse, *Associate Dean and Ferdinand Wakeman Hubbell Professor of Law*, contributed a chapter, "The Legal Concept of Normality," (with Loren Roth and Robert Wettstein of the University of Pittsburgh Medical School's Department of Psychiatry) to *The Diversity of Normal Behavior*, edited by Daniel Offer and Melvin Sabshin and forthcoming from Basic Books. Professor Morse continues as a permanent member of the John T. and Catherine D. MacArthur Foundation Research Network on Mental Health and the Law, which the MacArthur Foundation recently refunded for five years. The Network performs and directs under subcontract various empirical studies concerning mental health law.

Eleanor W. Myers '75, *Project Associate of the Center on Professionalism*, recently completed the written materials to accompany the videotape entitled "Conflicts and Confidentiality: Trouble at Upper Black Eddy." These materials will be published by Commerce Clearing House, Inc. as part of the series "Professional Responsibility for Lawyers: A Guided Course." Ms. Myers wrote and produced "Representing the Corporate Client: The Saga of Albinex," which was previously published by CCH as part of that series.

Janet G. Perry, *Program Director of the Center on Professionalism*, has recently published "Professional Responsibility in Pretrial Litigation: The Morgantown Civic Center Collapse," a multi-media educational program for lawyers and law students. Published by Commerce Clearing House, it is part of a series of such programs developed by the Center under the title "Professional Responsibility for Lawyers: A Guided Course." Ms. Perry also authored the first program in the series, "Conflicts of Interest in Corporate Transactions: The Leveraged Buyout of the Harris Chemical Company." She is the author of the forthcoming "Counseling and Negotiation: The Settlement of *Lancer v. American Steel*."



Professor Bruce Mann lectures to federal jurists as part of a conference at Penn Law sponsored by the Federal Judicial Center.

Ms. Perry recently delivered presentations on professional responsibility and legal ethics for the Federal Judicial Center Program for Bankruptcy Judges, the American Law Institute-American Bar Association Committee on Continuing Professional Education, the Association of Legal Administrators, and the American College of Trial Lawyers. She also spoke on the "Professional Responsibility Implications of Sexual Harassment" at a program on sexual harassment within the law office presented by the Philadelphia Bar Association and the Center on Professionalism.

Curtis R. Reitz '56, *Algernon Sydney Biddle Professor of Law*, with co-reporter Kevin R. Reitz '82, presented the draft approved by the ABA Criminal Justice Standards Committee to the Council of the Section on Criminal Laws on April 13 in Aspen, Colorado. The draft is part of the ABA project to revise the Criminal Justice Standards on Sentencing.

Professor Reitz continues to work on uniform state laws projects dealing with revision of the Uniform Partnership Act and a new act on civil forfeitures in

controlled substances cases. Professor Reitz has recently been appointed chair of a drafting committee to revise articles of the Uniform Commercial Code.

Michael Schill, *Assistant Professor of Law*, has published "An Economic Analysis of Mortgagor Protection Laws" in the *Virginia Law Review* (April 1991). He presented a paper on real estate finance in the 1990s to the participants in an Institute for Law and Economics roundtable on Government Regulation of Housing Markets.

Professor Schill also presented an Alumni/Faculty Exchange during Alumni Weekend on real estate financing in the coming years.

David J. Shakow, *Professor of Law*, has published a casebook on corporate taxation in Foundation Press's University Casebook Series. An unusual aspect of this casebook is that professors who adopt it will be provided with a series of computer programs that students can use to learn the statutory material in the course. This appears to be the first tax casebook for which computer problems were developed to mesh with the casebook materials.

Professor Shakow taught a new course this spring in computers and law, dealing primarily with the computer's impact on the development of the law. Areas addressed included copyright, privacy, criminal law, commercial law (including electronic funds transfers and automatic date exchange), and IRS administration. Student papers covered topics ranging from program trading in stocks, to potential liability from the use of medical expert systems, to electronic monitoring of employees. Professor Shakow is finishing his article on the operation of the Tax Court's small case procedure. He is also researching an article on the tax treatment of debt in light of the role played in the tax law by money as the medium of exchange.

Richard Sloane, *Professor of Law and Biddle Law Librarian Emeritus*, has recently published the following articles: "Finding President Power," *New York Law Journal* (2/19/91), and "Spinning Off the Library," *New York Law Journal* (4/16/91).

Maria Smolka-Day '83, *Foreign and International Law Librarian*, is a consultant to the Polish Parliament in its preparation for drafting a new constitution. Smolka-Day and the Biddle Law Library are providing bibliographic and technical support to the Polish government through a Ford Foundation grant administered through Columbia University School of Law. Smolka-Day selects books and articles deemed useful and of interest to the Parliament as they work on this historic project.

Clyde Summers, *Jefferson B. Fordham Professor of Law*, appears in a *New York Times* article (3/15/91) entitled "At the Bar / A crusader's issue: What should be done when a whistle-blower in a legal firm is dismissed?" Professor Summers is quoted as a national authority on labor law.

Michael L. Wachter, *Professor of Economics, Lecturer in Law and Director of the Institute for Law and Economics*, recently testified before a Congressional Subcommittee on Labor Management Relations at hearings on HR-5 legislation involving the right of firms to hire permanent replacements during a labor strike.

Professor Wachter's paper entitled "The Economics of Internal Labor Markets" has been reprinted in *The Economics of Human Resource Management*, published by Basil Blackwell.

Elizabeth Warren, *William A. Schnader Professor of Law*, was the Keynote Speaker at the Southeastern Bankruptcy Law Institute in April, where she presented "Reinventing Chapter 11." Two other papers she presented this semester are "A Theory of Absolute Priority", at New York University Law School, and "Empirical Research

Directed Toward Policymaking Objectives," at the Association of American Law Schools Annual Meeting.

Professor Warren presented a faculty colloquium at Arizona State University on "An Empirical Basis for Bankruptcy Policymaking," attended a policy meeting of the National Bankruptcy Conference to discuss proposed changes in bankruptcy laws, and led a discussion at the Eastern District of Pennsylvania Bankruptcy Conference Annual Meeting on "Single Asset Real Estate Cases in Bankruptcy."

The American Law Institute video, "What Domestic Law Practitioners Should Know about Bankruptcy Law," features Professor Warren. The National Conference of Bankruptcy Judges has awarded the first grant in its history to Professor Warren, to enable her to continue her empirical research on the bankruptcy system. Professor Warren has been named chair of the Committee to Monitor Legislative Proposals in Debtor-Creditor Law by the Debtor-Creditor

Section of the Association of American Law Schools. Professor Warren also participated in "Real Estate Finance in the 90s", an Alumni/Faculty Exchange held during Alumni Weekend.

Barbara Bennett Woodhouse, *Assistant Professor of Law*, presented a talk entitled "Evidence of Harm to Siblings: Irrelevant or Essential?" at a conference on "Our Children, Our Courts, Our Community: Issues in Dependency Court" sponsored by Philadelphia Citizens for Children and Youth.

Professor Woodhouse chaired a panel at Philadelphia Perinatal Society Conference on "Pregnancy and Poverty: A Fair Chance for Each Newborn?" The panel explored substance abuse and the Constitution in the context of pregnant women and their newborns. During Alumni Weekend, she moderated an Alumni/Faculty Exchange entitled "In Defense of Childhood: Views from the Front Lines".



Alumni joined faculty members for informative exchanges during Alumni Weekend. Here, moderator Professor Barbara Bennett Woodhouse leads a discussion with Public Service Program Director Judith Bernstein Baker, Paul Minorini '91, Janet Stotland '69, and Professor Ralph Smith entitled "In Defense of Childhood: Views from the Front Lines".

Alumni Briefs

'12 **Harry Cassman**, the oldest living alumnus of the University of Pennsylvania Law School, is peacefully residing in Berkeley, California.

'18 **Sidney Grabowski**, born on March 31, 1891, recently celebrated his one hundredth birthday. The oldest living member of the Lakawanna Bar Association, Grabowski practiced law in Scranton, Pennsylvania for 63 years before retiring in 1983.

'35 **J. Pennington Strauss** has been appointed a trustee of Jenkins Law Library by Chancellor Robert Heim '72 of the Philadelphia Bar Association.

'36 **Joseph Rhoads** has recently been honored by the Delaware Bar Association which recognized the fiftieth anniversary of his admission to the Delaware Bar. Rhoads retired in 1975 after 35 years with Wilmington Trust as a trust attorney.

'38 **The Honorable Raymond J. Broderick**, Senior U.S. District Court Judge, is featured in the *Legal Intelligencer* (3/13/91) for his ruling in *Robin Lubin v. American Packaging Corp.*, holding that punitive damages claims are allowable under the Pennsylvania Human Relations Act. Broderick found that the state law "authorizes significantly broader relief for victims of discrimination than does Title VII" of the Civil Rights Act.

'39 **The Honorable Roxana C. Arsht** has recently been honored by the Delaware Bar Association which held a dinner dance in recognition of her judicial service. Arsht retired in 1983 after her appointment, in 1971, to the Delaware Family Court as the first woman in 300 years to become a member of the Delaware Judiciary. Judge Arsht has also been chosen a member of the Delaware Women's Hall of Fame, and has received the Josiah Marvel Cup and the University of Delaware's highest award, the Medal of Distinction.

'39 **John P. Sinclair** has recently been honored by the Delaware Bar Association upon the fiftieth anniversary of his admission to the Delaware Bar. After serving as partner of Potter, Anderson & Corroon, in 1980 he became of counsel to the firm. Sinclair has also acted as counsel to the University of Delaware, represented the Newark School District, where he participated in the landmark desegregation case of *Evans v. Buchanan*, served as City Solicitor for the Town of Newark (1950-1960), and served as a member of the Board of Trustees of the Delaware Legal Aid Society.

'41 **Marvin Comisky** has been elected chair emeritus of Blank, Rome, Comisky & McCauley. A past chancellor of the Philadelphia Bar Association and former president of the Pennsylvania Bar Association, Comisky will now devote greater emphasis to his corporate litigation practice.

'41 **Paul A. Wolkin** recently received the first Presidential Award for Preeminence in Continuing Legal Education from ACLEA.

'47 **The Honorable Arlin M. Adams** appears in a *National Law Journal* (1/21/91) article entitled "HUD Probe Gets Wider Powers." Adams, who is the specially appointed independent counsel leading a criminal investigation into the Department of Housing and Urban Development, acquired the federal court's permission to probe deeply into the workings of the Department during the 1980s.

'47 **Robert M. Landis**, recently appointed panel chair of the newly formed Civil Justice Reform Act Advisory Group, has begun the job of leading this 15-member panel toward recommendations for a plan to reduce costs and delays in U.S. District Court. Appointed by Chief Judge Louis C. Bechtle in February, Landis formerly served on the American Bar Association's Committee of Federal Judicial Improvements for nine years, three of which he spent as commissioner.

'48 Bernard Wolfman, current Fessenden Professor of Law at the Harvard Law School and former Dean of Penn Law School (1970-75), has co-authored a two-volume treatise entitled *Standards of Tax Practice*.

'49 Marshall A. Bernstein, a founding partner of Bernstein, Bernstein & Harrison, is recognized in the *National Law Journal* (3/18/91) for his election as president of the Philadelphia Bar Foundation, the charitable arm of the Philadelphia Bar Association.

'51 Harold Cramer has been named a trustee of Jenkins Law Library by Chancellor Robert Heim '72 of the Philadelphia Bar Association.

'52 Edward W. Madeira, Jr. has been appointed to the American Bar Association House of Delegates by Philadelphia Bar Association Chancellor Robert Heim '72 for a two-year term.

'53 Joseph H. Foster, former chancellor of the Philadelphia Bar Association, has recently been elected president of The Lawyers' Club of Philadelphia.

'54 Jerome B. Apfel, as a member of the drafting committee convened by the Pennsylvania Senate Public Health Welfare Caucus, helped to write Senate Bill 646, as amended. Apfel represented the interests of the Pennsylvania Bar Association, one of a coalition of 16 organizations involved in the proposed legislation to authorize the use of advance directives for

health care for people who become incompetent and who are either terminally ill or permanently unconscious.

'54 S. Gerald Litvin, founding partner of Litvin, Blumberg, Matusow & Young in Philadelphia, will join the Temple University School of Law Faculty as a professor, effective in July. In addition to teaching trial advocacy to law students and attorneys at the graduate level, Litvin will bring to Temple the Academy of Advocacy, a blue ribbon program he established in 1975 that attracts experienced litigators for an advanced course in trial skills. Litvin will continue to play an active role with his firm.

'54 William A. Whiteside, Jr., a partner of Fox, Rothschild, O'Brien & Frankel and chair of its Labor and Employment Law department, has been listed in the new editions of *The Best Lawyers in America* and *Who's Who In American Law*.

'55 Barton L. Post of Post & Schell P.C. appears in the *Legal Intelligencer* (3/19/91) as the attorney who envisioned the need for a day care facility targeted at parent lawyers. As a result of this vision, Post and his wife Polly opened the Yellow Brick Road Family Day Care Center in April which will be utilized by numerous Philadelphia area law firms.



*The Honorable
Carolyn Engel
Temin '58*

One of just two women to graduate in Penn Law's class of 1958, Carolyn Engel Temin is the only one who became a practicing lawyer. Now a judge on the Philadelphia Court of Common Pleas, Temin had planned to attend Julliard to study dance after completing her BFA in music at Penn. Instead, she accepted a full scholarship to the Law School, and has never looked back.

*A Philadelphia native, Temin has occupied a variety of legal positions in the city since attaining her degree. After brief stints as an associate editor of *The Practical Lawyer* and an associate at a private law firm, Temin became the first woman hired on a full-time basis by the Defender Association of Philadelphia as an assistant defender. Temin went on to serve as an assistant district attorney for seven years, and an attorney specializing in family law at a center city firm before her election to the bench in 1984. She brings to the bench extensive experience in the area of criminal law culled from her posts on the Pennsylvania Board of Probation and Parole, on the Temple University clinical faculty, and as chief plaintiff's counsel in an omnibus prisoners' rights suit brought on behalf of all inmates in the Commonwealth's correctional system.*

Temin continues to be at the forefront of the legal community. She currently implements a program whereby she pre-tries every major criminal case brought in the court in an effort to streamline and expedite the trial process. The program, called "E-Track," has achieved overwhelming success: Temin is able to dispose of 30 percent of the cases before trial. Temin views the ideal judicial process as an active one characterized by judicial involvement, authority, and case management. She strives to achieve this ideal in her courtroom. In addition to the energy and confidence she brings to her job, Temin has remained an active member of the bar association and a leader in the metropolitan Philadelphia community.

As a judge, Temin feels she is able to make a difference in the criminal justice system. She has always valued public service and education, and would like to return to teaching at some point. Temin also believes she has been a role model for the generation of women lawyers following her, and hopes that the opportunities for women in the legal profession continue to increase.

—Jamie L. Palter '92

'55 **Henry S. Ruth, Jr.**, appeared in the "Names Behind the News" section of *The National Law Journal* which highlighted his move from special litigation counsel and ethics committee counsel at Unisys Corporation to of counsel at Crowell & Moring in Washington, D.C.

'56 **Richard V. Holmes**, formerly vice president and general counsel of Smith-Kline Beecham Corporation, has become a member of Ballard, Spahr, Andrews & Ingersoll.

'56 **Harris Ominsky**, a partner in the Real Estate Department of Blank, Rome, Comisky & McCauley and co-chair of its Real Estate Department, lectured on the topic, "Am I Bound or Not? Preliminary Agreements, Letters of Intent and Assurances," before the Philadelphia Chapter of the National Association of Real Estate Companies. Ominsky has also recently been designated chair of the Philadelphia Bar Association's Real Property Section.

'56 **The Honorable Dolores K. Sloviter** has recently become Chief Judge of the United States Court for the Third Circuit. Sloviter has the distinction of being both the first woman appointed to the Third Circuit Court of Appeals and, now, the Circuit's first woman chief judge. She is only the third woman to become the chief judge of a federal appeals court.

'59 **Herbert L. Olivieri**, formerly Chief of the Torts Litigation unit in the office of Attorney General, has been designated of counsel to Hwang & Associates. Olivieri, the founder and president of the William Penn Restoration Committee, received the humanitarian award presented by the Chapel of the Four Chaplains, the William Penn Award, and the Business Arts award presented by the greater Philadelphia Chamber of Commerce for his part in raising funds to restore the statue of William Penn atop City Hall.

'59 **Richard M. Segal**, a partner in Dilworth, Paxson, Kalish & Kauffman, participated in a forum on employee compensation packages sponsored by the Small Business Council of the Philadelphia Chamber of Commerce. Segal and others addressed business leaders on "Designing Effective Compensation Packages for Your Key Employees." Segal is a frequent lecturer on subjects related to pension plans.

'60 **Frederick Cohen**, a partner in the Litigation Department of Blank, Rome, Comisky & McCauley, served as a course planner for the Pennsylvania Bar Institute program, "Family Law: Litigating to Win." Concentrating his practice on family law, Cohen is a fellow of the American Academy of Matrimonial Lawyers and the International Academy of Matrimonial Lawyers, an executive council member of the Pennsylvania Bar Association Family Law

Section, and a faculty member of the Temple University School of Law CLE program on family law.

'60 **Henry W. Lavine** has recently become senior managing partner of Squire, Sanders & Dempsey of Washington, D.C.

'60 **The Honorable John Walter** has been appointed President Judge of the Lebanon County Court of Common Pleas.

'62 **Gerald E. Haughey**, a partner of Brandt, Haughey, Penberthy, Lewis & Hyland, has been re-elected to serve as a trustee of the Land Use Law Section of the New Jersey Bar Association. He served as chair of that Section in 1987, and also served as chair of the State Bar's Environmental Law Section. Haughey is a frequent lecturer and speaker on land use planning and environmental law issues in New Jersey and elsewhere. He spoke at the April, 1991 Annual Dinner of the Land Use Section, presenting the Section's Achievement Award to the Honorable Martin L. Haines '43.

'63 **Steven A. Arbittier**, a senior partner of Wolf, Block, Schorr & Solis-Cohen, chaired and moderated the Philadelphia Bar Association's recent seminar titled "Child Care Alternatives for Lawyers/Employers."

'63 **The Honorable Carl Goldstein** has been appointed to the office of Associate Judge of the Superior Court for the State of Delaware by Governor Michael N. Castle for a twelve year term.

'64 **Oscar B. Goodman**, senior partner of Goodman, Stein & Chesnoff of Las Vegas, Nevada, has recently been honored for twenty five years of defending citizens accused of crime. In February, a black tie, black robe affair in Las Vegas afforded Goodman's colleagues a chance to "roast" their friend.

'64 **Michael M. Maney**, a partner with the New York City firm of Sullivan & Cromwell, has been newly-elected chairperson of the American Foundation for the Blind Board of Trustees.

'65 **Benjamin Lerner**, counsel to Hangley Connolly Epstein Chicco Foxman & Ewing and former Chief Public Defender of the City of Philadelphia, has been inducted as a Fellow of the American College of Trial Lawyers.

'65 **The Honorable Ernest D. Preate** is quoted in *The Bond Buyer* (1/21/91) regarding a short-term loan that Philadelphia secured to avert insolvency. The Attorney General is also highlighted in the *Legal Intelligencer* as one of three state attorneys serving on the Home Heating Oil Task force, which reported to the U.S. Senate Committee on Governmental Affairs that the recent surge in the nation's oil and gas prices

could have been prevented. Preate testified that the Commodity Futures Trading Commission's congressional authority to declare an emergency situation in the wake of the Persian Gulf War and impose direct controls on the oil market could have halted the price hikes.

'66 Edward F. Mannino discussed "Accountant's Liability" during a March seminar sponsored by the Pennsylvania Bar Institute. In 1990 the *National Law Journal* named him one of the "Nation's Top Litigators" and cited his "enviable record in corporate defense and lender liability litigation."

'66 Joel H. Sachs participated as the featured speaker in a program sponsored by the New York City Bar Association entitled "Current Issues in Environmental Litigation." Sachs continues to specialize in the area of environmental law with the New York City firm of Plunkett & Jaffe.

'68 Mark G. Yudof, Dean of the University of Texas School of Law, has been chosen to receive the Southwest Regional Anti-Defamation League's Jurisprudence Award. He will receive the award at a May 28 luncheon in Austin, Texas.

'69 Arthur Best, professor at the University of Denver College of Law, has recently published "Consumer Problems and ADR: An Analysis of the Federal Trade Commission-Ordered General Motors Mediation and Arbitration Program," in the *Journal of Dispute Resolution*. His article, "The Limited Legitimacy of SEC Attorney Discipline: Defining the Commission's Role and Exploring Alternatives" has been included in *Selected Articles on Federal Securities Law*, published by the ABA Committee on Federal Regulation of Securities. He is also the revision author of the three-volume treatise, *Comparative Negligence*, published by Matthew Bender & Co.

'69 J. Freedley Hunsicker Jr. recently participated as a featured speaker in the Philadelphia Bar Association's Professional Education Committee's "Americans With Disabilities Act" workshop. Hunsicker examined Title III, regarding public access from both the property owner's perspective and the user's perspective.

'69 Bradford F. Whitman has joined Reed Smith Shaw & McClay as a partner. He will head the Environmental Law Section of the Litigation Group. As a former assistant chief of the Pollution Control Section of the Natural Resources Division of the U.S. Department of Justice from 1971-1979 and former chair of the Environmental Law Committee of the Philadelphia Bar Association, he frequently lectures on environmental law.

Peter Latham '65

"A source of light or inspiration," defines not only the newly established Beacon College, but also one of its central founders, Peter Latham.

After graduating from the Law School in 1965, Latham briefly worked for the SEC. Then he joined the Navy, and following the Tet Offensive, spent a year in Vietnam. It was not until four years after graduation that Latham joined a law firm, where his career in government contracts commenced. In 1980, Latham founded his own firm in Washington, D.C., which his wife joined in 1987. Today Latham's book, Government Contracts Disputes, by Federal Publications, provides guidance and authority to those in this field.

Latham has established himself not only as a founder of a successful law firm, but also of a much needed four year College. Latham and his wife, Pat, are integral players in the establishment and success of Beacon College, the only four year liberal arts college in the U.S. serving students with learning disabilities. The main impetus for the Lathams' interest in this project was their son, John, who himself is learning disabled. In 1988, John was a thriving student in the conducive environment of DeSisto College when the school ran into insurmountable obstacles and was forced to close. Unwilling to watch the demise of such a critical societal necessity, the Lathams decided to establish a new institution dedicated to the principle of providing an education for the learning disabled without frustrating the students' desire to learn.

In order to prevent a forced hiatus in the students' education, the school had to be established as rapidly as possible. The Lathams led a parent group to raise funding and to select a location (Leesburg, Florida), and appropriate property for the school. Beacon has been fully operational for one year, and has earned provisional status—bringing it one step closer to getting accredited. Its current enrollment of over 30 is expected to double, and students—whose learning disabilities range from dyslexia to auditory processing problems—will be provided with a liberal arts education oriented to public service.

In May, 1990, the College received a letter of congratulations from Barbara Bush. The First Lady is only one of many who appreciate the importance of the founding of Beacon College and Latham's work.

—Erica S. Mintzer '93

'70 **Henry J. Lunardi** has been appointed Judge of Elections of the Philadelphia Bar Association for a one-year term.

'70 **Steven R. Waxman**, a partner in the litigation department of Fox, Rothschild, O'Brien & Frankel, is listed in the 1991-1992 edition of *The Best Lawyers in America*. He is also listed in *Who's Who in American Law*. He is a past chair of the American Bar Association's National Legal Resource Center for Child Advocacy and Protection and has served as an officer of the Philadelphia Bar Association and on its Commission on Judicial Selection, Retention and Evaluation.

'71 **Steven L. Friedman**, a senior partner with Dilworth, Paxson, Kalish & Kauffman, recently traveled to Israel to meet with Israeli leaders as part of a "solidarity" mission sponsored by the national American Jewish Committee. In Friedman's capacity as general counsel for the Likud party in the United States, he had an opportunity to meet with the Israeli Prime Minister to discuss mutual concerns of Israelis and American Jews.

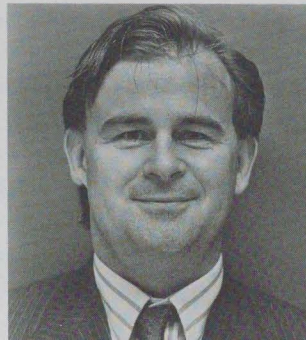
'71 **Stephen F. Gold** discussed Title I on employment from both the employer and employee perspective at a recent Philadelphia Bar Association's Professional Education Committee's "Americans With Disabilities Act" workshop.

'71 **Arthur W. Lefco** has been reappointed to the Insurance Committee of the Philadelphia Bar Association for a two-year term.

'72 **Donald E. Miller** has been named senior vice president and general counsel by the Board of Directors of the Fairchild Corporation. The former principal-attorney for Temkin & Miller, Ltd. of Providence, Rhode Island will be responsible for all the legal and contractual matters of Fairchild.

'73 **Kenneth E. Aaron**, a partner of Mesirov Gelman Jaffe Cramer & Jamieson, discussed "Proposed Legislative Changes to Section 365 of the Bankruptcy Code Concerning Real Estate Leases" at the recent Business Law Section Meeting of the American Bar Association in Williamsburg, Virginia. Aaron presented proposed changes to Section 365 of the Bankruptcy Code to the Business Bankruptcy Committee's Subcommittee on Executory Contracts and Leases. Aaron is the author of the chapter on Real Estate Leases of "Business Lawyer's Bankruptcy Guide" to be published by Callaghan and Company and the chapter on Bankruptcy of "Environmental Law Practice Guide" to be published by Matthew Bender & Company.

'73 **Edward S.G. Dennis, Jr.**, has recently been elected the first treasurer of the Historical Society of the U.S. Court of Appeals for the Third Circuit.



Charles E.
Dorkey, III '73

Before Charles Dorkey III finished elementary school, he knew he wanted to be a lawyer. Today, seventeen years after graduating from the Law School, he still speaks about the law like an excited child. Dorkey, fondly known as "Trip" because he's the third generation to bear his name, thoroughly enjoys the practice and challenge of the law.

Dorkey says those who are disillusioned with the field had false expectations. "I can't imagine a better profession, but it is a difficult profession. It doesn't leave a whole lot of time for other things."

Upon graduation, Dorkey clerked for the late Honorable Samuel J. Roberts '31 in the Supreme Court of Pennsylvania before deciding that what he ultimately wanted was to work in the charged atmosphere of a New York law firm. "When I was clerking, I lived in Erie and it taught me that a lot of smart people didn't live in New York City, but nonetheless, I felt the pull to the big city." After stints at both Sullivan and Cromwell and Reboul, MacMurray, Hewitt, Maynard and Kristol, Dorkey moved on to his present position as a partner with Richards & O'Neill where he is actively involved in asbestos litigation.

Although during his law school days Dorkey had not planned on litigating, he finds it is an exciting area and allows one to use creativity. "I like the challenge of convincing someone that your client is right. With litigation, there are clear winners and losers and ultimately your judgment—or another's—will be vindicated."

In addition to his busy practice, which often involves traveling to Europe, Dorkey has maintained close ties with the Law School. He recently accepted a two year position as the National Chair of the Law Annual Giving Campaign, which involves extensive fundraising from all graduates.

When asked how he finds time for his active alumni involvement, while still finding time for his family, with three children, Dorkey admits he does it "with difficulty." However, he is quick to point out that education is an area of great significance to him and the Annual Giving Chair is a position he deems important. "I enjoy working with educational institutions. As a society, education is an area in which we need to do better. My work with the Law School is a natural—I am paying back a debt for an excellent education."

—Marla Weinstein '93

'73 **Linda Fisher** has been appointed to the Executive Committee of the Probate and Trust Section of the Philadelphia Bar Association for a one-year term.

'73 **W. Jeffrey Garson**, formerly a partner in the Financial Services Department of Saul, Ewing, Remick & Saul, has joined Cohen, Shapiro, Polisher, Shiekman and Cohen as a partner in the Creditors' Rights and Reorganization Department. Garson is a member of the Philadelphia, Pennsylvania and American Bar Associations and the American Bar Association's Commercial Banking and Financial Transactions Litigation Subcommittee.

'73 **John B. Herron** has joined the Insurance Coverage Department of Margolis, Edelstein, Scherlis, Sarowitz & Kræmer.

'73 **Stephen W. Miller** has been named managing partner of Clark, Ladner, Fortenbaugh & Young. Miller, who directs the firm's environmental practice, is a member of the American Bar Association's Section on Antitrust Law as well as its Litigation Section's Environmental Law Committee.

'74 **Ian M. Comisky**, a partner in the Litigation Department of Blank, Rome, Comisky & McCauley, addressed the Pennsylvania Institute of Certified Public Accountants on the topic of "Accountants Under Attack." His discussion included current criminal enforcement priorities as they affect accountants and their clients.

'74 **Michael R. Malloy's** essay entitled "A Very Serious Case of Mistaken Identity," concerning the danger that an innocent defendant may have been convicted, is featured in the opinion-commentary section of *The Baltimore Sun* (11/14/90).

'74 **Carl G. Roberts**, a partner with Dilworth, Paxson, Kalish & Kauffman, has been named chair of the Legal Facilities Interest Group and vice chair for computer laptop applications for the Litigation Interest Groups for the American Bar Association's Section of Law Practice Management.

'75 **Wendy Gordon**, Professor of Law at Rutgers University School of Law, will be a Visiting Professor of Law at the University of Chicago Law School for the 1991-1992 academic year. Professor Gordon, who has written extensively in the field of intellectual property, will teach courses in that subject as well as in torts and jurisprudence.

'75 **James D. Morris** lectured at the Environmental Law Institute's Workshop on Groundwater Protection in Budapest. Upon completion of the workshop in March, he conferred with Institute staff and representatives of the Hungarian General Assembly regarding needed legislative initiatives for environmental protection in Hungary. Morris recently joined Stradley, Ronon, Stevens & Young as a partner.

'75 **Robert Spielman** has been named a partner of Rosenn, Jenkins & Greenwald, Wilkes-Barre, Pennsylvania. Spielman will serve as chair of the firm's Bankruptcy and Creditors' Rights Department.

'77 **Daniel B. Evans** has withdrawn from partnership in Dilworth, Paxson, Kalish & Kauffman to engage in the independent practice of law. He will concentrate in estate planning, corporate and partnership planning, estate and trust administration and charitable organizations.

'77 **Nicholas A. Manzini**, the sole principal in the firm of Manzini & Associates, P.A., of Miami, has been appointed to the membership of the Florida Board of Bar Examiners by the Supreme Court of Florida. Manzini has also been selected by the *South Florida Business Journal* to appear in its "Who's Who in Law" issue (1/21/91).

'77 **David F. Simon**, formerly a partner in the Litigation Department of Wolf, Block, Schorr & Solis-Cohen and chair of its Computer Law Group, has been named senior vice president and corporate counsel of U.S. Healthcare Inc., based in Blue Bell. Simon is the author of the *Computer Law Handbook* and the co-author of the official Philadelphia Court of Common Pleas Civil Practice Manual.

'77 **Howard Zucker**, a partner with Hawkins, Delafield & Wood in New York, is quoted in *The Bond Buyer* (1/8/91) regarding his and other lawyers' praise of the Internal Revenue Service for issuing guidelines for mortgage bond recapture.

'78 **Jeffrey L. Braff** has joined Cohen, Shapiro, Polisher, Shiekman and Cohen as a partner in the Labor Department. Braff served as chair of the Labor Law Committee of the Philadelphia Bar Association in 1989. He is an active member of the Pennsylvania Bar Association's labor and employment sections and a co-author of "Current Developments Affecting Labor Relations" in *Basic Labor Relations* (Practicing Law Institute) and "Prepaid Legal Services Plans: A New Fringe Benefit" in *Industrial Relations Guide* (Prentice Hall, 1991).

'78 **Andrew Branz** and his wife Nancy became parents on November 30, 1990. Their new daughter has been named Sarah Miriam.

'78 **Dr. Rodney Lorang** recently joined the Environmental Law Department of Shenas, Shaw & Spievak, San Diego, California. Lorang, who served as an economist with the U.S. Department of Energy from 1980-1982, has published a number of articles on environmental concerns and continues to provide training on environmental issues to clients and at public seminars. Recent papers include: "Finding, Selecting and Hiring

Environmental Services Firms," 2 *Environmental Hazards: The Superfund, RCRA and Toxic Tort Law Advisor* 3, March 1990; and "Identifying and Resolving Inconsistencies between Atomic Energy Act and RCRA Requirements," Proceedings of the Symposium on Waste Management at Tucson, Arizona ("Waste Management '91"), 1991.

'78 **Oliver R. Goodenough** embarked in January on an eleven month sabbatical to Cambridge University, where he will be researching and writing two books: one on international intellectual property law and the second on the social origins of justice.

'78 **David I. Levine**, professor and Associate Academic Dean of University of California, Hastings College of the Law, has been appointed by the U.S. District Court for the District of Nevada to be the Reporter for its Advisory Committee on the implementation of the Civil Justice Reform Act of 1990. In the summer of this year, West Publishing Company will publish Levine's co-authored casebook, *Cases and Materials on California Civil Procedure*.

'78 **Nancy E. Watters** has been appointed general counsel and vice president of Tropik Inc., a bio-engineering firm in Bedford, Massachusetts.

'78 **Jordan Yarett**, a partner at Batte, Fowler, Jaffin and Kheel, in New York City, participated as the featured speaker at the Public

Securities Association Seminar, "Municipal Bond Credit Quality, New Threats and Opportunities for 1991." Yarett's topic, "State Approaches to Troubled Municipal Credits," compared relevant New York and Pennsylvania statutes regarding distressed municipalities.

'79 **Pamela Daley Kendrick** is featured in *The American Lawyer* (September 1990) article entitled "Miserable on the Outside, Happy on the Inside" as one of the score of lawyers who are finding work as in-house counsel extremely satisfying. Daley, presently tax counsel at General Electric, describes her practice as being "stable, stimulating, and as full of the professional values that attracted me to the law as any firm could be."

'79 **Lynn A. Marks**, Executive Director of Pennsylvanians for Modern Courts, appears in a *Legal Intelligencer* (1/31/91) article entitled "Judicial Discipline Amendment Passes." Marks is portrayed as one of the chief advocates of judicial reform supporting a constitutional amendment changing the way the state's judges are disciplined.

'79 **Terri M. Solomon** is listed in the "Lawyers on Major Transactions" section of the *New York Law Journal* (1/31/91) as the senior attorney involved in General Cinema's acquisition of Harcourt Brace Jovanovich.

'79 **M. Kelly Tillery**, senior partner with Leonard, Tillery & Davison, examined the "Potential Liabilities of Placing an Undercover Investigator Under the Employ of a Target Infringer" and the "Civil Rights and other Tort Law Considerations of Cooperation Among Owners of Trademarks and Copyrights" at a San Diego meeting of the International Anti-Counterfeiting Coalition.

'79 **Marguerite S. Walsh**, a shareholder in Mannino & Associates, served as a speaker at an American Bar Association seminar held recently at the Wyndham Hotel and Resort, Palm Springs, Calif. The seminar examined litigation arising from failed financial institutions. Walsh participated as the featured speaker in the program, "Claims Against Professionals Arising from Failed Institutions."

'80 **James K. Doane**, who has worked for the magazine *Look Japan* and the Mitsubishi Corporation in Tokyo, has become a partner with Preston, Thorgrimson, Shidler, Gates and Ellis of Seattle, Washington. Doane will have an international practice focusing on investments and transactions by Japanese and other foreign businesses in the United States and Japan.

'80 **Joyce S. Meyers** appears in a *Legal Intelligencer* (3/8/91) article entitled "Free Press or Censorship? Media War Rights Debated" as the committee chair of the

Philadelphia Bar Association's News Media Committee, which moderated a debate concerning the media censorship during the Persian Gulf War.

'80 **Jack D. Weiner**, formerly a partner with Ballard Spahr Andrews & Ingersoll, is now senior vice president of Provident National Bank. He is in charge of Real Estate Finance. Weiner participated in an alumni/faculty exchange, "Real Estate Finance in the '90s," at the Law School during Alumni Weekend.

'81 **Marcie R. Horowitz** recently received her Master's degree in Geology. She is currently practicing environmental law at Barnes & Thornburg, Indianapolis, Indiana.

'81 **Rudolph diMassa, Jr.** has been reappointed to the Lawyer Referral and Information Service Committee for a three-year term.

'81 **Clifford Scott Meyer** has been named a partner of the Estates and Trusts Department of Cohen, Shapiro, Polisher, Shiekman, and Cohen. Formerly an Adjunct Professor of Tax Accounting at Dickinson College, Meyer has a practice concentration in the areas of estate planning, probate and trust law.

'82 **Elit Felix** has joined the Environmental Law and Toxic Torts Department of Margolis, Edelstein, Scherlis, Sarowitz & Kraemer.

'82 **James J. Neath**, formerly associated with Mayer, Brown & Platt of Chicago, Illinois, has joined the law department of Amoco Corporation in Chicago. He will continue to specialize in litigation.

'82 **Patrick T. Ryan**, a member of the litigation department of Montgomery, McCracken, Walker & Rhoads, has recently been elected to the firm's partnership. Ryan has also been elected the first president of the Historical Society of the U.S. Court of Appeals for the Third Circuit.

'83 **William L. Myers, Jr.** has become associated with G. Sander Davis and Associates of Philadelphia.

'85 **Stephen Lerner**, formerly an associate of Weil, Gotshal & Manges in New York, recently relocated to Cincinnati, Ohio and has joined the firm of Taft, Stettinus & Hollister, specializing in bankruptcy, corporate reorganization, and creditors' rights. In March of last year, Stephen and his wife Julie celebrated the birth of their son, Jeremy Scott.

'85 **Peter Struzzi** and '85 **Lorella Puglielli Struzzi** announce the birth of their son, Matthew Peter, on February 16.

'86 **David Castro** and **Robert Natilini**, who worked together in the Clinic as students, again teamed up on a pro bono effort to close nuisance bars in the Mt. Airy area. Their work is highlighted in the *Legal Intelligencer* (3/21/91).

'86 **Michael P. Doss** has recently been sworn in as an assistant U.S. attorney by Michael M. Baylson '64, U.S. Attorney for the Eastern District of Pennsylvania. He will serve in the Criminal Division.

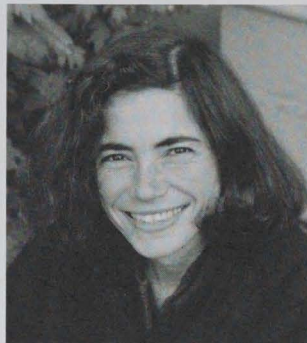
'86 **Kevin B. Fisher** has recently been elected a partner in the San Francisco firm of Brobeck, Phleger & Harrison. He will be with the firm's corporate practice group.

'86 **Henry K. Kopel** has been sworn in as an assistant U.S. attorney for the District of Columbia. Kopel has been assigned to the Criminal Division. He had previously been practicing civil litigation in Boston with Foley, Hoag & Eliot.

'87 **Michael F. Breslin** has recently become associated with Curtin and Heefner in Morrisville, Pennsylvania.

'87 **Joshua D. Cohen**, formerly associated with Wolf, Block, Schorr, & Solis-Cohen, has joined Hartman Underhill & Brubaker of Lancaster, Pennsylvania. Cohen will specialize in commercial transactions.

'90 **Thomas Grexa** has recently been appointed the Director of Career Planning and Placement at Dickinson School of Law.



*Alba
Conte '82*

Alba Conte loves the law, and she's highly influential in her selected fields of law. But she's never practiced, and does not plan to practice. Instead, Alba combines her love of the law with her first love, writing, as the editor and author of a number of highly successful, well-regarded treatises.

While she was at the Law School, Conte received an introduction through Professor Seth Kreimer to Herbert B. Newberg. This relationship led to her work on the five volume Newberg on Class Actions and on another treatise, Attorney Fee Awards, as well as the supplements that followed each. Realizing that she preferred writing to practice, Conte sought a project related to her interest in women's studies, her undergraduate major at Douglass College. Her idea for a treatise on sexual harassment was picked up by Wiley Law Publications as part of its Employment Law Library, and the completed work, published in 1990, has been quite successful.

Directed to lawyers, personnel managers and expert witnesses in the field, the research for Sexual Harassment in the Workplace gave Conte insight into the way such claims are treated in the courts and their reflection of women's changing role in society. Her examination of cases from all over the country convince her that she can determine by the characterization of the facts in the opening of an opinion what that judge thinks of the notion of sexual harassment of women in the workplace. Conte notes the complexities of this area, commenting that women's confusion about their role in the work place and their frequent dependence on a male for their paycheck may initially encourage their participation in inappropriate conduct. She hails a recent trend adopted in several courts to use a "reasonable woman" standard to accommodate the viewpoint of the victimized woman as significant progress.

Always drawn to Oregon, Conte moved there permanently after Law School. The area has never disappointed her expectations. She and her architect husband frequently stay in their cabin on the Oregon coast, lured by the "indescribable beauty" of the area. With a successful writing career assured by the positive reception of Sexual Harassment in the Workplace, Alba is in search of a new title, perhaps reaching some other law enforcement aspect of women's issues. Combining law and writing—studying the issues and cases, making analysis, and providing this material to a broad audience—provides Conte with the best of both worlds.

Patricia Biswanger '93

IN MEMORIAM

'24 Richard H. Klein
Sunbury, PA
January 11, 1991

'28 The Honorable Frank E. Reed
Beaver, PA
December 28, 1990

'29 The Honorable Leonard J. Ralston
Washington, D.C.
September 19, 1990

'31 The Honorable Herbert Levin
Philadelphia, PA
April 9, 1991

'33 Joseph M. Leib
Encinitas, CA
November 16, 1990

"Throughout the years, he maintained his enthusiastic interest in the practice of law, and adherence to the high standards set in his law class years, the focus of his profession and a constant inspiration."

—Bertha M. Leib, March 11, 1991

'35 Joseph T. Edgar
Fort Campbell, KY
November 27, 1990

'35 The Honorable Warren K. Hess
Reading, PA
December 5, 1990

'35 Horace W. Steel
Marmora, NJ
October 3, 1990

'36 Philip J. Chapman
Wayne, PA

'36 The Honorable Joseph S. Lord III
Philadelphia, PA
April 23, 1991

'48 G. Hayward Reid
Philadelphia, PA
February 11, 1991

'49 Robert W. Valimont
Doylestown, PA
December 3, 1990

'57 Ronald N. Rutenberg
Philadelphia, PA
December 5, 1990

'58 Harry A. Kitey
New York, NY
February 5, 1991

'61 Gilbert Wasserman
Oakland, CA
September, 1989

'62 Edward A. Sawin, Jr.
Philadelphia, PA
December 13, 1990

'64 Franz Frederick Opper
Chevy Chase, MD
March 8, 1991

ERRATA

The Editor's apologies for several errors in the January 1991 edition:

Marshall A. Bernstein '49, who served as President of the Law Alumni Society from 1979 until 1981, was omitted from the list of Society Past Presidents.

Mark Blank, a graduate of the Class of 1976, was included in Alumni Briefs for the Class of 1986. His service in the Wheeling-Pittsburgh Steel Corporation's bankruptcy proceedings is as representative to the creditors' committee for the Pension Benefit Guaranty Corporation.

Clinical Supervisor and Lecturer in Law Morris D. Bernstein has completed "Imparting Ethics: Drawing on Internal Motivations to Act Responsibly".

Leon Meltzer Professor of Law Emeritus A. Leo Levin '42 was credited as the author of Restructuring Justice; in fact, our prolific professor authored one chapter in the treatise.

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