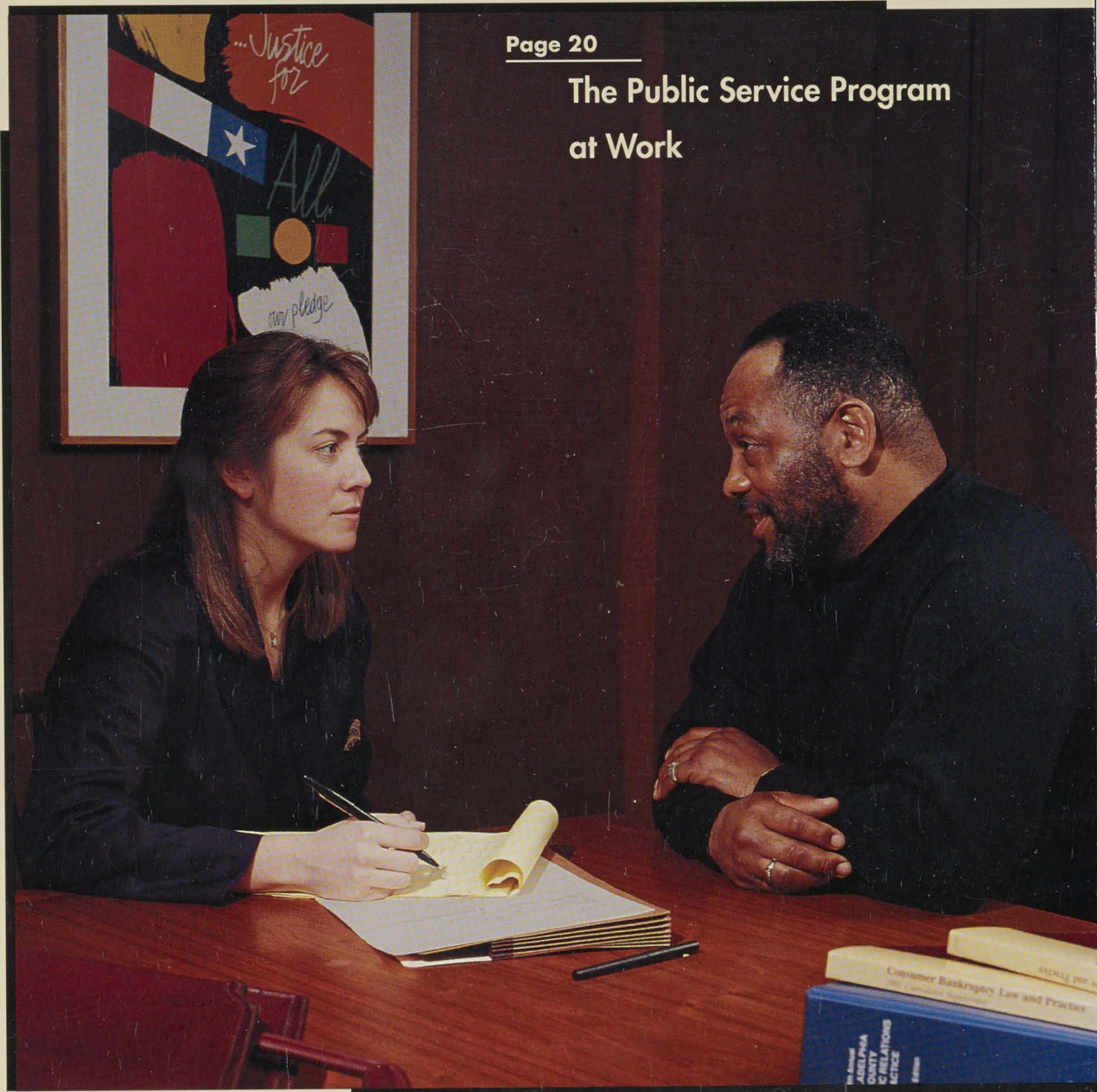


Penn Law Journal

JUNE
1992

VOLUME
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Page 20

The Public Service Program
at Work

page 2
*Alumni
Weekend '92*

page 4
*Commencement —
Class of '92 welcomes
Class of '92*

page 13
*Penn Faculty
and Judicial Students*

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Contents



Progress continues apace on the Law School's new building. As we go to press, the steel frame is completed — thus, the “topping off” celebration, below — and bricking work is anticipated for next semester.

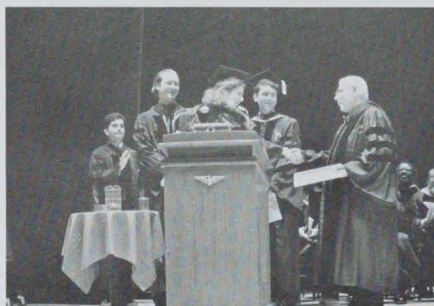
ON THE COVER:

Catharine Maier '93, worked at Philadelphia Bar Association's Volunteers for the Indigent Program (VIP) for her public service work. Here she speaks with a VIP client about his work with prison inmates. Read more about the Public Service Program in the Docket Section, beginning on page 20.

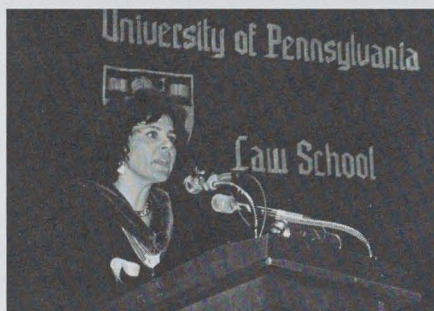
COMMENCEMENT 1992	2
FROM THE DEAN Colin S. Diver	3
ALUMNI WEEKEND 1992	4
SYMPOSIUM	6
CALENDAR	12
FACULTY EXCERPTS <i>Penn Law Faculty in the Classroom with Federal Bankruptcy Judges</i>	13
DOCKET <i>Public Service Program at Work</i>	20
FACULTY NOTES	26
ALUMNI BRIEFS	31
IN MEMORIAM	44



COMMENCEMENT 1992



Professor A. Leo Levin accepts a plaque from the Class of 1992 officers.



Nadine Strossen



Manlin Maureen Chee

For the first time in the Law School's history, Penn Law graduates received their diplomas in the illustrious Academy of Music. Dean Diver welcomed 277 J.D. recipients, 31 LL.M. recipients, and one recipient of the S.J.D. degree, as well as their families and friends.

The Class of 1942, celebrating the 50th anniversary of its graduation from Penn Law, participated in the Commencement exercises. Entering the impressive stage to join faculty were William N. Clarke, Frank R. Donahue, Jr., Hon. Robert W. Honeyman, Thomas J. Kalman, Samuel S. Laucks, Jr., A. Leo Levin, Richard G. Miller, Jr., Charles Rankin, Walter N. Read, Arnold M. Smith, Elvin R. Souder, and George C. Williams. Mr. Rankin posted the Class of 1942 flag just as Alexander Zolfaghari '92 posted the Class of 1992 flag.

The Class of 1992 then honored Class of 1942 member A. Leo Levin, Leon Meltzer Professor of Law Emeritus. Noting his incredible commitment to students — “despite his many accomplishments, he always makes us feel that we are his first priority” — the Class of '92 dedicated a bench for the Law School's redesigned courtyard in Professor Levin's honor.

Echoing the theme that legal education is more than coursework, and that legal practice is more than applying one's craft, the honored guests and student speakers encouraged graduates to, in the words of Commencement Speaker Nadine Strossen, live greatly.

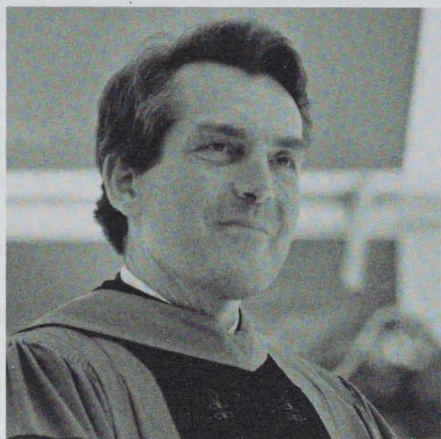
Strossen, President of the American Civil Liberties Union and Professor of Law at New York Law School, commended the group for its historic role as the first law school class in the nation to complete 70 hours of service to the legal community through Penn's Public Service Program. Noting that this service contributed not only to those served, but also to the students themselves, Strossen encouraged these new lawyers to bring this commitment with them to their professional lives.

Manlin Maureen Chee, this year's Honorary Fellow, discussed her vision — as an immigrant — of the “American lawyer,” describing the dedication she finds in lawyers in all professional roles who commit themselves to service and support of the underrepresented. Chee herself serves aliens in our country, and her practice has earned her national esteem. Last year, the American Bar Association named Chee as a recipient of its coveted Pro Bono Publico Award.

The members of the Class of 1992 enter the profession, taking their talents and skills — and what they have learned through the Public Service Program — to the practices and organizations they now join.

From the Dean

PUBLIC SERVICE AND PROFESSIONAL ETHICS



Dean Colin S. Diver

The Class that graduated from Penn Law School on May 18, 1992 is distinctive in many respects. It is the largest graduating class in the Law School's history and the first to have its graduation at the historic Academy of Music in Philadelphia. It also had a special place in my heart, as the first class to go through the Law School during my deanship.

More important than any of these things, the Class of '92 is the first class at this or any law school all of whose members completed at least 70 hours of public service legal work as a part of their legal education. The 17,000 hours of supervised public service work that they collectively performed represent an unprecedented contribution, not only to the betterment of this community, but also to our evolving concept of professional education. In this issue of the *Journal* you will encounter some of the students who contributed so much to the program's successful inauguration. In my remarks here I want to reflect briefly on the relationship of Penn's pioneering

Public Service Program to the teaching of professional ethics in American law schools.

"Public service" is a phrase as overworked and misused as it is vague. In a profession beset by escalating popular criticism, it has become the perennial rallying cry in the elusive quest for its members to devote more time to vaguely specified good works for which those members are all too often ill-prepared and even less inclined. In the search for culprits responsible for this sad state of affairs, the spotlight has fallen on the law schools. Now we, too, are exhorted to undertake good works — works for which we, too, are often ill-prepared and less inclined.

Perhaps the clearest example is ABA Law School Accreditation Standard 302 (a) (iv), which requires all ABA-accredited law schools to teach professional ethics. An innocuous enough requirement on its face, Standard 302 has bedeviled law schools since adopted in 1973. In conversations with my counterparts across the country, I hear the same refrain: "Professional ethics is a thorn in my side. The faculty don't want to teach it. The students don't want to study it."

Law schools have tried almost every imaginable way to fulfill their obligation to teach professional ethics. But their tireless tinkering doesn't seem to have appreciably reduced the discontent. One of my colleagues traces this persistent discontent to a fundamental dilemma in attempting to teach ethics in law school: "It comes too late to change a student's sense of ethics and too early to shape a lawyer's sense of professionalism."

There is considerable truth in this.

But I for one am not quite ready to consign professional ethics to the scrap heap of failed noble experiments. If there is a way, in law school, to give real bite to the ideal of professional responsibility, it surely must be in the context of experiential learning. At most law schools, the most successful instruction in professional ethics occurs in the clinic, where the rules and theory can be tested in the cauldron of everyday experience. If the clinic is the best place to teach professional ethics, however, it is also by far the most expensive and, therefore, as a practical matter, limited in its reach.

What the Penn Public Service Program does, in effect, is to expand the opportunity for at least some experiential learning to every student. And it requires that the experiential learning occur in precisely that domain of professional activity — "public service" — that is held forth as the highest realization of the professional ethos.

The Penn Public Service Program will not make saints out of sinners, nor will it trigger a mass exodus from private firms. But the experience of the Class of '92 justifies genuine optimism that it can instill in our graduates confidence that they can achieve lasting professional and personal satisfaction from representing the underprivileged, drafting legislation, advising civic boards, serving on government commissions, and any of the countless other forms of financially unremunerative work that we call public service.



ALUMNI WEEKEND 1992



Myles Tanenbaum '57 holds a bronze replica of the Goat, presented to him as recipient of the Law Alumni Society Distinguished Service Award. Dean Diver, left, and Jerry Apfel '54, chair of the Society's Awards Committee, look on.

Graduates returned to campus on May 16 and 17 for Alumni Weekend 1992. Saturday featured two Alumni/Faculty Exchanges, with graduates joining faculty and guests to discuss two timely topics — Drug Control in a Free Society, with Stephen Morse, Ferdinand W. Hubbell Professor of Law, Thomas J. Eicher '83, and John Packer '63; and Municipal Bankruptcy, moderated by Elizabeth Warren, William A. Schnader Professor of Law, with Michael Bloom, Esq., Sam Katz, and Cynthia White '80.

The State of Penn Law Lunch on Saturday afternoon featured the presentation of the Law Alumni Society's Distinguished Service Award to Myles Tanenbaum '57. With many of his classmates in attendance, and with the frame of the Law School's new building as his background, Myles graciously accepted the Award and urged fellow alumni to support the Law School's strengths and recent accomplishments.

The Law Alumni Society held its annual election at lunch, with the designation of seven alumni to three year terms on the Society's Board of Managers: Leonard Colamarino '76, Amy Goldstein '82, Murray Greenberg '68, William Hawkins '58, Steven Perskie '69, Vernon Stanton '60, and Michele Tuck '83.

Members of the Class of 1932 attended the lunch as honored guests, and members of ten other quinquennial classes — '37, '47, '52, '57, '62, '67, '72, '77, '82, and '87 — enjoyed class celebrations on Saturday evening. Watch for the Annual Report of Giving in October for full reports on these events.

Brunch on Sunday for alumni also welcomed the Class of 1992 into the Law Alumni Society. New graduates and their families mingled with alumni and faculty for a pleasant meal.

On Monday, the Class of 1942 participated in Commencement exercises and celebrated its 50th Reunion with a dinner at the Union League.



Members of the Class of 1932 were honored at the State of Penn Law Lunch.



Members of the Class of 1957 welcome the Dean to their 35th Reunion Celebration.



Dean Diver joins members of the Class of 1967, celebrating their 25th Reunion at the University Museum.

'33, '38, '43,
'48, '53, '58, '63,
'68, '73, '78, '83,
and '88 —

Plan to be in
Philadelphia for
Alumni
Weekend '93

May 15-16, 1993.

Symposium



Robert A. Gorman

FACULTY APPOINTMENTS

In March, Dean Colin S. Diver announced the appointment of Robert Gorman, Kenneth W. Gemmill Professor of Law, as Associate Dean for Academic Affairs. Professor Gorman will assume the duties of the chief academic officer at the Law School — which include working with faculty on appointments, internal promotions and tenure, curriculum, academic policies and standards, and professional development — beginning July 1, 1992.

“Bob Gorman has served the Law School, the University, and the profession in almost every imaginable capacity, including past stints as Associate Dean of the Law School, President of the Association of American Law Schools, and President of the American Association of University Professors,” said Dean Diver. “As the Law School undertakes planning for the upcoming ABA-AALS reaccreditation review and the occupation of the new building, we will benefit

enormously from Bob’s extensive reservoir of knowledge, contacts, diplomacy, wit, and grace.”

Professor Gorman succeeds Stephen Morse, Ferdinand Wakeman Hubbell Professor of Law, who served in the post for a two year term. Dean Diver notes: “We all owe Stephen Morse an enormous debt of gratitude for the superb job he has done as Associate Dean. Our thanks go to Professors Gorman and Morse for their continuing contributions to the Law School.”

CLINICAL APPOINTMENTS

Loralyn McKinley, a Clinical Supervisor since 1987, will leave the Law School this semester. She will assume the position of Project Director of the Employment Law Project at Community Legal Services in Philadelphia. In announcing her appointment at CLS, Dean Diver noted the recognition implicit in her selection, and thanked her for her fine work with many Penn Law students: “Lorrie has done an outstanding job as a Clinical Supervisor, and she will be greatly missed.”

ADMINISTRATIVE APPOINTMENTS

As reported in the last edition of the *Journal*, the Registrar’s Office is now under the able leadership of long-time Law School administrator, Gloria Watts. Gloria assumed the Registrar’s position after Gary Clinton’s appointment as Assistant Dean for Student Affairs.

In January, Barbara Bussard joined the Registrar’s Office as Assistant

Registrar. Bussard has ten years experience at the University in student records management. For the last four years, she has had primary responsibility for the biographic/demographic portions of the computerized Student Records System. In announcing the appointment, Registrar Watts noted her confidence that Bussard’s “expertise in the computer system and her pleasant, outgoing, upbeat personality will be major assets to the Registrar’s Office.”

AT THE LAW SCHOOL

Frederick Douglass Moot Court Competition

Fourteen Penn Law students participated in the regional Frederick Douglass Moot Court Competition. Sophia Herbert ’93 and Susan Cornick-Allen ’93 were finalists in the competition; Kelly Clement ’93 and Clint Odom ’93 were semi-finalists. Additionally, Clement and Odom’s brief received honors for best overall brief and best petitioner’s brief, earning them the right to represent the region in the national competition. Odom also received honorable mention for best oral advocate.

Other students who competed are Abiona Berkeley ’93, Tara Harper ’93, Sonja Johnson ’93, Abdul Kallon ’93, Kimberly Kelly ’93, Leslie Keyes ’93, Todd McCoy ’93, and Maxwell McIntosh ’93.



Steven A. Kauffman '73 joins Entertainment and Sports Law Society members, left to right, Bernard Solnik '92, Edward Blume '94, and Douglas Kaplan, '93.

Guest Lecturers

Eugene H. Rotberg '54, formerly Associate Director of the SEC Division of Trading and Markets and Vice President and Treasurer of The World Bank, spoke to students, faculty, and guests at the Law School in February. At the invitation of Alan Steinberg '64, who is presenting a course in Securities Regulation this semester, Rotberg discussed a wide range of subject matters: the role of various constituencies in the LDC debt crisis; the pressures on traditional banking institutions, S&L's, and securities firms to achieve profitability; and the accounting, legal, and operational environment for financial intermediaries. Steinberg's class and other Law School guests found Rotberg's presentation fascinating.

Robert H. Mundheim, former Dean and University Professor currently on leave, addressed a Law School audience in early March. Presenting his views on "Success as a Lawyer: Some Ingredients and a Recipe," Dean Mundheim — currently Co-Chair of Fried, Frank, Harris, Shriver & Jacobson in New York and formerly General Counsel to the United States Treasury Department — spoke at the invitation of the Council of Student Representatives.

Steven A. Kauffman '73 — who represents professional athletes, including Ron Darling, Jon Koncak, Doc Rivers, Tree Rollins, and Rony Seikaly — spoke in early March to members of the Entertainment and Sports Law Society. In an informal exchange with students, Kauffman spoke of negotiating Koncak's headline winning contract with the Atlanta Hawks and mediating Ron Darling's salary.

Noting the difficulties of getting into sports agency and the great breadth of involvement required with clients, Kauffman nonetheless encouraged students to stay interested in the field. And after enjoying some refreshments with the group he left for the Philadelphia 76ers game against the Atlanta Hawks — to watch clients on both teams!

The Light Opera Company

Breaking again with its tradition of presenting — well... — light opera, the Law School's Light Opera Company this year produced *Anything Goes*. Presented over a February weekend at the Annenberg School Theatre, the show was widely acclaimed. The production featured dancing and singing law students — and a faculty member or two, with Dean Diver, Professors Bruce Mann and Clyde Summers, and

Assistant Dean Gary Clinton lending a hand.

Watch in the fall for news of next year's show.

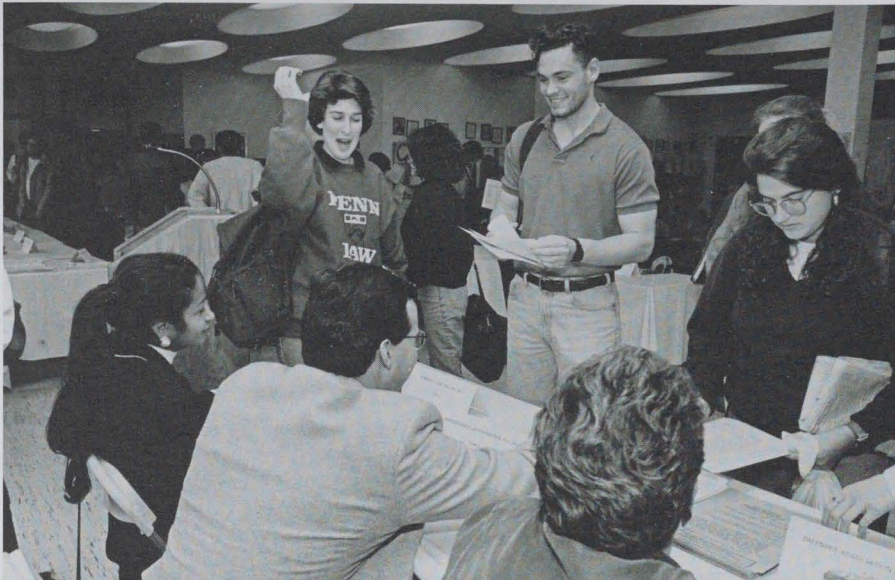
The Equal Justice Foundation

The Equal Justice Foundation sponsored a week of activities in March, billed at the Law School as Public Interest Week. On Wednesday, students organized a panel discussion on gun control featuring attorneys from the National Rifle Association and Handgun Control, Inc. and moderated by Professor Seth Kreimer.

The EJF Annual Fundraising Auction took place on Thursday. With auctioneer Professor Charles W. Mooney, Jr. at the microphone, faculty, students, and staff had the opportunity to bid on such priceless items as a cookout for forty guests, catered by Elizabeth Warren (also known as the William Schnader Professor of Law) and featuring Oklahoma burgers, homemade Boston Baked Beans, homemade barbecue sauce, Aunt Bea's Southern Peach Cobbler, entertainment, and more. Hot items included autographed copies of faculty members' books, a will drafted by Howard Lesnick, Jefferson B. Fordham Professor of Law, and a "controversial" t-shirt from Judith Bernstein-Baker, Director of the Public



Robert H. Mundheim, former Dean and University Professor, joins Curtis Reitz '56, Algernon Sydney Biddle Professor of Law, at the Law School.



Students question representatives of public service organizations at the Third Annual Public Service Fair.



This year's speaker at the Annual Law Review Banquet, The Honorable A. Raymond Randolph, Jr. '69 of the U.S. Court of Appeals for the District of Columbia Circuit, joins Scott Biehl '92, left, and Mazen Anbari '92.

The Public Service Fair

The Public Service Program held its Third Annual Public Service Fair on Wednesday, March 18, in conjunction with EJF's Public Interest Week. More than 40 public service practitioners, pro bono advocates, law firms, agencies, and governmental departments came to discuss their work with first and second year students, who will be signing up for their placements next fall. Represented groups included the AIDS Law Project of Pennsylvania, the Defender Association of Philadelphia, Families of Murder Victims, Guild Food Stamp Clinic, the National Labor Relations Board, the Pennsylvania Attorney General, Senior Citizen Judicare — giving students a great feel for the variety of groups who value their work through the Public Service Program.

See page 20 for a discussion of the Program at the end of its second year, including profiles of several students and their impressive work.

U.N. Appointee Beate Ort '92

On March 3, 1992, law students gathered at the Goat to welcome Beate Ort, a member of the Class of 1992, back from Guantanamo, Cuba. Ort went to Cuba at the request of the Legal Counsellor for the United Nations High Commissioner for Refugees as the UN envoy, monitoring INS screenings and preparing Haitian asylum cases. As one of only two legal workers for the United Nations in the entire refugee camp, Ort handled requests for voluntary repatriation and worked indirectly to improve conditions for the refugees.

Back at the Law School, Beate described the great distress of the Haitian boat people. Having left their country in desperate circumstances, their needs in Cuba were staggering. Ort, who gained approval for her work for the United Nations as an Externship during her third year, is an Arlin Adams Public Interest Scholar. While at the Law School, as in her work life before coming to Penn, she has focused consistently on the needs of refugee and immigrant peoples.

Service Program.

For the daring, Professor Mooney offered not only a ride on his Harley but also a helmet — to keep — and an American flag “to drape yourself in.”

All in all, the auction raised more than \$3800. These funds are used to support Penn Law students working in public interest jobs during the summer with \$1500 grants. If you would like to make a donation to EJF, or donate an item for next year's auction, please contact the Alumni Office at (215) 898-6303.



Alumni editors of the University of Pennsylvania Law Review join A. Leo Levin '42, Leon Meltzer Professor of Law Emeritus, at the Annual Law Review Banquet.

The Law Review Banquet

Alumni and faculty joined the incoming and outgoing editors of the *University of Pennsylvania Law Review* at the Franklin Institute in March. The Honorable A. Raymond Randolph, Jr. '69, gave the address at this year's Banquet.

The *Law Review* celebrated a banner year, which included the publication of The Honorable A. Leon Higginbotham's Open Letter to Justice Thomas. A reprint of the Letter — which received national attention and comment — can be obtained for a \$4.00 processing fee from the Law Review offices. Please call (215) 898-7060 to place your order.

LL.M. Students

Many of this year's 35 LL.M. students arrived in Washington, D.C. in March for the group's traditional tour of the capital. Susan G. Toler, Career Planning and Placement Counselor, organized a whirlwind tour for the students, who attended a United States Supreme Court argument, visited with several Supreme Court clerks (thanks to C. Rebel Pace '90 for making these contacts), and visited the White House.

At a reception organized by John F. DePodesta '69, President of the Law Alumni Society, the group talked about life at an American law firm in the D.C. offices of Pepper, Hamilton and



The Honorable Kenneth W. Starr, Solicitor General of the United States, presented the Eighth Irving R. Segal Lecture in Trial Advocacy.

Scheetz. Once again, the trip proved a hallmark of the LL.M. students' year at Penn Law.

CONFERENCES AND LECTURES

Alexander Conference

The Fourth Annual Sadie T. M. Alexander '27 Conference, planned and executed by the Black Law Students Association, took place on April 10 and 11, 1992. Entitled "Civil Rights in the 1990s: Reversing the Backlash", the Conference Opened with a Keynote Address from Eric King, Assistant Dean of the College of the University of

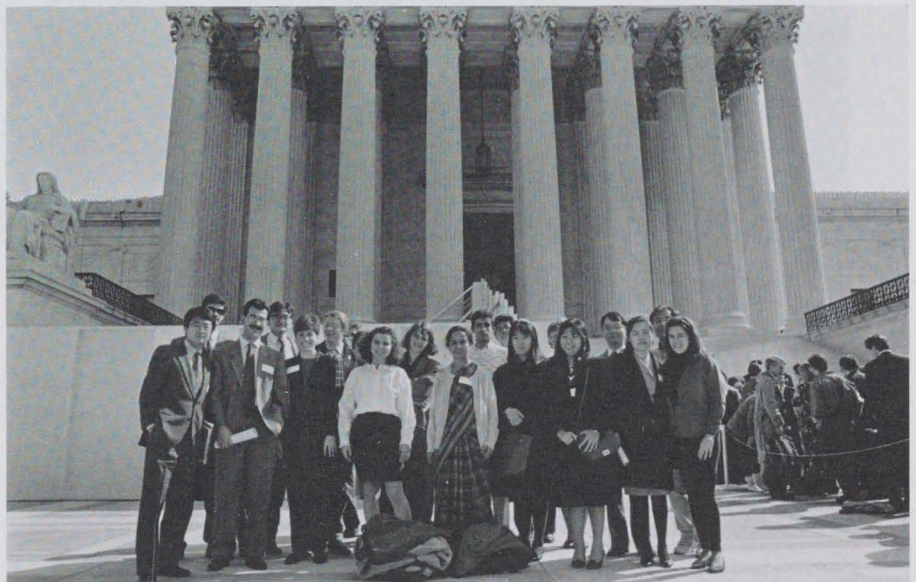
Pennsylvania. Seminars on Saturday included presentations on Today's Black Community: Can the Civil Rights Movement Encompass Us All? and The Extinction of the Civil Rights Movement, from Sit-Ins to... Professor Ralph Smith spoke with educational experts on Integration in Education: Is It the Best Thing For Us?

The group also met with The Honorable John Street, President of the Philadelphia City Council at the Senator Hardy Williams '57 Luncheon, and heard from The Honorable Bruce Wright of the Supreme Court of New York at the Aaron A. Mossell 1888 Alumni Dinner.

If you are interested in assisting BLSA plan next year's Conference, please call the Alumni Office at (215) 898-6303.

Segal Lecture

The Honorable Kenneth W. Starr, Solicitor General of the United States, addressed an overflow crowd at the Law School on April 13, 1992 as the eighth Irving R. Segal Lecturer in Trial Advocacy. As one in a distinguished line of Segal Lecturers, Starr discussed the techniques which have served him well as one of our nation's premier appellate litigators. Starr offered specific advice to the appellate advocate — which included his position that a clearly articulated



Penn LL.M. students from around the world gather at the Supreme Court of the United States.

theory of the case is consistently more persuasive than response to an opponent's arguments — and fielded thoughtful and aggressive questioning from students and alumni with eloquence.

Following the lecture, members of the Law Alumni Society Board of Managers, faculty, and students joined General Starr and Dean Diver for an intimate dinner. Again, Starr responded to challenging questions and engaged in contemplative exchange with his audience. Michael J. Rotko '63, a member of the Law School's Board of Overseers, had this to say: "I thought Ken Starr's lecture and his interaction with the student body and alumni last night was just terrific. His respectful attitude towards questioners and his non-combative mode will perhaps rub off on some future litigators."

Join us at the Law School for the next Segal Lecture, planned for 4:00 p.m. on October 13, 1992, and hear F. Lee Bailey, Esquire.

Sparer Conference

The Eleventh Annual Edward V. Sparer Public Interest Law Conference — held at the Law School on February 29, 1992 — focused on issues facing the homeless. "Vision Confronts Reality: Housing & Homelessness in the 90s" featured workshops and panels on a wide variety of topics. Introduced by Dean Diver, Professor Ralph Smith gave the opening address; Professor Michael Schill moderated a discussion on Urban Planning, Rent Control & Gentrification; and Stephen F. Gold '71 led a workshop on Achieving a Right to Shelter Through Litigation.

Attended by more than one hundred attorneys, social workers, and activists, the Conference once again was an acclaimed success. If you would like to be on the mailing list for next year's conference, please call the Alumni Office at (215) 898-6303.



Professor Ralph Smith gives opening remarks at this year's Sparer Conference — extolling the Conference's namesake, Professor Edward V. Sparer — as Dean Diver presides.

THE LAW SCHOOL BOARD OF OVERSEERS

The Board of Overseers gathered in Philadelphia on April 7 and 8. Preceding a day of meetings on campus on the 8th, Joan and Colin Diver welcomed the Overseers and their guests to their home for dinner. The informal setting provided the opportunity for the Board to get to know some of its newest members and new Chair, Charles A. Heimbold, Jr. '60.

Joining the Board for their first meeting were Robert I. Toll '66 and Manuel Sanchez '74. Bob Toll, recently mentioned in these pages for his wonderful support of financial aid at the Law School, and his wife Jane have adopted a Philadelphia public school class in West Philadelphia as part of the University's Say Yes to Education program. Sanchez, profiled in the February edition of the *Journal*, is our newest Overseer from the Mid-West.

The following day, the Board considered the Law School's work on its reaccreditation, scheduled for consideration by the Association of American Law Schools and the American Bar Association next fall. Overseers reviewed self-study drafts prepared at the Law School in preparation for the reaccreditation. They also enjoyed a presentation by three faculty members — Lani Guinier, The Honorable A. Leon Higginbotham, Jr. and Seth Kreimer — on their current views of the Supreme Court of the United States.

At the group's luncheon, Dean Diver announced the establishment of the David Berger Chair in Law. Berger, a member of the Class of 1936, had in 1989 pledged \$1 million toward the Law School's building campaign. Recently, Berger pledged an additional \$250,000 to the Law School and changed the designation of his gift to a Professorship. At lunch, the Overseers honored Berger for his continuing generosity to the Law School.

The Board of Overseers will next meet in Philadelphia on October 21, 1992.

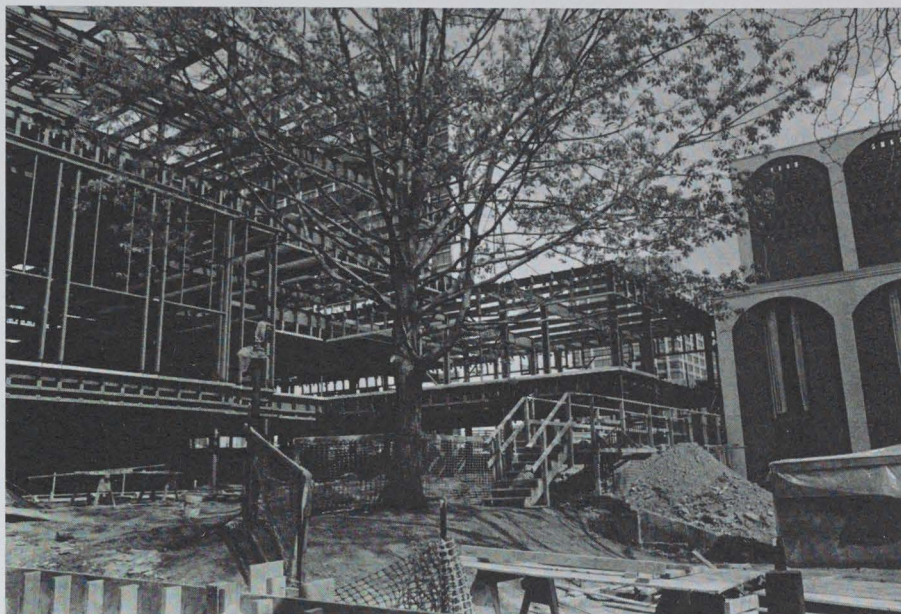
LAW ALUMNI SOCIETY EVENTS

In March, the Society sponsored a reception for alumni in New York City at America. The informal setting allowed classmates and friends to get reacquainted and do some networking. After the reception, Dean Diver and Society First Vice President Jerome B. Apfel '54 joined Alumni Award of Merit recipients Glen Tobias '66 and Gregory Weiss '69 for dinner. The Society honored Tobias for his leadership in the Class of '66 and his dedication to the Law School, and Weiss in appreciation of his service as Regional Firm Solicitation Chair for Law Annual Giving. Also attending the dinner were Jerry Apfel '54, chair of the Society's Awards Committee; Timothy F. S. Cobb '89, a member of the Awards Committee; Charles E. Dorkey III '73, National Chair of Law Annual Giving; Robert L. Friedman '67, a member of the Board of Overseers; Harry Polikoff '31; Wanda Polikoff; and Lynn Tobias.

In April, Penn Law graduates met in Chicago with Professor Charles W. Mooney, Jr. Hosted by Richard Horwood '65, the group met in the offices of Manuel Sanchez '74 for lunch, news of the Law School, and conversation about Professor Mooney's work. William B. Johnson '43 and David H. Nelson '49 also assisted in putting together this well-attended event.

If you are interested in hosting a Penn Law gathering in your city, please contact the Alumni Office (215) 898-6303.

The annual meeting of the American Law Institute in our nation's capital in May provided the setting for a luncheon with our Washington, D.C. alumni. Penn Law graduates joined faculty and other members of the ALI to honor Lipman Redman '41, who received the Society's Alumni Award of Merit. Redman — who organized a very successful meeting of D.C. graduates with Stephen B. Burbank, Robert G. Fuller, Jr. Professor of Law, last semester — has consistently supported Law School programs in Washington, D.C. and in Philadelphia, and consistently leads his Class to commendable participation in Law Annual Giving.



A May shot of the frame of the Law School's new building, going up west of the current Law School facilities.

LAW ALUMNI SOCIETY ELECTIONS

At the State of Penn Law Lunch during Alumni Weekend '92, graduates elected a slate of seven members to serve on the Law Alumni Society's Board of Managers. Elected to a three year term on the Board were Leonard Colamarino '76, Amy Goldstein '82, Murray Greenberg '68, William Hawkins '58, Steven Perskie '69, Vernon Stanton, Jr. '60, and Michele Tuck '83. This team joins the Board as of July 1992.

Dean Diver expressed the appreciation of all alumni for the service of the outgoing Board members: James Agger '61, Lee Hymerling '69, and Gary Sasso '77 (who travelled to Philadelphia from Tampa regularly to participate in Board business). Congratulations and thanks go also to the Society's Nominating Committee members — Professor Regina Austin '73, Fred Blume '66, Marcia L. Olives Chavez '84, Joel D. Siegel '66, and Chair Frederica Massiah-Jackson '74 — for their efforts in presenting the slate of candidates for election.

BUILDING UPDATE

The Law School's new building is running ahead of its construction schedule. A trip to the 3400 block of Sansom Street will bring you face to face with the steel framing of the impressive new structure. Plans are for bricking to begin in late summer, with exterior completion expected by early winter.

Plans are now being considered to celebrate the building's progress and opening, anticipated during the '93-'94 academic year. Watch for future updates and your invitation to these events!

ERRATA

In the February 1992 edition of the Penn Law Journal, we inadvertently omitted credit lines on three articles researched or written entirely by students. Teresa Kwong '94 conducted and reported her interview of Clyde Summers, Jefferson B. Fordham Professor of Law Emeritus. Jamie L. Palter '92 interviewed John F. DePodesta '69 for the Penn Lawyers: Involvement in the Changing World piece. Joanna M. Wright C'92 initiated the interview of Robert A. Gorman, Kenneth W. Gemmill Professor of Law.

Calendar

SUMMER 1992



JUNE

Tuesday, June 30, 1992
Final day of 1991-92 Law Annual Giving and Biddle Law Library Campaigns

AUGUST

Monday, August 10, 1992
Reception for Penn Law Alumni in conjunction with the Annual Meeting of the American Bar Association in San Francisco
4:30 p.m.
The Belvedere Room
San Francisco Hilton

Monday and Tuesday, August 24 and 25, 1992
Orientation for the Class of 1995
The Law School

Wednesday, August 26, 1992
Classes Begin

SEPTEMBER

Thursday, September 17, 1992
Law Alumni Society Past Presidents Lunch
Noon
Location to be announced

Dean's Meeting with the Law Alumni Society Board
5:30 p.m.
The Law School

Tuesday, September 22, 1992
Law Annual Giving Kick-Off Meeting
5:30 p.m.
The Rittenhouse Hotel

OCTOBER

Tuesday, October 13, 1992
Irving R. Segal '38 Lecture in Trial Advocacy
F. Lee Bailey, Esquire
4:00 p.m.
The Law School

Law Alumni Society Board Meeting
5:15 p.m.
The Law School

Dinner with Mr. Bailey
6:00 p.m.
The Faculty Club

Tuesday, October 20, 1992
The Annual Benefactor's Dinner for Donors of \$2500 and more
6:00 p.m.
The Four Seasons

Wednesday, October 21, 1992
Board of Overseers Meeting
9:00 a.m.
The Law School

Friday, October 23, 1992
The Law Alumni Society's Annual Parents and Partners Day for members of the Class of 1995 and their families
8:30 a.m.
The Law School

Tuesday, October 27, 1992
The Annual Benefactor's Reception for Donors of \$1000 to \$2499
The Cassatt Lounge
The Rittenhouse Hotel

DECEMBER

December 8, 1992
Penn Law Lunch in Wilmington, Delaware
Host, time, and location to be announced

To be included in the long list of donors to the 1991-1992 Annual Giving Campaign, please be sure to postmark your gift by June 30, 1992. All gifts are much appreciated!

Faculty Excerpts

For the second year running, federal bankruptcy judges came to Philadelphia for a four day session as students at the University of Pennsylvania Law School. Co-sponsored by the Federal Judicial Center and the Law School's Institute for Law and Economics, the Program brings the judges together with various members of the Law and University faculty to discuss broad topics effecting judicial decision making in bankruptcy. This year's program included lectures on a variety of subjects, from Debt in Revolutionary America by Bruce H. Mann, Professor of Law and History, to Health Care Economics into the 21st Century by Mark V. Pauly, Bendheim Professor at The Wharton School.

Elizabeth Warren, William A. Schnader Professor of Law, a member of the Federal Judicial Center's Committee on Bankruptcy Education, organized and planned the Program. She finds the program, in which Penn faculty bring their expertise in an area to the judges as a complement to their own expertise in bankruptcy, stimulating both for participants and presenters. "The idea is to bring judges to the cutting edge of the theories and developments in areas of the law outside their specialization. Judges need to know more than just the technical issues at stake in a particular case. These sessions give them the broad tools used in decision making. They don't replace continuing judicial education — they supplement it."

Here, we take excerpts from the presentations of five members of the Penn Law faculty.

PENN FACULTY AND JUDICIAL STUDENTS

PROFESSOR STEPHEN B. BURBANK, Robert G. Fuller, Jr. Professor of Law, discussed his continuing research on Federal Rule of Civil Procedure 11 with the bankruptcy judges. In this excerpt, he discusses some of the critical reaction to the rule, and then compares the findings of the Third Circuit Task Force on Rule 11, which he served as reporter, to these popular criticisms.

Let's look at rule 11 in the lower federal courts. It seems to me that there have been three periods — you know academics like to classify things so I wouldn't want to disappoint you — and I would classify the years since 1983 to the present as involving, basically, three trends.

The original period was from 1983 through approximately the end of 1985, and one could, I think, fairly characterize that period as one of low activity under amended rule 11. This is in part because courts were just becoming aware of the fact that the rule had been amended.

From 1985 through 1987, or maybe part of 1988, I would say we witnessed, speaking nationally, a period of high visibility of the rule. Courts discovered amended rule 11; some of the early decisions got a lot of attention, and judges started imposing sanctions with greater gusto.

The third period, I think, has been with us since some time in 1988, and that is a period of reassessment or retrenchment. Indeed, the Advisory Committee on Civil Rules has been considering the amendment of rule 11 since about 1988

and certainly no later than 1989.

What do we find when we look at rule 11 in the lower federal courts? The first thing I've noted is that if you looked to find out what was going on in the lower federal courts you could very easily have been misled. Anybody who was looking to find out what was going on with rule 11 had a lot of problems. Chances are that person would be looking at published opinions, but there is a lot that's not going to hit the published opinions. The messages are thus misleading. Chances are the person was looking nationally, and that can be very misleading as well.

What would be the messages received? The charges against the amended rule were several, with empirical hypotheses being formulated by academics and put out in articles.

One was that what we're seeing in the published opinions is only the tip of the iceberg. That's not a very surprising thought. People realize that published opinions don't reflect the universe of things that are decided. What I call the "Cold Iceberg Hypothesis", a hypothesis that was generated on the basis of "empirical" studies of published opinions, was that judges were imposing rule 11 sanctions to a fare-thee-well.

The prime retailer of these statistics relied on published opinions not segregated by court, which give an inaccurate picture of what's going on in

the courts. Her article on experience through 1987 indicated, on the basis of all published opinions, that plaintiffs were being sanctioned almost 60% of the time that motions were made against them under rule 11, and that defendants were being sanctioned 51% of the time that sanction motions were made against them.

That would be an understandable basis for the “Cold Iceberg Hypothesis”. It’s a very chilly world out there if plaintiffs are being sanctioned more than half the time that sanctions are sought against them, and defendants about half the time.

Then there was the “Cottage Industry Hypothesis.” You hear this more from judges than you do from lawyers, and that is: “Just about every case in my court has a rule 11 motion.” Well, we just weren’t able to find that. Regardless, this was being retailed a lot.

And then the final message that was being received on the basis of the information that was available was the so-called urban phenomenon hypothesis. A number of people said, “Look, it’s clear now. You can see it in Chicago, New York, L.A. — rule 11 is an urban phenomenon.”

But if you looked at the cases for reasons other than counting them, what would you find? You would find that this transsubstantive rule, this uniform rule — part of the Federal Rules of Civil Procedure — had generated within about three years disagreements among the circuits on virtually every important question of interpretation that could be raised. You had a lot of what I call doctrinal disuniformity, differences of view on important questions of interpretation. Worse, at least much more fundamental, it was clear pretty quickly that what you had was basic philosophical disagreement about what rule 11 is about and is intended to do, and what it should be intended to do.

The Third Circuit task force was set up in order to provide some hard data in place of war stories on the one

hand — critics of rule 11 were retailing war stories, what Arthur Miller called the cosmic anecdote, you know, one thing happens and it suddenly reverberates around and it becomes every case — and in place of confident assertions on the other from defenders of the rule, saying that it does cut down on frivolous litigation. The Chief Judge of the Third Circuit decided to convene this task force, and we studied experience in the Third Circuit, district and appellate courts, for an entire year.

If you read the report, you’ll see that it’s a curious — I hope not uninteresting — mixture of normative and empirical scholarship. What did we find?

We found that there is an iceberg, but that it is melting. Obviously, the published opinions are not going to give you a complete picture and, indeed, for the Third Circuit they give you a radically incomplete and misleading picture.

If you read only the published opinions for the period that we studied, you would think that sanctions were imposed in 40% of the cases in which they were sought. In fact, the truth was a little bit less than 20%. You would get a misleading message not only about the volume of activity but also as to how often sanctions are imposed. This is particularly important for a rule like rule 11, which is intended to deter. Messages mean a lot, or at least they should mean a lot, for a rule like that.

We also found that there is no cottage industry, at least in the Third Circuit. We could find evidence of rule 11 activity in only one half of one percent of the civil cases. There might be more but we could find formal rule 11 activity in only one half of one percent of the cases. Our figure is low, I have no doubt about it — subsequent studies have had slightly higher findings. I would think that the figure is probably closer to 1% but that is still not a cottage industry.

I want to remind you in terms of the warmer iceberg — using a case file study, we found that plaintiffs were sanctioned 15.9 % of the time that sanctions were sought against them by

motion (as opposed to 59.1% on the national published opinion scale). Defendants were sanctioned 9.1% as opposed to 51.4%, the figure you get from published opinions. The combined figures, if you take plaintiffs and defendants together, is 13.6% in the Third Circuit, and yet from national published opinions it is 57.8% — a huge difference. If you’re gauging your behavior with reference to the likelihood of getting sanctioned, it’s dramatic.

Third, as to the urban phenomenon hypothesis, we think that actually gets at something that may be important in connection with rule 11 even if crudely. We think that what we should be thinking about instead of urban areas is local legal culture.

An example of the effect of local legal culture may be the fact that rule 11 sanctions are imposed more frequently in the Middle District of Pennsylvania than they are in Philadelphia. That can hardly be because rule 11 is an urban phenomenon. It so happens that there are a number of federal judges in the Middle District of Pennsylvania, I think, who believe that rule 11 sanctions are a big boon to them in terms of their ability to manage their dockets. Whether or not it is, I don’t know, but they think so and it’s become part of the local legal culture out there more than in the Eastern District of Pennsylvania.

It is surprising, shocking really, how little empirical research has informed procedural reform. I am heartened that the work of the Third Circuit Task Force, as well as other empirical studies, have helped to stimulate proposed amendments to rule 11 recently issued by the Advisory Committee.

HEIDI M. HURD engaged the judges in a discussion of the sources of values. Here — following her in-depth discussion of other theories of the role of values in judicial decision making — she outlines the position of natural law theorists, convincing the judges, apparently much to their surprise, that they are in the camp of those, like Justice Thomas, who adhere to a natural law theory.

If judges are forced to make value judgments — which is what we've concluded by this point — and if societal conventions fail to provide either determinate or legitimate sources of values, then where should judges go in seeking the morals or values to be used?

Justice Thomas maintained, at least prior to his confirmation hearings, that judges should seek the answers to moral questions in natural law, defined as that set of inalienable rights and duties existing antecedent to any positive legislative enactments.

Now there are three questions to be asked about this claim. First, what is the relation between the recommendation that judges seek natural law values and the recommendation that judges decide on the basis of their own personal values? Second, what are these natural law values? Aren't they somewhat mysterious, even ghostly? And third, even if we can render them less than mysterious, doesn't the recommendation that judges appeal to natural law values license runaway judging?

Let's think about the first of these. What is the conceptual difference between encouraging judges to look to natural law values and encouraging them to make value judgments based on their own personal values?

If natural law theory merely called upon judges to do what they think is right, then it would effectively hold that what judges think is right *is* right. Of course, then judges could never be wrong. And since we think that some judges can be wrong — although we certainly exempt all the judges in this room — natural law theory can't be calling upon judges to do just what they



Prof. Heidi M. Hurd speaks to the federal judges about sources of values in decision making.

think is right. Rather, natural law calls upon judges to do what *is* right.

Now inevitably, in trying to do what is right one will do what one thinks is right. But the point is that what one thinks is right is right not because one thinks it is, but rather because it corresponds to or adheres with some objective fact or standard about how people should act.

So the difference is captured by the case of the two umpires. The one umpire says: "It ain't nothin' 'til I call it." And the other umpire says: "I call it as I see it." The natural law judge is the latter; she calls it as she sees it.

Thus, the presupposition is that there's something there to be called, about which one's calling can be right or wrong. The umpire can be wrong; the umpire's judgment doesn't make his call right.

Now consider the second question: what are these things? If moral values are neither individual beliefs nor community conventions, what could they be? They must be objectively existing facts in the world, which, like physical facts, exist independent of our beliefs about them. But to some, this makes them look very

spooky. As Holmes put it: "Objectively existing morals look like a brooding omnipresence in the sky." And as Bentham put it even more uncharitably: They sound like "nonsense on stilts."

Notwithstanding the ability of opponents to characterize natural law values as spooky or mysterious, I suspect that all of you in this room believe in objective values. To show you this let me just ask you two questions about two conditions which, if you believe them, commit you to thinking of morals or values objectively, that is, in the natural law tradition.

Do you think that you are infallible on moral matters? [*The judges laughingly deny the suggestion.*] Okay, so you think you can be wrong on moral matters; you think you're not God about morality. That means you must think that there is something independent of your judgments and of your beliefs that makes your judgments true or false. Your claim is, "My judgments can be false," so you must think there is some external fact of the matter to be invoked which you can test your own beliefs and judgments against.

Do you think you can meaningfully disagree with the general consensus of society? Do you think the majority can

be wrong about moral matters? [*Again, the judges respond with a warm assent.*] Of course. The fact that we as a society once thought of slavery as just means only that we were wrong about the matter, not that the matter has in fact changed?

To show you that you believe that you can be wrong and that society can be wrong is to show you that you believe in natural law. It is to show you that you reject the claim that values are to be equated with personal opinions or with conventional judgments, and that rejection puts you in the camp of the natural law theorists like Aristotle, John Locke, William Blackstone, and now, Clarence Thomas.

To believe in natural law is to be committed to progressively constructing a better and better theory of what constitutes goodness and badness. Now we take conventional judgments in many instances to be good evidence of that; and we take our own personal opinions and intuitions to be good evidence of that. But we don't equate the content of a theory of goodness with our own opinions. There is a conceptual distinction between what we think is true and what in fact is true.

Natural law theory calls upon you to join in the pursuit of the development of our best moral theory, including our best moral theory about the nature of equality, the nature of liberty, and so forth. It calls upon you to work out the best account in the same way that scientists work out their best account of the components of reality. With each decision you progressively add to those components. And so you progressively modify what constitutes our best understanding of morality. But, like the scientist, what you are doing is discovering, no defining.

A. LEO LEVIN, *Leon Meltzer Professor of Law Emeritus and Director Emeritus of the Federal Judicial Center — which he served as Director from 1977 until 1987 — spoke with the judges about the relationship between trial and appellate courts. In this excerpt, Professor Levin discusses the benefits of appellate review and those areas in which the law recognizes the relative superiority of the trial judge.*

I am honored and pleased to be here although it is not without trepidation. Despite the introduction, I want to warn you in advance that law faculties generally fall into two categories — superstars like Elizabeth Warren and those of us who, when we have a 9:00 class, the nodding starts in the back of the room and, as the hour advances, moves forward. I want you to know that my students have been among the most well rested for many years.

I look forward very much to this exchange. If you have one dollar and I have one dollar, and we exchange dollars, neither of us has gained. But if you have an idea and I have an idea, and we exchange ideas, we each walk away with two ideas. In that spirit, I put some things forward.

Professor Maurice Rosenberg, talking about abuse of judicial discretion, said: “The phrase is a form of ill-tempered appellate grunting and should be dispensed with.” If that ever was true — and he meant it quite seriously — I don't think it can apply today, at least not altogether. As Professor David Shapiro writes: “Discretion need not mean incoherence. The term principled discretion is not an oxymoron.”

We will examine a little of what we mean by discretion and what we mean by abuse of discretion but we must begin with a broader inquiry, asking about appellate review in general.

If we talk about the relationship between trial courts and appellate courts, we can ask ourselves — why have appellate review altogether? Indeed, many trial judges whom I have known view that as a non-rhetorical question. There are repeated proposals even today to make appellate review discretionary.

There are even some who argue that, in terms of what is going on in the United States Courts of Appeals, we really have discretionary review. In over 50% of the cases there is no oral argument, no published opinion, and in such an incredible volume there is no opinion at all but simply a judgment order. I'm not criticizing the phenomenon. But it forces us to ask again, and to ask quite seriously, what is the purpose of appellate review?

I think there are three basic reasons for appellate review. First is the perception that every important decision should have a second look. This has been an historical right. It is an expectation of litigants, it is in the interest of litigants, and it is also an expectation in terms of popular acceptance of the justice system. And we survive in this country because our justice system — whatever the criticisms — has an incredible amount of popular acceptance. The idea is that the result of a case does not turn on the unfettered control or whim of a single trial judge, but that there is always the right to have some form of appellate review.

The second reason for appellate review is one I call time and numbers. Appellate courts sit in panels. The interchange improves quality — it exposes preconceptions that a judge might have. Also, there is, or there should be, time for thought and for consideration on the appellate level that is sometimes a luxury in the rush of a trial. This opportunity for interchange with some time about it is an important one and not to be minimized.

Appellate review is also the time for the attorneys to think through and research the problems of the case. This time may or may not have been available at the trial level.

Let me pause a moment for a parenthesis concerning “time and numbers”. I confess to you that it is one of the things that sometimes worries me about the appellate process. Three appellate judges on the tenth floor of some quiet building... it's totally quiet and insulated from the hurly burly of the trial. Now, these judges have to decide, for example, on a proceeding for contempt based on

disruption of a courtroom. Sometimes there is a desperate need for appellate judges to be sensitive to the fact that the very luxury of time and numbers — and consideration of alternatives — is something that may not have been available to the trial judge. But generally speaking, even in the contempt area, if appellate judges *are* sensitive to this issue, time and numbers is an advantage.

Third, and something that you're all familiar with, is uniformity. Like cases, we feel, should be decided alike, and decided alike between courts, between panels, between judges. That's part of our idea — and I could give you all kinds of quotes — of justice. We have a rule of law and not simply rules concerning individuals, and appellate review helps to preserve that.

Like cases does not mean identical cases. It will not do to decide a case involving a man riding a white horse on Monday one way and on Tuesday decide differently because it's a woman riding a black horse. Significant differences may allow for differences in result, but if there are no significant differences then we view uniformity as a desideratum, and an important one.

Appellate courts do, if we think of function, have a greater role in the development of the law — because of time, because of their hierarchical place in the system. Although a tremendous amount of creativity and innovation have come from trial judges, I think the development of the law, the next steps in moving the law forward, we view as typically more appropriate at the appellate level. This is particularly true in abandoning or modifying precedent.

From there I want to go to the next point, which is the relative superiority of the trial judge over the appellate panel. Now I'm not proposing that District Judges should be allowed to overrule the Supreme Court of the United States, but there are areas in which the trial judge has a definite advantage and a defined superiority over appellate panels. The current trend, I think it fair to say, is to give deference in a number of areas to the trial courts.

Now when I say that the trial court

stands in a position superior to that of reviewing court, let's explore in what way and let's explore why. A finding of fact by a trial judge is a good example. Such a finding may be reversed on appeal only if clearly erroneous. In *Anderson v. City of Bessemer City*, 470 U.S. 564 (1985), the United States Supreme Court said: "A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed. This standard plainly does not entitle a reviewing court to reverse the finding of the trier of fact simply because it is convinced it would have decided the case differently."

Let's explore further, what do we mean by clearly erroneous? That, in this season of grading blue books at the end of the term, is a bedeviling problem of practical consequence. The US Supreme Court says that the feeling that you would have decided differently does not make a decision clearly erroneous. Why? Why should there be this deference? Justice White goes on in his opinion to answer that question.

"The rationale for deference to the original finder of fact is not limited to the superiority of the trial judge's ability to make determinations of credibility." It is an important factor, but it is not the only factor. "The trial judge's major role is the determination of fact and with experience in fulfilling that role comes expertise. Duplication of the trial judge's efforts in the courts of appeals would very likely contribute only negligibly to the accuracy of fact determination and at a huge cost in diversion of judicial resources.

"In addition, the parties to a case on appeal have already been forced to concentrate their energies and resources on persuading the trial judge that their account of the facts is the correct one. Requiring them to persuade three more judges at the appellate level is requiring too much. The trial on the merits should be the main event, rather than a try out on the road."

MICHAEL MOORE, *Leon Meltzer Professor of Law, discussed theories and thought on statutory interpretation. In this excerpt, he proposes a theory of interpretation for their consideration.*

It's always a pleasure talking to judges about their job. I've never been a judge; all I do is talk about it, and I talk about it a lot. You can judge whether or not it is relevant to the job you do from the inside listening to the views of an admitted outsider.

As we talk about statutory interpretation — which I assume is particularly relevant to bankruptcy judges, since you all deal with statutes — let me step back for a moment and give you a thumbnail sketch of the history of thought on this subject. It has not been very well thought of through most of America's legal history. James Landis, Dean of Harvard Law School in the 1930's, said in an article on statutory interpretation that his years at the bar had taught him not to read two things: treatises on statutory interpretation and treatises on theological exegesis.

He was right not to read most of the then available literature on statutory interpretation, since it suffers from two curiously not very compatible defects (outside of being boring).

One, it is platitudinously general. Because of this, it is empty in terms of any real world implications. If you look at some of the leading treatises, there is nothing very useful — it often reduces to a set of platitudes about following legislative intent.

The other defect is that it is also, curiously, contradictory in its recommendations. Carl Llewellyn, the great legal realist at Columbia for many decades, wrote a famous article on the canons of statutory interpretation where — it must have been an off summer for Llewellyn — he researched to find a set of cases saying exactly the opposite of each other on the canons of statutory interpretation. He succeeded admirably. For every well documented proposition about the canons of interpretation he found an equally well documented negation of that proposition, and

published the whole collection in the *Vanderbilt Law Review* as “The Canons of Construction.” Much of what has passed for statutory interpretation is a set of canons that are contradictory in nature.

I think there is a reason for that. The reason comes from the kind of response I sometimes get after teaching judges about statutory interpretation. At a seminar for Mississippi state judges that I conducted some years ago, after a week long presentation on these issues, I asked one of the Chancellors in Equity, “How do *you* interpret statutes?” His response: “Well, I’ve been listening to these fancy theories all week. I just pick which ever one gets me the result I want in this case.”

This is one reason that theories of statutory interpretation have been contradictory of one another. They have been gerry mandered to achieve whichever result one wants in a particular case. If legislative intent helps in this case, you use it here; if it doesn’t help in another case, you don’t use it, because you don’t like where it is pointing.

My initial thesis has always been that statutory interpretation ought to have more substance than that, it ought to be the subject of a more consistent theory. If it’s relevant to look to legislative history of a certain sort in interpreting one statute, it ought to be relevant in interpreting another. And obviously, if it’s not relevant, it’s not. I do think, in other words, that there should be something called the theory of statutory interpretation.

What has happened in the last ten years in the academic world and in the world of judging is encouraging. What has happened is that the theory of statutory interpretation has been revived. It’s now respectable to write articles and books in academia about statutory interpretation in a way that it was not ten years ago.

It’s also gotten to be a matter of enormous public focus, primarily because of the kind of debate, for example, in

which Arlen Specter engaged then Judge Bork on the sixth day of Bork’s confirmation hearings. Specter’s main cross examination — not that anyone remembers after his later cross examination of Anita Hill — of Judge Bork was on Bork’s intentionalist theory of interpretation. Judges are asked at confirmation hearings, and they feel the need to have something called a theory of interpretation in answer to the general question — How is it that you do one of the basic facets of your job? Is there anything in general that can be said about how it is you do this thing called statutory interpretation?

I think there is, and that’s what I want to talk to you about.

First, what in general is a theory of statutory interpretation? What generically does it look like, how does it fit in to an overall scheme of legal reasoning?

One question judges always have to ask in doing statutory interpretation is: what is the law? This is a very practical question; it’s not a question, as I often say, covered with chalk dust. It’s the question every judge has to answer in terms of understanding his or her job — what are the standards that obligate me in my role as a judge, what are ones I cannot ignore and claim to be doing my job? Let’s call that the law.

The second thing judges need in order to decide a case is some statement of the facts before them. Judges need some way of figuring out what facts are true and what descriptions of facts are relevant.

What else do they need in order to reach a result that can be justified? Judges need some premise that connects the particular description of fact to the general statement of law to allow them to deduce the conclusion as a matter of standard deductive logic.

The theory of interpretation is a theory about connecting these two. It’s not a theory about how you got the law, it’s not a theory about where you got the facts. It is a theory about how you derive the crucial interpretive premise that connects the particular facts of the case to what is by nature not particular but general — a statute.

The theory about interpretation I want to mention to you is one that I myself have tried to sell on various occasions. Even if you don’t like the exact theory of interpretation I’m going to give you, it includes ingredients many others find plausible, even if in different combinations. It seems to me we need something more complicated than the plain meaning theory of interpretation, according to which judges should look only to the ordinary meaning of words appearing in statutes, and if these are “plain”, stop.

We need a theory of interpretation that says there are four things that judges should look to when they interpret a statute. First and foremost, of course, they really ought to look at the text. What one starts with are the words of the statute in their original English meaning. That ordinary English meaning is not the output of your decisions, which *give* meaning to the statute. Rather, this first ingredient is the meaning that words possess as used in a natural language.

The second thing you should look to is any technical legal meaning the words have acquired by precedent or prior interpretation. Technical meaning for various words may come out of prior courts’ interpretations.

Then there’s the elusive ingredient, sometimes called purpose or, in the older language of St. Thomas Aquinas, the spirit of a statute — something as hard to find as its underlying rationale or point.

The fourth ingredient I like to call the safety valve question, which is for a judge to stand back after he’s looked through the first three ingredients and say, is this interpretation just too damn stupid to live with — does it lead to an absurd consequence? It prevents you from interpretations that any sensible person, unless they went to law school, would regard as absurd.

MICHAEL L. WACHTER, *Professor of Economics and Law and Director of the Law School's Institute for Law and Economics*, presented four sessions to the bankruptcy judges on Law and Economics. Here, in the preliminary session, he sets out a basic view of the intersection of law and economic theory.

"Let me go into what I view as the main difference between legal reasoning and economic reasoning. What we try to do in law and economics is to bridge the gap between the two types of reasoning. Law and economics is not about microeconomics, it is about the economics of legal rules — light on the economics, heavy on the law...

The way I understand legal reasoning is that it is inductive, it is fact driven. It starts with specific facts, the facts of the case are brought together with the law, leading to the court's holding. It's very much bottom-to-top inductive reasoning.

One of the things that is so much fun for first year law students is that most thinking is deductive — what they do in most college courses is deductive reasoning. If we think about economics reasoning, which is more of a science-based methodology, it is deductive, it is model-driven. It starts with the microeconomic model. We then add the facts related to the market, and the hypothesis is generated by the model. From that we reach the conclusion. It is very different from legal reasoning.

Now law and economics reasoning would be irrelevant if these two did not come together. Many scholars argue that you get the same conclusion using both models — there is an invisible hand of the law that says that much of the law is actually efficient. If you bring these two together, they can reach the same conclusion.

In that sense, law and economics can be most helpful when the legal rule is unclear, when it is still developing. For example, in insider trading, there is considerable uncertainty as to what the law is and what it is attempting to accomplish. One goal of law and economics research is to use law and



Federal bankruptcy judges at class in the Moot Court Room.

economics to decipher what the law is and where we are headed.

There are two parts to economic reasoning — what we call positive economics and what we call normative economics. Positive economics defines the way markets work. We have the microeconomic models, and from that we determine many things — competitive pricing for firms, why competitive markets work better than monopoly markets, etc. All of that goes into positive economics. The kingpin of positive economics is Adam Smith's conclusion that where markets are perfectly competitive, society reaches the welfare frontier. No matter how you organize market activity, Adam Smith said, nothing can do better than a competitive market.

When I teach microeconomics, what I am teaching is largely positive economics — the way markets work. There is only one economic rule. One of the things that makes economics such a strong discipline is that there is only one economic model. It starts with Adam Smith, it goes to David Ricardo, Karl Marx, Joan Robinson... All the good things in their theories were imported into the neoclassical model. The model we have today is really the model that explains best the way the economy works.

The whole notion of having a model is to simplify the general. Then you deduce conclusions based on the model. The model is to be simple so that it has general applicability. The impor-

tance of the economic model is — does it predict? We don't care if the assumption used are unreasonable as long as it predicts. Indeed, we want assumptions that are so simple that they may appear crazy.

If that is what positive economics is about, normative economics is about deviations from Adam Smith. Remember that if Adam Smith says that a perfectly competitive economy works best, what that also means is that monopoly markets or externalities where there are no markets at all — like pollution — represent market failures.

Many of the legal topics that we teach in the law school can be viewed as making markets work better, as contributing to the elimination of market failures. Now, that's a sweeping generality and I don't want to push it too far, but it's an interesting way to view some of the law school topics, as essentially making the economic market work better.

Antitrust is clearly that, environmental topics clearly that. Torts is an issue — from Adam Smith — that selfish people won't take into account the injuries they cause third parties. The goal of tort law in economics is to get the rational person, who only cares about profit maximization, to take into account the injuries caused third persons. In this way, the goals of tort law are compatible with getting the markets to work better by taking into account these third party injuries.

Much of what, then, the other branch of economics is, the normative branch, is the policy branch of how to make markets work better. The goal of the normative branch, then, is to make the markets work better — more in keeping with Adam Smith's ideal.

For more information about the Program, or about a particular lecture, please contact the Alumni Office at (215) 898-6303.

Docket

Penn Law's Public Service Program — the nation's most rigorous law school commitment to providing a public service experience for its students — is completing its second year of operation, and its first year with a full complement of second and third year students, to much acclaim.

In this article, we hear from Judith Bernstein-Baker, Director of the Public Service Program, about how the Program works and how participants and others are perceiving it. Additionally, two first year students, Cheryl Hardy '94 and Paula McGill '94, spent some time with 2L and 3L students to learn about their work in the Program. Their interviews with these students — Monique DeLapenha '93, Leslie Keyes '92, John Vetter '93, and Linda Zimmerman '92 — provide a snapshot look at the Program in operation.

Let's start with the "why" of the Program — what is the rationale behind a requirement that students perform 35 hours of public service work in both their second and third year at the Law School?

There are a number of reasons. First, our profession has adopted as one of its ethical obligations the performance of public interest work¹. Our Program strives to prepare future lawyers to fulfill this ethical obligation, and does this through a concrete learning experience, an affective learning experience — it teaches a Model Rule of Professional Conduct (6.1) by the actual rendering of service.

The Public Service requirement has several educational objectives. Students learn that a responsible and successful lawyer can and does devote time to unpaid or low-paid public service; they learn to make space for this work in their busy lives; and they gain exposure to a variety of areas of substantive law and modes of practice.

The requirement serves other goals as well. It provides some desperately needed representation to those underserved by our legal

system. The assistance of a Penn Law student may support a practitioner in undertaking his or her share of public service work. Students may have their first contact with clients, and with "real people". As recent events in Los Angeles demonstrate, there is an ever widening gulf between the reality and perceptions of inner city, predominantly minority residents and the more privileged members of our society. Penn students who work with poor people have been sensitized to the legal and socio-economic problems of the indigent and many have gained insight into the importance of creating equal access to justice for all citizens. I've also observed students' sense of personal fulfillment gain when they assist their clients in a real way.

Of course, the Law School's commitment to the Program also shows in a real way that Penn as an institution is committed to upholding the ethical standards of our profession.

Can you describe the Program briefly and tell us how it works?

The requirement is that all second and third year law students fulfill 35 hours of approved public service work during each academic year, for a total of 70 hours. Public service work is broadly defined. Legal work in the public sector through governmental and quasi-governmental entities such as the Philadelphia City Solicitor's office or the National Labor Relations Board, work for public interest or pro bono organizations or non-profit groups, assistance to private practitioners or firms providing no cost or reduced fee services to underrepresented clients — all qualify. The work must be professional, non-clerical, law-related work carried on under the supervision of an attorney or faculty member.

Placements are identified in two ways. First, working with the legal community, I identify eligible

¹ *Currently Model Rule of Professional Conduct 6.1 states in part that "a lawyer should render public interest legal service." Examples of such service are contained in the Rule and in the Comment.*



Members of the Black Law Students Association working with Philadelphia public school students on issues in street law.



Jonathan Stein '67, right, worked with Penn Law Students enforcing Community Legal Services major victory in the Zebley decision, a United States Supreme Court decision enlarging the rights of poor, disabled children to SSI benefits.

placements and enter their descriptions into a computer database. Students use this information to match themselves to a placement of their choice. In 1991-92, we had over 600 approved placement slots available to the 460 or so students involved in the Program.

Second, students can design their own placement. In certain cases, groups of students have worked with the Program to develop projects for public service credit. An example is the project developed by the Black Law Students Association when they adopted Bartram High School for

Health and Human Services and designed and taught a law related curriculum to the students. These student-originated placements can be very successful because of the level of commitment brought to the project.

How is the Program structured?

We have an external faculty, student, administrative committee which monitors the Program and interprets policy issues, chaired by Professor Howard Lesnick. We also have a 15 person Advisory Committee, chaired by Tobey Oxholm, Esquire, of Hangley Connolly Epstein Chicco Foxman and Ewing. The Advisory committee contains representatives from Philadelphia's established legal organizations, the Bar Association, public interest and pro bono practitioners. The Advisory Committee has been instrumental in gaining support for the Program in the public service legal community.

How has the Program been received by the legal community?

Perhaps the best indicator of the positive response is the fact that almost all attorneys who supervise a Penn Law student reenlist in the Program. I consistently get reports that students are doing exceedingly competent jobs in support of the legal community.

Here's an example: Philip Beauchemin, an attorney who teaches at Philadelphia's Overbrook High School, directs the school's Mock Trial Team, often with the assistance of law student volunteers from throughout the region. This year, Elise Kraemer '93 facilitated the Team through a Public Service Program placement in conjunction with Temple School of Law's LEAP program.

Mr. Beauchemin wrote

LESLIE KEYES '93

Leslie Keyes credits her advance awareness of the Public Service Program requirement as one of the reasons she chose Penn Law. She views the Program as innovative and hopes it will promote a "pro bono attitude" in students, an attitude they can carry with them as they become practicing attorneys.

In addition to matching students with available placements, the Program also allows students to independently develop projects in which they are interested. Leslie chose the latter option — which lead to the formation of the Adopt-A-High School Program. In some ways, the program is analogous to an ongoing "street law" program sponsored by the Public Service Program in conjunction with Temple Law School's LEAP program, but has the added aspects of one-on-one tutoring and mentoring. Leslie works with the Bartram Human Services Project, a Philadelphia public school of approximately 200 high school age students, located at 42nd and Ludlow Streets. Leslie worked during the summer and during the fall semester, along with Lenora Ausbon '93, to develop lesson plans and to work out scheduling for both the tutors and the students. Lesson plans have included instruction in Introduction to Law, Affirmative Action, Criminal Procedure, and First Amendment/Freedom of Speech. There are currently eleven Penn Law students participating as tutors in the program.

Leslie acknowledges that developing the program required a lot of hard work which at times was frustrating. However, she emphasizes that it has all been worthwhile. The initial phases required a lot of her time and involved a balancing of her desire to get the program off the ground and her desire to devote time to her legal studies. Nevertheless, when she walks into the classroom and the students are receptive — "and every now and then even let you know that you are getting through" — it is definitely worth her efforts.

She sees herself continuing with the program next year, as a third year student, and hopes she can encourage others to join her. She asserts that pro bono work will always play an intricate role in her career. Her impression is that the pro bono requirement can change a student's attitude to some extent: "While it may not change your mind about your career plans, once you see the impact, you make you may want to include pro bono as option."

— Cheryl Hardy '94

to me at the end of Elise's placement: "Ms. Kraemer demonstrated a level of effort, competence and sacrifice that was far beyond anything I have heretofore seen... Her assistance was tremendously productive, her relationship with team members was positive and sensitive, and her personal sacrifice regarding her other responsibilities was unspoken but no doubt overwhelming.

As a result of all this, my own perception of young law students in general, and Penn Law School in particular, has been greatly enhanced."

I think this is a typical comment. In fact, I find that the Program has reintroduced the Penn Law student to the Philadelphia legal and public service communities, and these communities like what they have found.

And how are students reacting to the Program?

If we did a random sampling of student reaction, we'd see a lot of positive response and some focused criticism. Although I have attempted to keep paperwork to a minimum, there are students who complain that the Program is bureaucratically heavy. Other students feel they should receive credit for their work. Some students suggest that the mandatory nature of the Program somehow limits their enjoyment of the work. I find this last criticism ironic — many of these students would not have been exposed to the experiences they themselves describe as valuable if we didn't have a Public Service Program built around the requirement.

More students, however,

have positive response to their involvement in the Program, and for many different reasons. In fact, almost 30% of the students finishing their work this year spent more than the required 70 hours on their placements — some students dedicated as many as 100 and more hours to their clients.

Student comments in response to a Program questionnaire reveal much support. Some representative evaluations: "The Program is a wonderful opportunity to become involved in the community and to work with young adults. I highly recommend it." "The Program gave me the chance to actually be part of a case." "I am highly supportive of the Program as both providing much needed services to the local community and for exposing law students to the opportunity for pro bono service." "This... was not only the most memorable and interesting part of law school but also taught me more about being a lawyer than any other part of law school." "Great — I learned a lot about people's problems and learned that we can make a difference."

Charles Wickliff '92 worked at the Defender Association of Philadelphia, where he assisted in preparing a felony waiver trial. In evaluating the Program, he notes: "I actually enjoyed doing the library oriented research because the legal issues were so interesting, but the best experience of the Program was coming down out of those 'ivory towers' and actually seeing and meeting the individuals whose lives and liberty were rather seriously at

JOHN VETTER '93

Volunteering at the Commonwealth of Pennsylvania Department of Environmental Resources Solid Waste Projects division, John Vetter researched the Department's regulatory powers and worked on a complicated hazardous waste restriction issue still in litigation. For this one case, John interpreted contracts, researched constitutional issues, and found information to support the state's position concerning motions for summary judgment and res judicata and collateral estoppel challenges. His assistance allowed the extraordinarily busy Department the luxury of examining "broad theoretical questions practitioners do not always have the time to look at because they are so busy."

With a Bachelors and a Masters degree in chemical engineering, John looks toward a career in either patent law or environmental law. The time spent with the agency gave him the opportunity to explore his environmental law interest while contributing to the remarkably busy Department. John learned valuable legal skills and became experienced in state administrative law, an area not normally taught in the classroom, while performing a great service for the Department.

The task of regulating waste sites is not an easy one; the Department is constantly being challenged from both sides by citizens' groups and by solid waste companies. As a result of the constraints placed on the agency, John is clear that his assistance was really appreciated. He logged 87 hours between January 23 and March 1, and completed his two year public service requirement in a very short time. Nevertheless, he left open the possibility of returning to the agency next fall if they need him. His reasons: "It's interesting work, and it helps keep the brain stimulated."

While working at the Department, he gained real understanding of the time constraints placed upon students — and lawyers — who do pro bono work. In order to give the Department his best effort, John had to forgo some student activities. He noted that "not only can a person not do everything, but to do public service as an attorney, it has to be worked into your normal daily work."

When asked about a public service requirement for lawyers, John stated his belief that mandatory service would "take away the internal benefit of being the good samaritan." However, he notes that firms benefit by doing public service — it helps attract top law students who want to do public interest work and also helps in the public relations area by enhancing the firm's image.

As far as the requirement at Penn, John feels good about the Program. he believes that as long as there are challenging assignments available, students will enjoy their participation.

—Paula McGill '94



Students Kevin O'Toole '92 and Laura Dobson '93 worked with Labor Department Solicitor Howard Agram on a case of first impression regarding disability benefits to employees suffering with hand trauma.

stake upon my work. This Program has been absolutely outstanding for me."

We can legitimately say that we are meeting the primary goal that I noted earlier for the Program, that of teaching future lawyers how to incorporate public service work into their professional lives. Several of our students have commented on their intent to continue their work next year: "This was a great Program. I am planning to stay in touch with it in the future." "I wish I could have devoted more than 35 hours... my project will continue next year."

Can you comment on some particularly interesting placements for our students?

Jennifer Krevitt '92 worked with Clinical Supervisor Loralyn McKinley on a petition for certiorari to the United States Supreme Court. The case involved the denial of unemployment benefits to a Catholic school teacher fired

from her job after marrying outside the rules of her faith. Although the Supreme Court denied the petition, the student had the excellent experience of preparing a petition to the nation's highest court while still in law school.

Several students have worked with the Labor Department in the Philadelphia regional office on a case of first impression, involving disability benefits to employees who suffer hand trauma after working for years in an assembly line work situation.

Philadelphia lawyer and chancellor elect of the Philadelphia Bar Association André Dennis supervised several students on a project challenging conditions of confinement in a Pennsylvania prison, which resulted in the agreement by the Commonwealth to build a new facility. In fact, Mr. Dennis recently attended the groundbreaking for the new prison.

On the personal level,



Public Service Program students join attorneys from the Defender Association of Philadelphia.

MONIQUE DELAPENHA '93

Monique DeLapenha '93 will readily attest to the value of the Penn Public Service Program. Working at the Philadelphia District Office of the Federal Equal Employment Opportunity Commission (EEOC), Monique was charged with writing a presentation memorandum requesting the litigation of a Title VII sexual harassment and sexual discrimination case. In an office where "there is always something to do" and many claims coming in, Monique is aware that her services have been of assistance to the 35 attorneys in the office, and the approximately ten other interns from other area law schools.

Monique views the Public Service Program as an opportunity to explore one's interests, apply what you learn in class, gain legal experience — and at the same time contribute to society as a whole. It is this community aspect that she hopes will have an impact on students. She feels it is important that students understand that "there are lawyers out there working on a proactive basis for the betterment of society. Sometimes law goes beyond corporations and getting the top firm jobs. Lawyers serve other purposes in society, and it's very important to get involved in your community."

Monique found the time between classes and interviewing for summer internships to work on her placement, and notes that "making time for this commitment is certainly not a monumental obstacle." Hours are usually quite flexible and can be altered and changed according to a student's schedule. Knowing how to find this time will be important during her career; Monique views public service as always playing a role in her professional life — she intends to continue her work in the community, especially with youth and people of color.

Monique's primary interests now are tax and real estate law and she looks forward to working in September with the Public Service Program to set up the VITA Program — and IRS sanctioned tax assistance project. Her commitment will be a valuable asset as the program gets underway.

—Cheryl Hardy '94

many students have had life-changing experiences with needy clients, such as students who have worked with AIDS patients on will preparation. Several have staffed Philadelphia's Family Court Domestic Relations Branch to assist in the filing of emergency protection from abuse petitions by abused women and their families. The service rendered to the person in need has the dual benefit of humanizing the legal system for both student and client.

What are your thoughts as you look ahead for the Program?

At this point, I have three goals for the Program. First, the Program will continue to emphasize placements that address the needs of the indigent and under-represented.

Along this line, we're expanding our West Philadelphia placements, which permit us to be more involved in our surrounding community. I'm developing

placements in our community in which law students work with students from other professional and graduate schools — medical, nursing, dental, and social work students — who are also using their skills in West Philadelphia.

Second, I'd like to involve alumni, particularly through the Volunteers for the Indigent Program of the Philadelphia Bar Association. There is great need here, particularly in the area of custody, and alumni involvement with student assistance is a concrete way to address the greatest area of unmet legal need in this city.

Fortunately, we can now include in the category of alumni the first class to have completed the Public Service Program. Several members of the Class of 1992 have been trained to handle custody cases, and they are remaining in Philadelphia. I'm looking forward to staying in touch with graduates of the Program, so they can become our next supervisors.

The third goal encompasses the Program's recent successes as a catalyst and a clearinghouse for community-minded activities. We've seen the Program act in this way both within and without the Law School. Internally, the Program excites students to clinical course work as a mode of learning. Last year, a student proposed the adoption of an immigration course, heavy on clinical experience, after placement in this field. She found a receptive audience in Professor Neuman, and enrollment in the class made a dent in the needs of West Philadelphia's poor immigrant community.

LINDA ZIMMERMAN '92

Upon helping a family keep their home after the wife's illness left her unable to work, Linda Zimmerman felt like "a knight in shining armor who came in and made everything OK." Linda served clients during the last two years by working on bankruptcy cases referred to her by Philadelphia's bar-sponsored Volunteers for the Indigent Program (VIP). VIP — a nationally acclaimed pro bono program that matches practitioners with clients who might otherwise go unrepresented in a variety of legal areas — provided Linda the opportunity to work independently with clients while gaining practical experience in the substantive law. Her contact with clients included collecting the required creditor information and translating "legalese" into simple English so that they could understand the mechanics of the process and the long term effects. In addition to obtaining necessary lawyering skills, Linda also established contacts with several attorneys, including the trustees assigned to the case and the volunteer supervising attorney.

Both her experience in the substantive area and her contact with bankruptcy cases were beneficial to Linda, interested in the field even before working in the Program. Her prior experience in the area includes working on a project with Professor Elizabeth Warren; after graduation, she will spend a year clerkship with The Honorable Rosemary Gambadella in United States Bankruptcy Court and then join Duane, Morris & Heckscher in their bankruptcy department.

Linda believes that the Penn Law Public Service Program acts as a liaison allowing students to make contact with public interest organizations, something they may not have done on their own. Her view is that a key to enjoying the Program is to choose an area that will meet your interests. She recommends that students give some thought to their placement selection, because the relationship can be beneficial to all. In her case, she received experience, VIP received someone who lightened its workload, and the clients received legal assistance.

Among other things, public service can expose students to areas with which they might not otherwise be familiar. For example, before starting the Program Linda did not realize how bankruptcy could be used to assist people who need housing. Several of the VIP clients are former residents of public housing who owed back rent. One client was living in a shelter with her children because she could not make the required payments. Linda learned that Chapter 7 can erase this debt and give the family the opportunity to reapply for housing.

From a broader perspective, Linda notes that community service can benefit the legal community by changing the public's view of lawyers. Linda's clients — secure in their home after her assistance — called her personally with their gratitude.

—Paula McGill '94

PUBLIC SERVICE PLACEMENTS BY CATEGORY

BAR ASSOCIATION	3%
CITIZENS EDUCATION	9%
CLINIC	8%
DEFENDER ASSOCIATION	4%
GOVERNMENT	14%
LEGAL SERVICES	15%
MEDIATION	< 1%
NON-PROFIT ORGANIZATIONS	6%
PRO BONO CASES	20%
PUBLIC INTEREST	11%
STUDENT INITIATED PLACEMENTS	4%
OTHER	5%

Externally, we are moving toward more collaborative work with other University schools and community organizations. Last year, we wanted to arrange a placement at the West Philadelphia Community Center, which serves mostly elderly people. I visited the Center with Mary Scherf, the Executive Director of Judicare. The clear legal needs of this population inspired Mary to write a proposal to fund a special project focusing on the housing needs of senior citizens. Her proposal has been funded, a paralegal has been hired, and our students continue to work at the Center.

That is what I mean when I say the Program can serve as a catalyst. To the extent that the Public Service Program can spin off this kind of energetic service, while at the same time meeting our primary goal of preparing our students to fulfill their ethical obligations, we are really accomplishing something important.

On our student writers — Cheryl Hardy '94 comes to Penn Law with a bachelors from Temple University. At the end of her first year, she remains open to all areas of law, but notes a particular interest in health care law and in property issues. "I've always been interested in public service — I feel it's important not just as a requirement of my law school career, but as another way to explore what it is I want to do and, importantly, as a way to feel as if I am contributing."

Paula McGill did her undergraduate work at Emory, and is gearing up for a career in corporate law. She learned a lot speaking with Linda Zimmerman and John Vetter about their work: "Both were inspiring, and gave me some good advice not only about selecting an appropriate Public Service Program placement but about surviving law school in general."

Faculty Notes



Professor Regina Austin '73

Regina Austin '73, Professor of Law, participated in the Charles Hamilton Houston Forum on Race, Law & Violence at Amherst College. She presented a paper entitled "Step on a Crack, Break Your Mother's Back": Moms, Myths, and Drug-Related Evictions from Public Housing." She also took part in the Rutgers-Camden Law School's conference, "From Fugitive Slaves to Affirmative Action — 150 Years of Race Relations in the Supreme Court." In addition, Professor Austin presented papers at the Feminism and Law Workshop at the University of Toronto Law School and the Crit Networks Conference at Northeastern and Harvard Law Schools.

C. Edwin Baker, *Nicholas F. Gallicchio Professor of Law*, testified on the regulation of alcoholic beverage advertising before the Consumer Subcommittee of the Senate Committee on Commerce, Science, and Transportation in April. He also presented a lecture on Advertising and a Democratic Press at Annenberg School for Communication in March.

Professor Baker's paper, "First Amendment and Commercial Speech," is included in *Proceedings of the Conference on Freedom of Speech and the American Community*, published by the Northwestern School of Speech (1992).

Stephen B. Burbank, *Robert G. Fuller, Jr. Professor of Law*, moderated a panel discussion of recent Supreme Court decisions at a workshop for federal judges of the Third, D.C., and Federal Circuits in March, 1992. He also made a presentation on Rule 11 at a workshop for bankruptcy judges held at the Law School in May (see page 13).

Professor Burbank introduced a panel discussion of state ethical codes and federal practice at the Association of the Bar of the City of New York, and his remarks on that occasion will be published in the *Fordham Urban Law Journal*. He has been reappointed Chair of the Faculty Editorial Board of the University of Pennsylvania Press.

William Ewald, *Assistant Professor of Law*, has completely revised the course on Introduction to the American Legal System, which is required of our foreign LL.M. Students. He also assisted two students in his course on European Legal Thought to obtain Fulbright Scholar-

ships: Anne Lofaso '91 is studying law at Oxford University, and Stephen Jacobson '91 is studying legal history in Spain.

Michael A. Fitts, *Associate Professor of Law*, has published "Controlling Congress: Presidential Influence in Domestic Fiscal Policy", *Georgetown Law Journal* (1992) coauthored (with Professor Robert Inman of the Wharton School as part of a symposium on Law and Political Theory); and "The Rule After Chevron," in *Chicago Kent Law Review* (as part of a symposium on statutory construction). Professor Fitts has also published several book reviews, including reviews of C. Sunstein's *After The Rights Revolution*, in *Journal of Policy Analysis and Management* (1992); B. Ackerman's *We The People*, in *Journal of Policy Analysis and Management* (forthcoming 1992-93); and J. Fishkin's *Democracy and Deliberation*, forthcoming in *Constitutional Commentary* (1992-93).

Douglas N. Frenkel '72, *Practice Professor and Clinical Director*, spoke as a panelist in April on "Professional Responsibility in the Law School Curriculum" at the Hoffberger Center for Professional Ethics in Baltimore, Maryland. He completed work as editor and contributing author of *Pennsylvania Civil Procedure: Forms and Commentary* with co-authors Charles Gibbons, H. David Kraut '73, John Edgar '74, to be published by West Publishing Company in Fall 1992.

Robert A. Gorman, *Kenneth W. Gemmill Professor of Law*, has been named Associate Dean Designate of the Law School (see page 6). He recently published "Union Access to Private Property: A Critical Assessment of *Lechmere, Inc. v. NLRB*," *Hofstra Labor Law Journal* (Fall 1991). Currently in press is Professor Gorman's "The *Feist* Case: Reflections on a Pathbreaking Copyright Decision," *Rutgers Computer and Technology Law Journal* (forthcoming 1992).

He served as the principal speaker at the Conclave on the Education of Lawyers in Virginia, presenting "The Improvement of Legal Education By Linking Law Schools and the Practicing Bar."

Professor Gorman is also serving as chair of the Search Committee for Executive Director of the Association of American Law Schools.

The United States Supreme Court recently acknowledged the "Gorman Presumption" in *NLRB v. Curtin Matheson Scientific*, 494 U.S. 775 (1990), noting: "the 'Gorman Presumption' derives its name from Professor Gorman's statement in his labor law treatise that 'if a new hire agrees to serve as a replacement for a striker (in union parlance, as a strikebreaker, or worse), it is generally assumed that he does not support the union and that he ought not be counted toward a union majority.'" R. Gorman, *Labor Law, Unionization and Collective Bargaining* 112 (1976)."

Lani Guinier, *Associate Professor of Law*, presented a paper on "Districting and Redistricting: The New York City Experience" at Cardozo Law School in April. The paper will be published in a Symposium on Districting in a forthcoming *Cardozo Law Review*. She also presented "Beyond Majoritarianism: Toward a Theory of Minority Representation" at the Annual Meeting of the Law and Society Association, and presented "Holdin' Check: Toward a Critical Race Theory of Separation of Powers, Majority Rule and Minority Influence" at the Critical Race Theory Workshop at Yale Law School.

Professor Guinier published her commentary "A Step Backward on Voting Rights, or the Right Step? (Reagan-Bush Court Shows its True Colors)", in *The Philadelphia Inquirer* (February 2, 1992). National Public Radio's Morning Edition featured an interview with Professor Guinier, conducted by Nina Totenberg (January 28, 1992), regarding her views on a United States Supreme Court decision involving the Voting Rights Act.

Hon. A. Leon Higginbotham, Jr., *Senior Fellow*, visited the University of North Carolina at Chapel Hill School of Law to deliver the 1991 Joyner Distinguished Lecture in Constitutional Law and to lead a seminar on race and law.

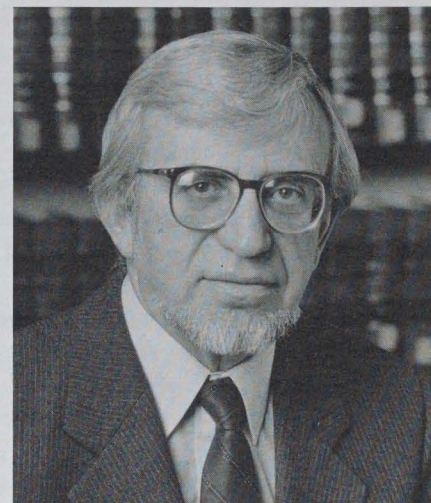
In April, Judge Higginbotham served as the principal speaker at The Benjamin N. Cardozo Lecture, presenting "To Be Guided by an Unseen Star: What Martin Luther King Would Say if he Could Speak to us Today."

Judge Higginbotham received the Fifth Annual Governor's Award in the Humanities from Pennsylvania Governor Robert P. Casey in May.

Judge Higginbotham's "An Open Letter to Justice Clarence Thomas From a Federal Judicial Colleague," 140 *University of Pennsylvania Law Review* 1005 (1992) received wide coverage in the press. Copies of the Letter are available by calling the *University of Pennsylvania Law Review* at (215) 898-7060.

Heidi M. Hurd, *Assistant Professor of Law, and Visiting Assistant Professor of Philosophy at the University of Iowa Department of Philosophy during the 1991-92 academic year*, completed "Justifiably Punishing the Justified", to appear in the 1992 Summer Symposium Issue on Natural Law published by the *Michigan Law Review*. Professor Hurd also gave a talk on civil and judicial disobedience at the Northwestern University Law School in January and at the Vanderbilt University School of Law in February.

She led a series of reading group discussions on feminist philosophy at Iowa, and returned to Philadelphia in May to present "Bork, Scalia, and



Professor Howard Lesnick

Thomas: Where should Federal Judges Look for Values?" to the federal bankruptcy judges participating in the co-sponsored program of the Federal Judicial Center and the University of Pennsylvania Institute for Law and Economics (see page 13). In June, she participated for a second year in "Raising Rights Consciousness," a program for Eastern European lawyers, legislators, and legal academics co-sponsored by Columbia University and the Hungarian Foundation for Democracy After Communism. She gave a series of lectures on the nature of the just state, incorporating material on liberalism, socialism, libertarianism, and communitarianism.

Leo Katz, *Professor of Law*, presented a paper on blackmail at a meeting of the Eastern Division of the American Philosophical Association and at the University of Virginia Law School. The paper will be published in the proceedings of a Symposium on Blackmail that he is currently organizing.

Elizabeth Slusser Kelly, *Associate Professor of Law and Director of Biddle Law Library*, co-authored with Ann Puckett a monograph on Uniform Commercial Code: Confidential Drafts, F.B. Rothman and Co., (forthcoming 1992).

Seth Kreimer, *Associate Professor of Law*, published "Sunlight, Secrets, and Scarlet Letters: The Tension Between Privacy and Disclosure in Constitutional Law," 140 *University of Pennsylvania Law Review* 1 (1991). He was appointed by Judge Norma Shapiro '51 as guardian ad litem for a class of mentally retarded adults asserting constitutional and statutory rights to appropriate treatment at Woodhaven Center in *Daniel B. v. White* (E.D. Pa.).

As a member of the boards of directors of the Philadelphia ACLU and the Women's Law Project, he has been involved in several other pro bono representations and consultations, including the Pennsylvania abortion control case before the United States Supreme Court, *Planned Parenthood v. Casey*.

Jeffrey S. Lange, *Assistant Professor of Law*, presented "Randomization of Insurance Policies Under Asymmetric Information: New Theory and Applications," at the American Law and Economics Association Conference in New Haven, Connecticut in May of 1992.

Howard Lesnick, *Jefferson B. Fordham Professor of Law*, has written an essay, "Being a Teacher of Lawyers: The Theory of My Practice," appearing in May in the *Hastings Law Journal*.

He will be a panelist discussing "Bridging Legal Theory and Practice" at the annual meeting of the Law and Society Association.

A. Leo Levin '42, *Leon Meltzer Professor of Law Emeritus*, spoke at the Tenth Annual Judicial Conference of the United States Court of Appeals for the Federal Circuit. He also appeared before the National Commission on Judicial Discipline to discuss the work of the Twentieth Century Task Force on "The Good Judge," which he chaired.

He also discussed the "Relationship Between Trial and Appellate Courts" to



Professor Michael Moore

federal bankruptcy judges at a Special Program presented by the Federal Judicial Center and the Law School (see page 13).

The Class of 1992 honored Professor Levin at their Commencement on May 18, 1992, noting his long commitment to teaching at Penn Law and the 50th Anniversary of his own Commencement. The Class has donated a bench, to be placed in the Law School's redesigned Courtyard upon completion of the new building, in Professor Levin's honor.

Dr. Richard G. Lonsdorf, *Professor of Psychiatry and Law*, was featured in the *Scranton Times* (March 10, 1992) regarding his presentation "Death, Dying and the Living Will" to the Lackawanna County Medical Society. Dr. Lonsdorf recently received the Alumni Achievement Award from The Alumni Society of the University of Scranton.

Bruce H. Mann, *Professor of Law and History*, served as moderator for the Federal Bar Association's Bicentennial Celebration of the Bill of Rights in Philadelphia in December. In February, he lectured on "Imprisonment for Debt, the Debtors' Constitution, and the Politics of Insolvency in the 1790s" at Syracuse University College of Law. He also played in the pit orchestra for the Law School Light Opera Production of "Anything Goes".

In May, Professor Mann addressed the Federal Judicial Center/University of Pennsylvania Program for Bankruptcy Judges on "The Politics of Insolvency in the 1790s." Also in May, he spoke on early American legal records at a program marking the publication of the Records of the Courts of Sussex County, Delaware, sponsored by the Colonial Society of Pennsylvania, the Welcome Society of Pennsylvania, and the Philadelphia Center for Early American Studies.

He also appeared on a panel on "The Law of the Land" at the annual meeting of the Law and Society Association in Philadelphia. In June, Professor Mann gave a public lecture on "Imprisonment for Debt, Bankruptcy, and the Politics of Insolvency in the United States in the 1790s" at the Max Planck Institute in Frankfurt. Next year, he will be Visiting Professor of Law at Harvard University.

Charles W. Mooney, Jr., *Professor of Law*, gave the Peter Elliot Memorial Lecture in March to the Financial Lawyers' Conference in Los Angeles, and in April spoke to the ABA's Business Law Section during its spring meeting. Each presentation dealt with the ongoing work of the UCC Permanent Editorial Board's Article 9 Study Committee, for which he serves as a Reporter.

Professor Mooney has co-authored *Security Interests in Personal Property* (2d ed. Foundation Press 1992) with Professors John O. Honnold and Steven L. Harris and *Sales and Secured Financing* (6th ed. forthcoming 1993) with Professors Honnold and Harris and Professor Curtis R. Reitz '56.

Professor Mooney recently was elected to membership in the American College of Commercial Finance Lawyers and he recently was named a member of the Editorial Advisory Board of the *Journal of Bankruptcy Law and Practice*. He continues his active service as the ABA Liaison-Advisor to the UCC

Permanent Editorial Board, as a Member of the SEC's Market Transactions Advisory Committee, as a Member of the Secretary of State's Advisory Committee for Private International Law, and as the ABA Business Law Section's Advisor to the UCC Article 8 Drafting Committee.

Michael S. Moore, *Leon Meltzer Professor of Law*, presented faculty workshops at the following while a Visiting Professor at Northwestern University Law School last fall and Mason Ladd Distinguished Visiting Professor at the College of Law and School of Medicine at the University of Iowa in the spring: the Illinois Institute of Technology at Chicago-Kent Law School, the University of Illinois at Chicago's Department of Philosophy, the University of Iowa's Departments of Philosophy and Psychiatry and College of Law, and the Law School of Vanderbilt University. He also presented a lecture to the student bar association at Northwestern University, gave a paper to the Ethics Discussion Group at the Departments of Philosophy and Political Science at the University of Chicago, and gave a Philosophy Club Workshop at Northwestern University Law School.

Professor Moore made a Grand Rounds presentation at the Medical School at the University of Iowa and gave a public lecture to the Unitarian Universalist Society Worthley Club in Iowa City in April. In May, he returned to Philadelphia and presented a lecture on Statutory Interpretation to federal bankruptcy judges participating in the Federal Judicial Center Program co-sponsored with the Institute for Law and Economics (see page 13).

In June, he lectured on private property theory to Eastern European judges, legislators, and legal academics in Budapest, in a series sponsored jointly by the German Marshall Fund, the Hungarian Center for Democracy after Communism, and the Ford Foundation.

In January, he attended an invitation only conference on Psychiatry in the 21st Century at Key Biscayne, Florida, sponsored by the University of Tennessee Medical Center and the Liberty Fund.

Professor Moore has published

"Three Concepts of Rules," *14 Harvard Journal of Law and Public Policy* 771 (1991); "Law as a Functional Kind," in R. George, ed., *Natural Law Theories* (Oxford University Press, 1992); and will publish "Moral Reality Revisited" in *90 Michigan Law Review* (Issue #6, August, 1992). He is in addition working on several books over the summer for the Oxford University Press.

Stephen J. Morse, *Ferdinand Wakeman Hubbell Professor of Law and Associate Dean*, contributed an entry, "Diminished Capacity," to the forthcoming *Cambridge Dictionary of Philosophy* (Cambridge University Press) and is contributing a chapter, "Diminished Capacity: Theory and Practice," to a forthcoming book, *Action and Value in Criminal Law*, edited by S. Shute and J. Gardner (Oxford University Press). Professor Morse recently appeared nationwide on the Montel Williams Show to discuss the insanity defense and the Dahmer case.

Additionally, Professor Morse has published "'The Guilty Mind': Mens Rea," a chapter in *Handbook of Psychology and Law*, D. Kagehiro & W. Laufer eds., (Springer-Verlag, 1992). He also completed a paper entitled "The Problem of Volition," to be included in the forthcoming edition of the *Bulletin of the American Academy of Psychiatry and Law*.

Robert H. Mundheim, *University Professor of Law and Finance*, has been selected as the recipient of the 1992 Francis Rawle Award. The Award, named in honor of a former ABA President, is awarded annually by the American Law Institute and the American Bar Association to a person who has made an outstanding contribution to the field of post-admission legal education.

Curtis R. Reitz '56, *Algernon Sydney Biddle Professor of Law*, chairs the drafting committee revising Article 8 of the Uniform Commercial Code on Investment Securities. The first reading of the revision takes place at the annual meeting of the Conference on Uniform State Laws in San Francisco in August.

He also chaired the University's Committee on Honorary Degrees that recommended the selection of Justice Ismail Mahomed of South Africa — who presented the Law School's Owen J. Roberts Memorial Lecture in January — as the University's Commencement speaker and honorary degree recipient in May, 1992.

Edward B. Rock '83, *Assistant Professor of Law*, has published "Corporate Law Through An Antitrust Lens," *92 Columbia Law Review* 497 (1992) in which he argues that antitrust provides a critical but neglected perspective on corporate law issues arising at the boundary between firms and markets.

In April, he spoke to the Wharton Advanced Management Program on antitrust issues in transnational mergers. In May, he was a commentator at the Law School's Institute for Law and Economics labor law roundtable, discussing the relationship between corporate and labor law successorship doctrines. He is currently exploring that relationship and continuing his research into the role of institutional investors in corporate governance.

David Rudovsky, *Senior Fellow*, published "Yes: Otherwise, No One's Safe from Bad Searches" in a *Philadelphia Inquirer* series entitled "Do Crime Suspects Have a Right to Privacy?" (November 19, 1992). He will publish "Police Abuse: Can the Violence be Contained?" in the *Harvard Civil Rights - Civil Liberties Law Review* (Summer 1992).

Michael Schill, *Associate Professor of Law*, participated as a panelist on Environmental Justice at the Critical Networks Program at Harvard University. His presentation focused on "Deracializing the Minority Environmental Movement." Professor Schill also gave a talk to the Housing and Development Law Institute on "HOPE I: Is it the Ultimate Depowerment?"

His article, "Uniformity or Diversity: Residential Real Estate Finance Law in the 1990s and the Implication of Changing Financial Markets" appeared in 64 *Southern California Law Review* 1261 (1991). His article "The Federal Role in Reducing Regulatory Barriers to Affordable Housing in the Suburbs" will appear in the *Journal of Law and Policy* (1992). He also wrote an op-ed column in the April 8, 1992 *Philadelphia Inquirer* entitled "New Management Won't Save Public Housing Woes."

David J. Shakow, *Professor of Law*, has submitted for publication an article summarizing a study he did of small case procedure in Tax Court, suggesting that litigants resolve cases more quickly, and with similar results, when they choose a small claims procedure. His short piece discussing the special problems the computer raises in connection with students' "original" essays will appear in the *Journal of Legal Education* (forthcoming 1992).

Professor Shakow will be presenting a paper discussing the special place that cash holds in the tax law at the Harvard Law School Seminar on current Research in Taxation in August.

Reed Shuldiner, *Assistant Professor of Law*, is co-authoring an article with Assistant Professor Jeffrey Lange on "A Model of Rational Lottery Participation." He will present a paper on the treatment of uncertainty in the tax law at the Harvard Law School Seminar on Current Research on Taxation.

Ralph R. Smith, *Associate Professor of Law*, has been elected to the Board of the Southeastern Pennsylvania Chapter of the American Red Cross and selected to serve on the Advisory Committee for Children's Programs of the Edna McConnell Clark Foundation and the National Review Committee of the Enterprise Foundation. He presented papers at the Neighborhood and Family Initiatives Conference in Baltimore in April and at the Building Strong Communities: Strategies for Urban Change Conference in Cleveland in May. He was featured in *The Legal Intelligencer* (November 20, 1992) for his work on children's issues in the city of Philadelphia.

Susan Sturm, *Assistant Professor of Law*, had her article "A Normative Theory of Public Law Remedies" appear in the *Georgetown Law Journal* (June 1991).

Michael L. Wachter, *Professor of Economics, Law, and Management and Director of the Institute for Law and Economics* recently presented his paper "The Rule Governing Relocation: The Economic Logic of the Supreme Court Cases" at the Institute for Law and Economics Roundtable on *Successorship and Relocation under the Labor Relations Act*. He presented a series of lectures to federal bankruptcy judges during a Federal Judicial Center Program co-sponsored with the Institute (see page 13).

Elizabeth Warren, *William A. Schnader Professor of Law*, published "A Theory of Absolute Priority," 1991 *New York University Annual Survey of American Law* 9 (1991). The issue also includes comments from Harvey Miller and Professor Alan Resnick and a discussion among the three.

She presented a paper at the University of North Carolina in February, and served as discussion leader for the Eastern District of Pennsylvania Bankruptcy Conference in January. Recent speaking engagements include presentations to the National Association of Second Mortgage Bankers, the

Population Association of America, the Law and Society Association, and the American Bankruptcy Institute. In April, Professor Warren led a four-day seminar for the Financial Lawyers Conference of California.

In May, she coordinated the co-sponsored educational program for federal bankruptcy judges for the Federal Judicial Center and the Law School's Institute for Law and Economics (see page 13). She continues to work on the reevaluation of the federal bankruptcy for the National Bankruptcy Conference and has been named chair of the Legislation Committee of the Debtor-Creditor Section of the Association of American Law Schools.

Professor Warren has been asked to respond to a recent article published in the *Yale Law Journal* on whether Chapter 11 should be established. Her inviting piece will be included in the November edition of the *Yale Law Journal*.

She recently wrote an opinion piece for the *National Law Journal* on Chapter 11 filings, and was interviewed on CNN last fall and on National Public Radio several times about consumer bankruptcy.

Barbara Bennett Woodhouse, *Assistant Professor of Law*, represents the role of law teaching and scholarship on a multidisciplinary working group, convened initially on April 6, 1992 by Philadelphia Citizens for Children and Youth, to address the growing impact of violence in the lives of children in our community. Drawing on the perspectives of community advocates for children and professionals in law, medicine, psychiatry, nursing, social services, government, and education, this group proposes to identify ways of working together to reduce levels of violence — particularly domestic violence, child abuse, and juvenile violence — and to respond more effectively and humanely to young victims of pervasive violence and their families.

Alumni Briefs

The Law Alumni Society welcomes news from Penn Law graduates. Submissions should be directed to:

JO-ANN VERRIER '83,
Editor, Penn Law Journal
3400 Chestnut Street
Philadelphia, PA 19104-6204

Alumni Briefs will next appear in the 43rd Annual Report of Giving, published in October, 1992.

'29

JOSEPH FELDMAN celebrated his 90th birthday on December 13, 1991. After 65 years as a lawyer — he is believed to be the oldest practicing trial lawyer in Philadelphia — he is still carrying 40 or 50 cases just as he did in earlier days. Feldman shows no signs of wanting to retire (*The Philadelphia Inquirer* 12/17/91).

'36

HERBERT BASS has been honored by the Real Estate Advisory Board of Immaculata College as "Man of the Year." Bass is an attorney at the law firm Fox Rothschild O'Brien & Frankel where he is co-chair of the real estate department. The award recognizes his

contributions as chair of the Real Estate Advisory Board for the past 17 years (*The Legal Intelligencer* 12/19/91).

'37

HAROLD E. KOHN, senior member of Kohn, Klein, Nast & Graf, PC, is featured in the Fall 1991 edition of the *Villanova Law Magazine*. In the article, entitled "Law Legend Harold E. Kohn", Kohn, a Villanova School of Law Board member, "expresses his thoughts about legal education, lawyers and himself."

'38

THEODORE L. BRUBAKER, currently counsel to the Lancaster firm Hartman Underhill & Brubaker in which he is a founding partner, has been inducted into the Franklin and Marshall College Sports Hall of Fame.

'41

PAUL A. WOLKIN, executive vice president and secretary of the American Law Institute and executive director of the American Law Institute-American Bar Association Committee on Continuing

Professional Education, announces that he will be leaving those positions effective December 31, 1992. Wolkin's groundbreaking work with the ALI has received great acclaim during his career there (*The Legal Intelligencer* 3/19/92).

'46

WILLIAM H. G. WARNER, featured in *Pennsylvania Bar News*' February/March 1992 edition, is a sole practitioner in Mt. Gretna, Lebanon County. He is chair of the Lebanon County Bar Association (which won, under his leadership, the first PBA Pro Bono Award), president-elect of Central Pennsylvania Legal Services and a member of the PBA Task Force for Legal Services to the Needy. The publication honored Warner as a practitioner who exemplifies pro bono volunteerism (*Pennsylvania Bar News* February/March 1992).

'48

MITCHELL W. MILLER, founding partner of Miller & Miller, recently spoke at a seminar of the American Association of Equipment

Lessors. Miller is the trustee in "Lila", one of the largest fraud cases in recent memory. He, together with Marilyn Lucht, FBI special agent, explained both the background and the present proceedings in the Lila bankruptcy case (*The Legal Intelligencer* 11/17/92).

'49

M. STUART GOLDIN is currently in San Diego litigating for Cozen & O'Connor throughout the West Coast. He notes that he misses Philadelphia and that "for the most part, the judges are a bit higher class than those from where I come — the lawyers are no better, no worse."

HERMAN MATTLEMAN and Professor Ralph Smith headed up an effort to provide Philadelphia's new Mayor Edward G. Rendell with a transition report on children's issues before he took office in January. The report was meant to ensure the Mayor's attention to children's issues (*The Legal Intelligencer* 11/20/91).



Henry W.
Sawyer III '47

Henry Sawyer's career epitomizes the lawyer in private practice who pursues the public good. During a successful career at Philadelphia's Drinker, Biddle & Reath, Mr. Sawyer has spent four decades litigating civil liberties and civil rights cases. Always involved in this country's most visible and important issues, he has — among so many other things — represented individuals brought before the House Un-American Activities Committee, defended voter registration activists in Mississippi in the 1960s, and litigated church/state issues all the way to the United States Supreme Court.

Mr. Sawyer's long and illustrious career in the civil liberties field began in the McCarthy era. Mr. Sawyer describes the time as a particularly extraordinary period where people were convinced that there was an imminent danger of a Communist takeover. However, this veteran of World War II and the Korean Emergency fought to protect First Amendment rights instead of giving in to "perceived threats," feeling that the work of the House Un-American Activities Committee made a travesty of First Amendment values. Mr. Sawyer represented individuals before the Committee and served people accused of having Communist sympathies.

Again taking on the cause of those unprotected by the contemporary legal system, Mr. Sawyer went to Mississippi in the summer of 1965 to get voter registration activists out of jail. His fight against de jure segregation was a natural outgrowth of his activities — during this time, he was active in the ACLU, serving as President of the Philadelphia chapter in 1965.

*Mr. Sawyer has also litigated precedent-setting church/state issues in the United States Supreme Court. He litigated the most frequently cited church/state case in the history of the Supreme Court — *Lemon v. Kurtzman*, 411 U.S. 192 (1971) — where the Supreme Court declared aid to parochial schools unconstitutional and originated the three-prong test employed to this day in church/state cases. He also participated in the second most frequently cited church/state case — *Schempp v. Abington*, 374 U.S. 203 (1963) — declaring ceremonial bible reading and prayers in public schools unconstitutional.*

Penn Law acknowledged Mr. Sawyer's commitment to public service at an early point in his career, selecting him as the second Penn Law Honorary Fellow in 1966 for his dedication to public service. Mr. Sawyer has also received the Fidelity Award, presented by Fidelity Bank for community service and considered high praise indeed. Fitting tribute for a committed public servant.

—Maxwell D. McIntosh '93

HON. JAMES A. O'NEILL has announced his retirement from the Superior Court of New Jersey, marking the end of a long and successful career.

'50

WILLIAM G. O'NEILL, elected chair of Waverly Heights Ltd., a continuing care community, is a founding member of Waverly's board, and has served as general counsel since 1982. In addition, O'Neill has joined Baldwin Renner Bragg & Adler as counsel. He will continue his practice in the areas of taxation and health care law. (*The Legal Intelligencer* 11/27/91 & 3/26/92).

'53

JOSEPH L. DONNELLY has been named chief executive and chair of Gulf States Utilities Company, the Texas-based power provider. Donnelly is senior executive vice president and chief architect of the company's partial recovery from financial trouble. Donnelly has been with Gulf States since 1979 (*The New York Times* and *The Wall Street Journal* 11/7/91).

'54

JEROME B. APFEL, a partner in the estates department of Blank, Rome, Comisky & McCauley, and leading force in living will legislation issues, presented five programs throughout Pennsylvania in January for the Pennsylvania Health Care Association. Entitled "Life and Death Before and After *Cruzan*," the programs provided back-

ground on the requirements under the new federal Advance Directives/Patient Self-Determination Act.

'55

ROBERT L. KENDALL JR., a member of Schnader Harrison Segal & Lewis' litigation department and the firm's executive committee, participated in a conference on the future of postal services in the European Community. The conference, "Regulation and the Evolving Nature of Postal and Delivery Services: 1992 and Beyond," was held in La Londe les Maures, France.

'56

HARRIS OMINSKY, a senior partner in the law firm of Blank, Rome, Comisky, and McCauley, is listed in the 1991-92 edition of *The Best Lawyers in America*.

CHARLES K. PLOTNICK, an attorney who serves as professor of estate planning at Temple University, is the co-author of "How to Settle an Estate," a guide published by *Consumer Reports*.

'57

GEORGE GRAYBOYS, chair and chief executive officer of Citizens Financial Group, is leaving his position in December to teach high schoolers about economics and the real world. Twice named businessman of the year by regional magazines, Grayboys has spent much of his professional life on the boards of public service



Jerome B. Apfel '54

agencies helping minorities and the needy. "The world has been very kind to me. It's a way to give something back." (*The Providence Journal-Bulletin* 1/24/92).

JAMES M. MULLIGAN, JR., has been elected as member of the Management Committee of Connolly, Bove, Lodge & Hutz, the Delaware firm.

E. NORMAN VEASEY has been installed as Chief Justice of Delaware's Supreme Court. "[Norm Veasey's] understanding of both Delaware law and issues of importance to the people of Delaware, combined with his management skills and nationally-recognized professional abilities... make him ideally suited to be Delaware's next Supreme Court Chief Justice" said Governor Michael N. Castle. Veasey leaves his practice with the Wilmington law firm Richards, Layton & Finger, P.A.

'59

MURRAY S. ECKELL and his Media firm Eckell Sparks Levy Auerbach Monte Moses received recognition from the Delaware County Bar

Association and Delaware County Legal Assistance Association for the Pro Bono firm of the year 1990-1991. The firm contributed the most pro bono hours to the program. Other Penn Law graduates at the firm are: ARTHUR LEVY '55, ALVIN S. MOSES '59, JOSEPH L. MONTE '63, and STEVEN R. SPARKS '85.

'60

JOHN J. APONICK, JR. received the 1991 Defense Lawyer of the Year award from the Pennsylvania Defense Institute. Aponick, a partner in the firm of Rosenn, Jenkins & Greenwald in Wilkes-Barre, Pennsylvania, serves as chair in the litigation department.

JOHN F. DUGAN, a partner with Kirkpatrick and Lockhart in Pittsburgh, has been named chair of the Committee on Antitrust and Labor-Relations Law of the American Bar Association.

'61

BERNARD GLASSMAN, a partner at Blank, Rome, Comisky & McCauley, is chair of the Probate and Trust Law Section of the Philadelphia Bar Association for a one-year term. Additionally, Glassman spoke at a seminar on estate administration sponsored by the Pennsylvania Bar Institute.

'62

RICHARD R. BLOCK has been appointed by Philadelphia District Attorney Lynne Abraham as director of

community relations for the District Attorney's Office. Block's major responsibilities include the development, activation, and continuing implementation of the numerous District Attorney's Office programs which target increased community understanding and participation.

JAMES D. CRAWFORD has become a Fellow of the American College of Trial Lawyers by invitation of the Board of Regents. Crawford is a partner of Schnader, Harrison, Segal & Lewis.

'63

JUDAH I. LABOVITZ, partner and chair of the litigation department at Cohen, Shapiro, Polisher, Shiekman and Cohen, is the author of "Health Care and Antitrust," Chapter 12 in *Antitrust Counseling and Litigation Techniques*, a Matthew Bender publication. First written in 1989, the chapter has been updated to reflect significant changes in the law and to examine recent court rulings. Labovitz's practice encompasses complex and multi-district litigation in addition to antitrust.

HON. MYRNA FIELD, has been elected to the Philadelphia Court of Common Pleas. She is currently serving in the Court's Family Division (*The Legal Intelligencer* 11/7/91).

JOSEPH KLEIN joined Reed Smith Shaw & McClay in Philadelphia as partner. Klein's practice is devoted to litigation matters (*The Legal Intelligencer* 2/6/92).

JAMES R. LEDWITH, a partner at Pepper Hamilton & Scheetz who concentrates his practice in estates and probate law, participated in a seminar on The Corporate Insider where he spoke on Estate Planning for the Corporate Executive. Ledwith discussed problems arising in estate planning for corporate executives. The seminar was sponsored by the Personal Financial Services Group of Price Waterhouse (*The Legal Intelligencer* 11/19/91).

GERALD M. LEVIN has been named president and co-CEO of Time Warner. Levin had previously served as chief operating officer and vice chair of the company. Levin's reputation for innovative thinking, especially in the area of cable television, made him the logical heir to chair Steven J. Ross in a company that sees its future in the visual media. Levin has also been elected to the Turner Broadcasting System Inc. board of directors (*Business Wire* 3/24/92).

DAVID H. MARION has been elected vice chair of Montgomery, McCracken, Walker & Rhoads. Marion will continue to chair the firm's litigation department. A fellow of the American College of Trial Lawyers, his practice is in the areas of business litigation, antitrust, securities, and communications law.

STEPHEN G. YUSEM, a partner with the Norristown, Pennsylvania firm of High, Swartz, Roberts & Seidel, moderated a business seminar on mediation of medical, legal and financial institution disputes during Arbitration Day. The annual conference is sponsored by the American Arbitration Association. In addition, Yusem has been named Chief of Staff to the U.S. Commander, Eastern Atlantic Forces. The assignment elevates him to the nation's top-ranking naval reserve surface warfare officer.

'64

PETER FREDERICK AXELRAD and PAMELA ANNE BRESNAHAN were married on March 14, 1992 in Washington. Axelrad is a senior partner at the Baltimore firm of Frank, Bernstein, Conaway & Goldman. Bresnahan is a partner in the Washington office of Semmes, Bowen & Semmes, a Baltimore law firm.

MICHAEL M. BAYLSON, United States Attorney for the Eastern District of Pennsylvania was presented with the Distinguished Service to Law Enforcement Award by the County and State Detectives Association of Pennsylvania and the International Police Association. Baylson was also honored with the Eagleville Award for 1991 in recognition of his efforts to curb trafficking in illegal drugs (*The Legal Intelligencer* 2/14/92).

STEPHEN A. COZEN, chair of Cozen & O'Connor, spoke as one of fourteen national experts at the two-day Bad Faith First Party Insurance Claims seminar. In addition, Cozen received the Israel Peace Medal from the Philadelphia State of Israel Bonds (*The Legal Intelligencer* 11/20/91 and 12/16/91).

H. ROBERT FIEBACH, a senior partner with Wolf Block Schorr & Solis-Cohen, was inducted as a Fellow into the American College of Trial Lawyers at its recently held annual meeting in Boston (*The Legal Intelligencer* 11/20/91).

'65

LITA INDZEL COHEN, a two term Lower Merion Commissioner, is the endorsed Republican Candidate for the Pennsylvania General Assembly in the 148th District. Cohen is currently president of Lita Cohen Radio Services, Inc. in Merion, Pennsylvania.

NEIL EPSTEIN, a partner in Philadelphia's Hanglely Connolly Epstein Chicco Foxman & Ewing, has been featured in an article regarding United States responsibility for toxic cleanup. The article appeared in the April 1992 edition of *The American Lawyer*.

WILLIAM H. EWING, a shareholder in Hanglely Connolly Epstein Chicco Foxman & Ewing, has been elected chair of the board of directors of the Public Interest Law Center of Philadelphia (PILCOP). Ewing has served on the Board of Directors of PILCOP since 1985, and from



Alan M. Lerner '65

1990 to 1992 served as vice-chair. Outside of his pro bono efforts, Ewing's practice is concentrated in business litigation as well as equal employment opportunity cases.

ALAN M. LERNER, partner and chair of the Ethics Committee of Cohen, Shapiro, Polisher, Shiekman and Cohen, has been appointed to serve on the Professional Guidance Committee of the Philadelphia Bar Association. Lerner, recognized in *The Best Lawyers in America* for 1989-90 and 1991-92, concentrates his practice in labor and employment law and litigation. Lerner spoke recently at a forum on employment law sponsored by the Center for Business Training and Development.

SHELDON N. SANDLER, chair of the employment law department of Young, Conaway, Stargatt & Taylor in Wilmington, Delaware, has co-authored an article entitled "Unionization Efforts in Banking: is the Delaware Experience a Guide to the Future?" in the *Labor Law Journal* (March 1992). Additionally, Sandler has

authored an article in the June, 1992 issue of the *Delaware Lawyer* entitled "Delaware Wrongful Discharge Cases: The Imminent Flood."

PETER SAVAGE is with Herbert Davis Associates, commercial and residential real estate brokers in Baltimore. Savage's book — based on his prior foreign service experience — *The Safe Travel Book: A Guide for the International Traveler*, (Macmillan, 1991), will be published in a new edition in September.

'66

MARK E. GOLDBERG received the Ben-Gurion Award from State of Israel Bonds during a dinner held recently at Congregation Ohev Shalom of Bucks County in Richboro, Pennsylvania. Goldberg is a partner in the Bensalem law firm Groen Laveson Goldberg & Rubenstone (*The Legal Intelligencer* 4/2/92).

J. RICHARD GREENSTEIN, a member of Hepburn Willcox Hamilton & Putnam, participated as a panelist at a lecture program entitled "Managing Your Business: Practical Strategies of Surviving in a Recessionary Economy and Beyond" (*The Legal Intelligencer* 1/13/92).

CASWELL O. HOBBS III, a partner in Morgan Lewis & Bockius, is currently serving on the firm's executive committee and practicing antitrust/FTC in the Washington office. Hobbs has also been elected as program officer of the American Bar Association's Antitrust Department and appointed chair of the President's Council of the Washington, D.C. Legal Aid.

EDWARD F. MANNINO, chair of Mannino, Walsh and Griffith, has been named chair of the coordinating committee of the Racketeer Influenced and Corrupt Organizations Act for the American Bar Association.

PATRICIA ANN METZER has recently been appointed legislative vice chair of the ABA's Committee on Government Submissions of the Section of Taxation. Metzger is currently a shareholder and director in the Boston firm Goulston & Storrs, PC.

PALMER KRESS SCHREIBER announced the relocation of his law offices to 1818 Market Street in Philadelphia. Schreiber's practice concentrates in business and real estate law.

JOEL D. SIEGEL has been named chair of the board of The National State Bank. Siegel is an attorney with Orloff, Lowenbach, Stifelman and Siegel in Roseland, New Jersey (*Crawford Chronicle* 1/23/92).

'67

STEWART R. CADES, chair of Towne Metropolitan, a real estate investment and development company, has been appointed to the board of directors of the Southeastern Pennsylvania Transit Authority (SEPTA) for a five-year term.

DALE PENNEYS LEVY has been named to the board of directors of the Philadelphia Industrial Development Corp. PIDC is a non-profit, industrial, and economic development agency of the City of Philadelphia. Levy is a partner in the real estate department of Blank Rome Comisky & McCauley (*The Legal Intelligencer* 12/19/91).

MICHAEL SKLAROFF, chair of Ballard Spahr Andrews & Ingersoll's real estate group, served on a panel which discussed Philadelphia's new Center City Zoning Code, passed into law in October 1991 (*The Legal Intelligencer* 3/25/92).

DENNIS R. SUPLEE, a partner with Schnader, Harrison, Segal & Lewis, spoke at the Second Annual Keystone Litigation Conference in Colorado on "Effective Litigation Techniques and Dealing with 'Hardball' Tactics." A member of the firm's executive committee, Suplee's practice concentrates in civil litigation including products liability, antitrust, securities, RICO, insurance coverage, and regulatory matters.



Janet Freedman
Stotland '69

Janet Stotland arrived at Penn Law believing that "in the heady days of the Warren Court" a legal career would be a useful tool in serving the public good. Her investment has clearly served her needs — and those of others. Since her graduation in 1969, Janet has been employed in the public interest sector. That year, she received a Reginald Heber Smith Fellowship, a national two-year fellowship in public legal service; from 1969 to 1976, Janet worked in various positions at Community Legal Services of Philadelphia. As chief of the Center's Public Housing Unit, Janet organized a project to represent public housing tenants and community groups, beginning her commitment to those who have historically been powerless and vulnerable to systemic abuses.

Janet's commitment continues at Education Law Center, Inc., a non-profit law firm representing parents and children who have problems with public education. The Center has a dual focus; representation of children and families in lawsuits to gain access to mandated programs for children with disabilities, and the strengthening of families' abilities to organize and demand educational change. ELC's litigation has been powerful in expanding access to education for disabled children. One of Janet's finest moments came in a Third Circuit Court of Appeals case declaring unconstitutional a Pennsylvania statute that denied children in foster care access to public education.

Stotland concedes that litigation has a limited usefulness in education. "The law can be good at stopping things, but most of the affairs of human life are a function of the legislative process." On issues of quality, Stotland remains committed to empowering citizens to be effective agents of transformation. Janet sees a need for people to understand the public school system and appreciate it as one of society's most important institutions. "We do know how to help all kids learn. We must now truly commit to enable them to learn, by addressing issues of quality and equity in the schools."

Stotland's skills have won her the respect of her peers. She has received the Leon J. Obermayer '08 Award from the Philadelphia Bar Association, given to a lawyer for major contributions to public education in the city. Janet continues to regard the Law School as a source of motivation. She often cites Howard Lesnick, Jefferson B. Fordham Professor of Law, as a respected and inspiring guide. While the "heady days of the Warren Court" may be over, Janet's accomplishments have been most fruitful.

—Joshua D. Glatter '94

'68

RICHARD I. BEATTIE, JR., chair of Simpson, Thacher & Bartlett's executive committee, has been named to head the law firm fundraising drive of the Lawyers Alliance for New York (*New York Law Journal* 3/19/92).

G. THOMAS BOWEN has been confirmed by the New Jersey State Senate as a Superior Court judge. Bowen has been a solo practitioner in Salem since 1971. He is currently a member of the New Jersey Supreme Court's Advisory Ethics Opinion Committee (*New Jersey Law Journal* 3/23/92).

DAVID I. GRUNFELD has been elected as vice chair of the Family Law Section of the Philadelphia Bar Association (*The Legal Intelligencer* 11/27/91).

MICHAEL T. McMENAMIN has been elected managing partner of the Cleveland-based law firm Walter, Haverfield, Buescher and Chockley.

JOHN C. QUINN, M.D., has been appointed chief investment officer of Marinvest, an investment-banking firm.

'69

J. DINSMORE ADAMS, JR. has been named a trustee of the Sterling and Francine Clark Art Institute in Williamstown, Massachusetts. In addition, Adams is a partner at Curtis, Mallet-Prevost, Colt & Mosle of

New York, is president and chair of the Board of Managers of the Harvard Club of New York City and is a director of the African Medical and Research Foundation, Inc., and the American University in Cairo.

DAVID RICHMAN and MITCHELL E. BURACK, both partners at Pepper Hamilton & Scheetz, chaired the CLE International program on "Hazardous Waste Cleanup: Litigation and Settlement Briefing." Richman also spoke on "Challenging EPA Cleanup Decisions" (*The Legal Intelligencer* 4/13/92).

MAX D. STERN has been honored by the Massachusetts Academy of Trial Attorneys at their Annual Judicial Luncheon and Awards Ceremony. Stern received the 1991 Courageous Advocacy Award. The honor is presented to the trial attorney who reflects the true spirit of the trial bar and has contributed to the betterment of the legal system without reservation (*Massachusetts Lawyers Weekly* 11/11/91).

'70

EDWARD J. KAIER, a member of Hepburn Willcox Hamilton & Putnam in Philadelphia, participated as a panelist at a lecture program entitled "Managing Your Business: Practical Strategies of Surviving in a Recessionary Economy and Beyond" (*The Legal Intelligencer* 1/13/92).

SEAN O'CALLAGHAN of the Havertown, Pennsylvania law firm Sean O'Callaghan & Associates is serving as solicitor of the Township of Haverford in Delaware County after his appointment by the Board of Commissioners (*The Legal Intelligencer* 2/6/92).

EDWARD M. WATTERS, III, a partner at the Great Valley, Pennsylvania office of Pepper Hamilton and Scheetz, has been appointed to the advisory committee assisting the Joint State Government Commission Task Force on Decedents' Estates Laws (*The Legal Intelligencer* 3/31/92).

'71

DAVID KAIRYS, a professor at Temple University School of Law and a constitutional law authority, spoke at the second annual Friel-Scanlan Lecture in Law on "The History and Future of Free Speech." Kairys received the 1990-91 Friel-Scanlan award, honoring a faculty member who has published an outstanding book or article in the last year, for the revised edition of *The Politics of Law* (Pantheon Books, 1991), edited by Kairys, and particularly the chapter he authored on freedom of speech (*The Legal Intelligencer* 2/18/92).

ANDREW J. SCHWARTZMAN, executive director of the Media Access Project, a public-interest group specializing in First Amendment issues, has been presented the Everett C. Parker Award by the Office of Communication for the United Church of Christ and the Department of Communication of the National Council of Churches.

'72

RICHARD D. BANK has had his book, *How To Deal With Your Lawyer*, published by Brick House Publishing Company this year. In addition to being a free lance writer and author, Bank maintains a private practice in Montgomery County, Pennsylvania.

RICHARD P. HAMILTON has joined the tax department of Niessen, Dunlap, and Prichard, accountants.

HON. RODERICK R. MCKELVIE has been confirmed for appointment as United States District Court Judge for the District of Delaware.

E. ELLSWORTH McMEEN has had his second solo guitar recording, "Irish Guitar Encores," released in Shanachie Records' "Guitar Aritistry Series" (Shanachie 97017). It is available, in CD and cassette formats, in Tower Records and other major outlets. McMeen is currently a partner with LeBoeuf, Lamb, Leiby & MacRae in New York City.

CHARLES R. MORRIS, a principal in Devonshire Partners — a Cambridge, Massachusetts based consulting firm working on mergers and acquisitions — was featured in the March 16, 1992 edition of *Investor's Daily*. Touting himself as the "least known famous author in the world," Morris discusses his 1989 book, *The Coming Global Boom*, and his theory that the United States is coming upon an era of prosperity.

DAVID L. POLLACK, a partner with the Philadelphia firm Rosenwald & Pollack, spoke at the International Council of Shopping Centers (ICSC) Law Conference held in Arizona. Pollack presented "Strategies in Tenant Bankruptcies - Landlord Actions Before and After the Filing" (*The Legal Intelligencer* 1/21/92).

MARTIN J. SATINSKY is returning to the Philadelphia area to open a practice in tax consulting and personal financial planning. He has worked with regional and international accounting firms and for the past seven years has been a tax partner with Coopers & Lybrand in Philadelphia, Syracuse, New York and Washington D.C. In addition, Satinsky wrote a weekly tax and financial planning column for the *Syracuse Herald Journal* and a monthly column for the *Central New York Business Journal*.

RICHARD A. SIEGAL has become partner in Stamford's Cummings & Lockwood Burgeson. Siegal is an ERISA and tax specialist with 20 years of practice experience.

JONATHAN D. VARAT has been named an Associate Dean of the UCLA Law School and is currently teaching federal courts and constitutional law, subjects for which he gained an appetite at Penn Law. Varat is also enjoying his 18 month old daughter Jennifer.

DON J. VOGT has been advising the People's Republic of China on their program of reform in urban land use and

management. Vogt recently participated in an international conference on that subject in Beijing, where he spoke on ground leasing. While travelling to Beijing, he — amazingly — encountered classmate Richard Westin, a professor at the University of Houston Law School, who was on his way to a United Nations conference in Beijing.

'73

KENNETH E. AARON has joined the office of Buchanan Ingersoll P.C. as a shareholder in the banking and bankruptcy section. He has also authored "The Chateaugay Appeal; Crash at the Intersection of Bankruptcy and Environmental Law" which appeared in *The Toxics Law Reporter* and BNA's *Bankruptcy Law Reporter*. The article reviewed and analyzed a Second Circuit Court of Appeals opinion concerning environmental law claims in a bankruptcy. In addition, he has also written a chapter in the "Environmental Due Diligence Guide" describing ways in which lenders can avoid potential environmental liabilities when they assist in the operations of borrowers' businesses during workouts. Aaron has also been appointed vice chair of the Education Committee of the Eastern District of Pennsylvania Bankruptcy Conference and appointed to the Lower Merion Township Planning Commission in Montgomery County.

MARSHALL J. BREGER and other members of the Administrative Conference of the United States were honored at a reception hosted by Secretary of Labor Lynn Martin and Counsel to the President C. Boyden Gray in Washington D.C.

EDWARD S.G. DENNIS, JR. has been appointed to the Board of Directors of the National Association of Former United States Attorneys. The association is made up of over 350 former United States Attorneys from 93 federal judicial districts around the country. Dennis is a member of Morgan, Lewis & Bockius litigation section.

GEORGE S. ISAACSON has recently been elected a Fellow of the Maine Bar Foundation. The Bar Foundation's purpose is two-fold: to honor attorneys, judges and professors of law who have distinguished themselves in the profession, and to administer a program to support and enhance the delivery of legal services to Maine's poor. Isaacson maintains his practice with the law firm of Brann & Isaacson in Lewiston, Maine.

GORDON L. KEEN, JR. joined Airgas, Inc. as vice president - corporate development in Wilmington, Delaware. Keen has been a partner in McCausland, Keen & Buckman since 1982 when he and McCausland founded the firm. Keen has been closely involved with Airgas for its entire history, and has participated in all of its significant transactions.

STEPHEN A. MADVA, a partner with Montgomery, McCracken, Walker & Rhoads in Philadelphia, led a seminar entitled "Current Issues in Asbestos in Building." The seminar, sponsored by the Defense Research Institute, explored such concerns as actual levels of risk, what is or should be the role of the scientist in the Courts and the regulatory arena, and the role of the megacase in influencing public opinion.

'74

ALAN WYMAN CATHCART, tax attorney and former Penn Law professor, served as the sole testifying witness at an Internal Revenue Service hearing in March of 1992 on proposed regulations under Section 338 of the Internal Revenue Code. Cathcart currently advises domestic and foreign multinational corporations on international and corporate tax law.

IAN M. COMISKY, a partner in the litigation department of Blank Rome Comisky & McCauley, participated in a "Criminal Law Review" that was presented to the National CLE Conference. Comisky addressed the group on Federal Sentencing Guidelines, including plea negotiation strategy and departure advocacy (*The Legal Intelligencer* 3/10/92).

GEORGE HARTNETT, a partner in the business department of the Philadelphia firm White & Williams, spoke on "Preparing for Prosperity - Lessons Learned from the Recession"

at a recent seminar sponsored by the Philadelphia Chamber of Commerce (*The Legal Intelligencer* 11/15/91).

DAVID B. PUDLIN has been elected as the managing shareholder of the Philadelphia firm Hangley Connolly Epstein Chicco Foxman & Ewing. Pudlin's practice is concentrated in tax law and estate planning. He has been serving as a member of the firm's executive committee and as the firm's chief financial officer.

HELEN P. PUDLIN has been elected senior vice president and deputy general counsel of PNC Financial Corp. "Helen Pudlin has helped build a first-rate legal department at PNC's Provident National Bank in Philadelphia," said Thomas H. O'Brien, PNC's chair and chief executive officer. "In her new position, she will manage corporate litigation for PNC and its banks as a key part of our centralized legal staff."

'75

JAMES D. MORRIS, an attorney in the Philadelphia firm Stradley, Ronon, Stevens, and Young, spoke on environmental litigation at a training course for trial judges sponsored by the Flaschner Judicial Institute and the Environmental Institute.

JEFFREY B. ROTWITT, chair of the real estate department of the Philadelphia firm Obermayer Rebmann Maxwell & Hippel, recently attended a briefing on President Bush's Homeownership and Opportunity



David B. Pudlin '74

for People Everywhere (HOPE) program. Rotwitt was among 25 individuals invited to the briefing by the Secretary of Housing and Urban Development (*The Legal Intelligencer* 4/20/92).

'76

JOHN B. KEARNEY has been appointed to the New Jersey Commission to Deter Criminal Activity by Governor Jim Florio. The Commission was formed in 1983 to create public awareness campaigns designed to prevent and deter criminal activity throughout the State. Kearney is a partner in the Cherry Hill law firm of Kenney & Kearney which specializes in products liability and environmental litigation.

MARK C. SCHULTZ, a partner of Sherr Joffe & Zuckerman in Philadelphia, has been named vice president of Golden Cradle, a non-profit adoption and maternity service agency (*The Legal Intelligencer* 11/25/91).

'77

GILBERT F. CASELLAS, a partner in the Philadelphia law firm of Montgomery, McCracken, Walker and Rhoads, has been appointed to the Commission on Opportunities for Minorities in the Profession by the American Bar Association.

HOPE A. COMISKY joined the Philadelphia firm Anderson Kill Olick & Oshinsky, P.C. as partner. Comisky, formerly a partner in the litigation department of Dilworth, Paxton, Kalish & Kauffman, will concentrate her practice in labor and employment law and general commercial litigation. She is a member of the American Bar Association's section on Labor and Employment Law, the section on Litigation and its Committee on Labor and Employee Relations.

PAUL S. DIAMOND has been elected to head lawyer recruiting at Obermayer Rebmann Maxwell & Hippel in Philadelphia. Diamond is a partner in the litigation department, where he concentrates on complex commercial and criminal litigation.

ALISON DOUGLAS KNOX spoke to law students at the Entertainment Law Society of the University Law School about her recent victory in a copyright case. (*The Legal Intelligencer* 11/21/91).

JOHN JAMIESON, JR., has become a partner in Panitch Schwarze Jacobs & Nadel. The Philadelphia firm concentrates on intellectual property law.

ROBERT D. LANE, JR., a partner in Pepper, Hamilton & Scheetz who concentrates his practice on commercial real estate, recently became chair of the Real Property Section of the Philadelphia Bar Association. Additionally, Lane served on a panel which discussed the new Center City Zoning Code, passed into law in October 1991 (*The Legal Intelligencer* 1/13/92 & 3/25/92).

GEORGE B. WOLFE participated in the 1991 Class of the Society of International Business Fellows, an organization of public and private sector executives from across the Southeast who are involved in international business. In addition, Wolfe has been appointed by U.S. Trade Representative Carla Hills to serve on the Investment Policy Advisory Council to the U.S. Trade Representative. Wolfe is a corporate partner in the Columbia office of the South Carolina law firm of Nelson, Mullins, Riley & Scarborough.

'78

DAVID S. ANTZIS, a partner in Saul, Ewing, Remick and Saul, has been appointed to the firm's six-member Executive Committee. Antzis, a member of Saul Ewing's Business Department, concentrates in securities law and acquisition matters.

ELLEN B. FISHMAN, an assistant chief in the Appeals Division of the New York City Law Department, has been appointed chair of the New York State Bar Association's Committee on Courts of Appellate Jurisdiction.

RICHARD S. LAWCH, has been elected vice president for multi-family negotiated transactions and product development at the Federal National Mortgage Association.

HON. SUE L. ROBINSON has been confirmed as a Federal Judge for the District of Delaware. Robinson previously served as a Federal Magistrate for the District of Delaware.

'79

BURKHARD BASTUCK, of Bruckhaus Westrick Stegeman, has been appointed resident partner in the newly opened New York office.

DENISE D. COLLIERS has been elected partner with the firm Hoyle Morris & Kerr. Colliers is a member of the litigation department where she concentrates her practice in insurance coverage for policyholders, environmental law, and general commercial litigation.

NIKI T. INGRAM, an attorney with Marshall, Dennehey, Warner, Coleman & Goggin who concentrates her practice in the defense of workers' compensation matters, has been elected shareholder to the corporation.

GERALD PAUL McALINN, senior international counsel and director of the Tokyo Law Department of Nippon Motorola Ltd., taught a semester long course in International Business Law as an adjunct Professor at the School of International Studies (SIS) in Tokyo. He will be giving a series of lectures on private international and Japanese commercial law to a graduate Economics seminar at Temple University Japan this summer. He will teach a course in Public International Law as SIS in the fall.

DONALD MILLINGER has been appointed vice president-law of Wells Fargo Alarm Services. Millinger previously served as senior vice president and general counsel for Harron Communications Corp. in Frazer, Pennsylvania.

BARBARA MISHKIN, an attorney with Blank, Rome, Comisky & McCauley, presented a program for the Pennsylvania Bankers Association 1992 Bank Operations and Security/Fraud Workshop in Harrisburg, Pennsylvania. Her presentation examined the legal benefits of record retention policies and the legal issues to be considered in developing such policies. Mishkin also addressed the record retention requirements applicable to consumer credit. Mishkin concentrates her practice on consumer loan and credit sale transactions.

MICHAEL J. OSSIP, partner in the Philadelphia office of Morgan Lewis & Bockius, spoke at a seminar sponsored

by the Pennsylvania Bar Institute titled "Sexual Harassment and the New Civil Rights Act." Ossip discussed the development of employer policies, the investigation of sexual harassment claims and employers' defenses in sexual harassment litigation. He also provided an overview of the Civil Rights Act of 1991.

BRADFORD R. POLLACK, a producer with Skylark Films, has produced a movie for cable television called *Writer's Block*.

M. KELLY TILLERY, acting as counsel on behalf of plaintiffs Public Enemy, Ozzy Osbourne, and Winterland Productions, secured an order that prohibits the sale of illegitimate, unauthorized, bootleg merchandise displaying the names or likenesses of the groups from being sold in the vicinity of their concerts throughout their 1991-92 U.S. tours. Tillery, a partner in the firm of Leonard, Tillery & Davison, has secured similar national injunctions and seizure orders for many popular musical performers. Tillery has also been named co-chair of the International Anti-Counterfeiting Coalition Task Force on Flea Markets.

MARGUERITE SIVAK WALSH, is founding shareholder in the firm Mannino and Associates; the firm has recently changed its name to Mannino, Walsh and Griffith.

'80

ELIZABETH A. ALCORN has been elected partner of Whitman & Ransom in New York City. She specializes in labor and employment law on behalf of management.

MARK A. SERENI, former Delaware County assistant district attorney, has become a full partner in Sereni & Lunardi. Sereni will concentrate in the areas of civil and criminal litigation, school law, and consumer law (*The Legal Intelligencer* 3/13/92).

J. SCOTT VICTOR joined Saul, Ewing, Remick & Saul as special counsel in its bankruptcy & insolvency group. Before joining the firm, Victor practiced with Shaiman, Phelan, Victor, Schwartz & Krekstein, P.C. where he had been named a shareholder.

HON. FLORA BARTH WOLF, a Democrat, now serves as Judge of the Philadelphia Court of Common Pleas. Judge Wolf sits in Family Court (*The Legal Intelligencer* 11/7/91).

'81

JOHN BOREK, a senior-level associate with Fried, Frank, Harris, Shriver & Jacobson, became the firm's managing attorney. While the position is traditionally filled with a non-practicing staff member, Borek has decided to continue litigating. His responsibilities will include keeping track of court dates, assisting with the filling of court papers, and supervising a staff of five.

DAVID L. COHEN, appointed by Philadelphia's new Mayor Edward G. Rendell as his chief of staff, is heading what Rendell described as an activist mayor's office of at least five deputies for areas such as economic development, community development, management and productivity, criminal justice, and intergovernmental relations. Cohen resigned his partnership with Ballard Spahr Andrews & Ingersoll to join the Mayor's team.

RANDY HARDOCK, tax counsel to the Senate Finance Committee, had featured his work in an article of *The Bond Buyer's* April 9, 1992 edition.

CLAIRE CONNOR OBADE, a health law attorney with Saul, Ewing, Remick and Saul, is the author of the newly published treatise, *Patient Care Decision-Making, A Legal Guide for Providers*, published by Clark Boardman Callaghan. The book explores the judicial system's role in decisions such as consensual treatment and refusal of treatment. In addition to her latest book, Obade has written and spoken extensively on health care decision-making and health law issues in general.

KAREN PUSHAW, currently taking a leave of absence from Blank, Rome, Comisky & McCauley, has been using her time for volunteerism. Pushaw lives with five other volunteers in a house two doors down from the Saint Francis Inn, which serves two meals three days a week and one meal all other days to homeless persons. She also

works at Thea House, a daytime center for homeless women where "people who want to shower, wash their clothes and be in a safe, warm environment for a couple of hours can come."

'82

PETER W. LABEREE joined the business and finance division of Ballard, Spahr, Andrews, and Ingersoll as an associate.

STEPHANIE L. FRANKLIN-SUBER has been elected partner to Schnader Harrison Segal & Lewis in the Philadelphia office. Franklin-Suber is a member of the firm's business department and the financial institutions and business and technology practice groups. Franklin-Suber is also president-elect of the Barristers' Association of Philadelphia, Inc., an affiliate of the National Bar Association.

'83

KATHY L. ECHTERNACH has been named assistant chief of the Appeals Unit of the Philadelphia District Attorney's Office. In this capacity, Echternach will review all appeals filed by defendants against the Commonwealth and supervise the responsive appellate advocacy of the Office.

RONALD E. KARAM became a partner with Schander Harrison Segal & Lewis. Karam is a member of the firm's litigation department and its securities, com-

munications, and computer law groups. His practice includes copyright and trademark matters, trade secrets, securities, and communications.

STEVEN K. LUDWIG joined the labor department of Fox Rothschild O'Brien & Frankel as an associate (*The Legal Intelligencer* 1/14/92).

SHIRA PEARLMUTTER, an associate professor at Catholic University of America School of Law and chair-elect in the intellectual property section of the Association of American Law Schools, spoke on "Recent Developments in Copyright Law" at the annual meeting of the American Intellectual Property Law Association.

'84

ALBERT G. BIXLER and JOHN S. SUMMERS became shareholders in Hanglely Connolly Epstein Chicco Foxman & Ewing. Bixler concentrates his practice in litigation and bankruptcy law while Summers specializes in civil and white collar criminal defense litigation. In addition, Summers serves on the Professional Responsibility and Professional Guidance Committees of the Philadelphia Bar Association.

JAY A. DUBOW, a member of Philadelphia's Wolf, Block, Schorr, and Solis-Cohen's litigation department, served as a course planner and presenter at a recent Pennsylvania Bar Institute seminar titled "Representing Parties in Securities Enforcement Matters." Additionally, Dubow has co-written a piece

for *Selected Articles on Federal Securities Law (The Legal Intelligencer* 3/20/92).

JUDY LEVENSTEIN, an accountant with the firm Kenneth & Levenstein, and her husband Philip M. Kruger, an associate with Clapp and Eisenberg, announce the birth of their daughter, Deborah Helen, born on June 30, 1991.

ALISON B. MARSHALL has become a partner in the Washington D.C. firm of Miller, Canfield, Paddock and Stone. Marshall's principal practice areas are labor and employment litigation, education law, and health law. She is also chair of the board of directors for the National Association for Perinatal Addiction Research and Education and a member of the city of Alexandria, Virginia Task Force on AIDS.

GERALD J. SCHORR has become a partner in the Philadelphia law firm of Astor, Weiss & Newman.

MICHAEL B. TUMAS became partner of the Wilmington, Delaware firm of Potter Anderson & Corroon. Tumas practices in the areas of corporate and partnership law, including mergers and acquisitions and corporate finance.

SEAN P. WAJERT has been elected as partner at Hoyle Morris & Kerr. Wajert, a member of the litigation department, concentrates his practice in commercial and civil rights litigation as well as governmental affairs.

'85

ROBERT T. BURNS has been named Senior Counsel to Massachusetts Financial Services (MFS).

HENRY S. HOBERMAN, assistant district attorney for the District of Columbia, and Jodi B. Brenner, an associate with the Washington firm Dow, Lohnes, and Albertson, announce the birth of their first child, Joshua Ryan, born on April 14.

ELLIOT MAZA, recently married to Stacy Faith Plotz, is a vice president in the investment banking division of Bankers Trust Company in New York.

DENNIS MESINA joined the 1992 board of the Bar Association of San Francisco as director. Mesina is associated with Chang, Tumaneng and Mesina. He is also the incoming president of the Filipino Bar Association of Northern California.

JONATHAN A. SEGAL and JONATHAN WETCHLER, management attorneys with the labor law department of Wolf Block Schorr & Solis-Cohen, recently participated in a conference entitled "How to Take Preventive Measures to Avoid Employment Discrimination Claims" sponsored by the Pennsylvania Chamber of Business and Industry (*The Legal Intelligencer* 1/10/92).

MICHAEL E. TARVIN has recently relocated and joined Continental Medical Systems, Inc. in Mechanicsburg, Pennsylvania as associate counsel.

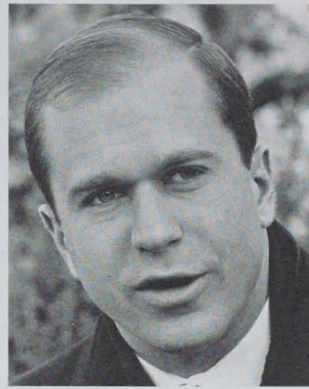
'87

MARTYN S. BABITZ participated as a panelist during the Camden County Bar Association's seminar "Nuts and Bolts of Personal Injury". Babitz moderated the program for the Young Lawyers Committee of the Philadelphia Bar Association (*The Legal Intelligencer* 12/12/91).

SUSAN B. BESANCON and ALFREDO F. RAMIREZ-MACDONALD announce their marriage. Besancon is a law clerk with the Hon. Enrique S. Samoutte, a judge on the United States Bankruptcy Court for the District of Puerto Rico, and Ramirez-MacDonald is an associate in the litigation department of the Hato Rey, Puerto Rico firm O'Neill and Borges.

RICHARD FEDER, an attorney with Fine, Kaplan & Black, works with his firm on the administration of a \$25 million settlement of a suit over disputed property tax in the City of Philadelphia. (*The Philadelphia Inquirer* 7/1/88).

CHRISTOPHER D. M. LONDON has become associated with the firm Rubin and Rudman as a member of their asset recovery team, specializing in bankruptcy and workouts.



Michael A.
Smerconish '87

On the fast track! Michael A. Smerconish's long-standing interest and involvement in politics has reaped its benefits. In August of 1991, Jack Kemp appointed Michael, a 1987 Law School graduate and then 29 years young, as Regional Administrator and Federal Housing Commissioner of the United States Department of Housing and Urban Development's Eastern Region III. Michael oversees the management and operations of HUD's regional and field offices in the states of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, as well as the District of Columbia.

Although Mike misses the flexibility and creativity of his prior entrepreneurial endeavors, he loves his present position because it has blended two different career tracks which have held great interest for him over time, real estate and public interest. Prior to his appointment at HUD, Michael founded the Main Street Group, Inc., a diversified real estate firm which involved land development and residential rehabilitation, the brokerage of large, unique properties, and the issuance of title insurance. Michael's family, in particular his mother — who was involved in the Philadelphia real estate market — galvanized his interest in real estate. As a sophomore at Lehigh University, Mike obtained his Pennsylvania real estate license and worked for a real estate company, where he obtained practical hands-on experience as a realtor. He states that he always had a fascination with real estate and that at an early age he learned a great deal about the subject during conversations at the dinner table.

While at Penn Law, Michael pursued his interests in public service and politics. He states, "I never had the desire to work for a big law firm," and that he dedicated much of his time to his political endeavors. During Law School, he served as campaign director to Philadelphia's ex-Mayor and Mayoral candidate Frank Rizzo. Michael candidly remarks that, as a result of campaign trail commitments, he did not have a stellar classroom attendance record. He even missed his graduation because it took place on the day of a campaign primary!

Although Mike's free-time is limited, his outside interests include reading. He also fills in as a talk show host and occasional guest on Philadelphia radio station WOWB, where he provides political commentary. Mike's journey on the fast track appears secure, as he looks forward to keeping the door open to new challenges and opportunities.

—Jonathan Nash '94

JONATHAN NEWMAN, a lawyer specializing in equine law, is organizing racing syndicates that include mostly first-time horse owners. Newman, featured recently in *The Philadelphia Inquirer*, gained recognition when he went to a standardbred auction at the Meadowlands in January of 1991, paid \$47,000 for a 3-year-old trotter who had not won a race in his life, raced him nine times in five months, won \$120,000, then sold him for \$400,000 (*The Philadelphia Inquirer* 7/4/91).

NANCY MARCUS NEWMAN has joined the firm Astor, Weiss & Newman as an associate. Newman will practice matrimonial and family law in the Bala Cynwyd office.

LISA J. SOTTO and BRUCE SABER are engaged to be married. Sotto is an environmental lawyer in the New York office of Hunton & Williams, a Richmond law firm (*The New York Times* 2/23/92).

JENNIFER ROSATO, a Villanova Law School instructor, was featured in *The Philadelphia Inquirer*. Rosato coordinates a volunteer group called the Farmworkers Legal Education Project. The group informs Mexican farm workers, in Spanish, of their basic rights under the Constitution; few of the 10,000 local farm workers speak fluent English. (*The Philadelphia Inquirer* 11/12/91)

LL.M. FRANZ TEPPER, M.D., admitted to the New York Bar in '91, is currently a partner in the international law firm of Brandi Droegge Piltz & Heuer.

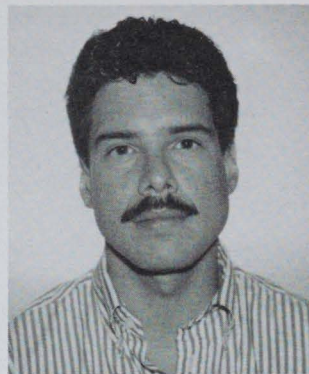
DAVID P. WOLICKI has joined the Boston firm Heller, Borreliz & Katz. Wolicki is an associate in the corporate, banking, and real-estate division of the firm.

'88

LL.M. RUI FERNANDO RAMOS ALVES has left the position of senior lawyer at Banco Chase Manhattan S.A. and has assumed the post of legal counsel of Banco ABC-Roma S.A., an association in Brazil of the Arab Banking Corporation and the Roberto Marinho Group. The latter is the controlling shareholder of the Rede Globo, the first Brazilian TV Network and the fourth largest in the world.

CURTIS LLOYD GOLKOW and MICHELE BERMAN GOLKOW announce the birth of their daughter, Shayna Beth, on March 28, 1992.

J. DAVID WALDMAN joined the legal department of New York-based Sony Music Entertainment Inc. as counsel. Waldman previously led a career as a pedal steel guitar player. He played regularly with country music stars George Jones and Johnny Rodriguez and on occasion with Willie Nelson, Waylon Jennings, Tammy Wynette, and Dolly Parton (*The American Lawyer*, December 1991).



Steven
Carbo '90

Steven Carbo wants everyone to know that public interest law is alive! Steve — Penn Law '90 — a legislative attorney for the Mexican-American Legal Defense and Educational Fund, is testament to the fact that public interest law is a satisfying alternative to private practice. From his position in our nation's capital, he litigates Civil Rights issues affecting Mexican-Americans in the areas of education, employment, political access, immigration, and language rights.

Steve enrolled at Penn Law with strong empathy for public interest concerns. After receiving a degree in Political Science from Penn in 1980, he worked for the Philadelphia Department of Human Services, and was a member of the Board of Directors for the Friends Neighborhood Guild, Inc. After leaving Penn Law, Steve practiced public interest law at Bernabei & Katz, where he specialized in employment discrimination law.

The Mexican-American Legal Defense and Educational Fund is the beneficiary of his commitment to and expertise in civil rights law. Currently, Steve is working with other language minority groups such as Asians and Native Americans to reauthorize a bilingual provision of the Voting Rights Act, in order to ensure that limited English-speaking Americans are provided with bilingual ballots and any other necessary oral voting assistance.

Additionally, he is lobbying the Department of Education to maintain its current interpretation of Title VI, so that government programs that help raise the level of minority representation in higher education will not be banned.

Steve fights these tough battles with assistance from Penn. With aid from the Loan Assistance Repayment Program, he is not afraid to work in a field that traditionally pays less than private organizations. After developing a payment arrangement with administrators at the Law School, Steve will receive contributions toward payment of his law school loans. If he leaves public interest practice before three years, Steve must repay the contributions he received from Penn Law. But if he works for longer than three years, Penn will forgive 30% of its contributions to Steve's loans. If Steve stays in eligible employment for five years, 100% of Penn's contribution will be forgiven.

Steve and many other graduates appreciate Penn's commitment to public interest law. But, most of all, Steve is enjoying his legal work as an advocate of civic involvement.

—Aaron Easley '94

'89

ALAN J. SCHAEFFER joined Preston Gates Ellis & Rouvelas Meeds as an associate.

REV. MARTIN R. BARTEL has been named acting provost of Saint Vincent College. As provost, Fr. Martin is the principal administrator for the college. In addition, as a Certified Public Accountant, Fr. Martin has served as a staff auditor at Ernst and Young, and as assistant controller and assistant treasurer at the College.

ALAN J. OMINSKY, M.D., a trial attorney with the Philadelphia and Montgomery County-based law firm, Bernstein, Bernstein & Harrison, recently authored a chapter on "The Law and Anesthesia Practice" for the eighth edition of the field's most widely used textbook, *Introduction to Anesthesia*. The textbook is published by W.B. Saunders, medical division of Harcourt Brace Jovanovich Inc.

'90

LL.M. DIMITRY AFANASIEV, Russian native and corporate associate in East-West joint ventures at Wolf, Block, Schorr and Solis-Cohen, worked with the FBI and Russia's Agency of Federal Security to spring an Australian couple from the clutches of Russian extortionists. With Afanasiev's help, Russian police captured the alledged kidnappers on

January 16 and freed the Australians (*American Lawyer*, March 1992).

MATTHEW M. GETTER has joined the Chicago firm of McDermott, Will and Emery.

DIANA L. GLASBERG and DANIEL L. SUSSMAN announce their engagement. Glasberg is an associate at the New York law firm of Willkie Farr & Gallagher and Sussman has a master's degree in public policy from the University, where he is a candidate for a law degree.

STACY JARETT LEVITAN joined Schnader, Harrison, Segal & Lewis' litigation department in the Philadelphia office after a clerkship with the Hon. James McGirr Kelly of the U.S. District Court for the Eastern District of Pennsylvania.

CHRISTOPHER REBEL J. PACE, a law clerk to Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit, recently had an article published in the *Dickinson Law Review* entitled "The Art of War Under the Constitution." Pace will begin a clerkship with The Honorable Anthony M. Kennedy this year.

'91

STEPHANIE S. ABRUTYN joined the Washington firm of Baker & Hostetler as an associate.

ROSEMARY L. AUTH joined Montgomery, McCracken, Walker & Rhoads. Auth, a registered nurse, is an

associate in the health, education and nonprofit department.

IRENE A. CIROLLA is currently serving as clerk to The Honorable Philip Carchman '66, in the Superior Court of New Jersey.

HOWARD EISENBERG has joined Montgomery, McCracken, Walker & Rhoads. Eisenberg, a veterinarian in private practice before beginning his legal career, is an associate in the litigation department.

MARY ELLEN FITZGERALD joined Day, Berry & Howard as an associate in the litigation department of the firm's Boston office.

MARC H. KLEIN joined Thompson & Knight's Dallas office as an associate practicing in labor and employment law (*Texas Lawyer*, March 30, 1992).

STEVE MENDELSON has joined Schnader, Harrison, Segal & Lewis in the firm's intellectual property department as an associate. Prior to law school, Mendelsohn worked for seven years as an aerospace systems engineer with the General Electric Space Systems Division in Valley Forge.

STEPHANIE R. NIEMIERA joined the Boston firm of Rackemann, Sawyer & Brewster.

KATHLEEN B. O'NEILL has joined Schnader, Harrison, Segal & Lewis' litigation department as an associate.

BARRY L. REFSIN joined Schnader, Harrison, Segal & Lewis as an associate in the firm's litigation department.

JOSEPH H. SHAULSON is currently an attorney with the New York City law firm of Skadden, Arps, Slate, Meagher, and Flom.

IVONIA K. SLADE joined the litigation department of Schnader, Harrison, Segal & Lewis.

RAYMOND ADAM QUAGLIA has joined Ballard Spahr Andrews & Ingersoll as an associate in the Philadelphia office.

AMY E. WEIN joined the Philadelphia firm of Ballard Spahr Andrews & Ingersoll as an associate.

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