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Robert A. Gorman*

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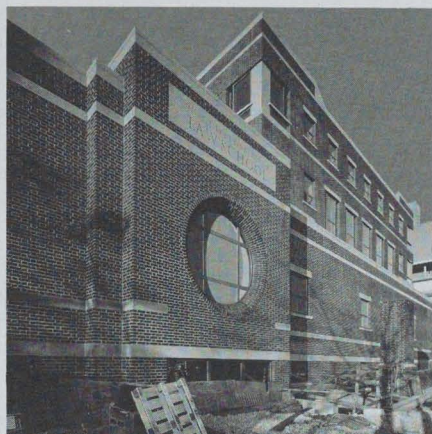
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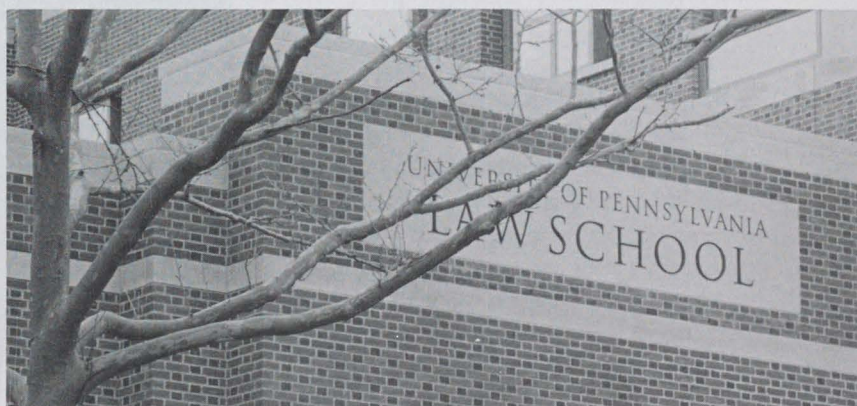


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The cover photograph is taken from Chestnut Street, to the north of Nicole E. Tanenbaum Hall.

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ALUMNI WEEKEND, MAY 15 AND 16, 1993

This fall's Annual Report of Giving will highlight the success of Alumni Weekend '93 with more photographs, details of the successful class fundraising efforts, and reports on the quinquennial Reunion celebrations.



ABOVE:

At the State of Penn Law Lunch on May 15, alumni gathered in the Great Hall for the Dean's Report and the Law Alumni Society elections. Sylvan M. Cohen '38 received the Society's Distinguished Service Award. Dean Diver announced the October 14, 1993 dedication of Nicole E. Tanenbaum Hall, and all those on hand expressed their great appreciation to Roberta and Myles H. Tanenbaum '57.

ABOVE RIGHT:

The Class of '43 celebrated its 50th Reunion in grand style with a dinner at the Union League in Philadelphia. Here, Law School Overseer William B. Johnson '43 looks on while Dean Diver welcomes class members.



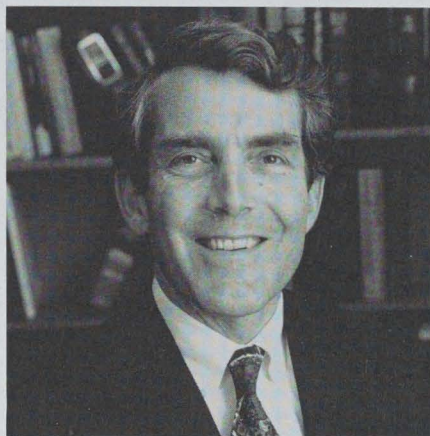
The Class of '53 enjoyed a lovely dinner in the gardens of the nation's first hospital.



Alumni admire the space and light of Nicole E. Tanenbaum Hall during tours on Saturday.

From the Dean

OF WATER BUFFALOES AND NEWSPAPER HEISTS



Dean Colin S. Diver

As just about everyone knows (unless they spent the last three months trekking in Nepal or rafting on the Orinoco), this hasn't been a peaceful spring at Penn.

First came the flap over the confiscation of the *Daily Pennsylvanian* by a group of black students angry at the newspaper's alleged racial bias. Then came the prosecution of a white freshman for shouting "shut up, you water buffalo" at a group of noisy black women.

The two incidents quickly became national symbols. Civil libertarians bewailed repression of speech. Conservatives clucked about political correctness. Minorities complained about institutional racism.

At least everyone agreed on one thing: Penn had made a mess of the entire business. In trying to walk the fine line between racial harmony and open expression, the University had lost sight of its fundamental mission: the search for knowledge. (Dare I say, in this secular world, the search for "truth"?)

The search for truth implies an

institutional atmosphere in which inquiry, expression, and debate receive the maximum encouragement and protection. Diversity, civility, harmony, respect, community — these are all terribly important values. But they are secondary to freedom of expression. If the value of free expression conflicts with the value of harmony or diversity, free expression should prevail. Period.

That, unfortunately is not the message that the University sent in its recent actions. Following the *DP* confiscation, President Hackney issued a statement lamenting the "conflict" between "diversity" and "open expression," and insisting that the University take action to "narrow the differences" between the two.

The "water buffalo" prosecution sent an even more troubling message about the relative weight the University gives to freedom of expression. However noble the purpose of Penn's "racial harassment" policy, its use to prosecute Eden Jacobowitz for yelling "water buffalo" illustrates, as dramatically as imaginable, the dangers of censorship. It is simply impossible to define with sufficient clarity the boundary line between "good" speech and "bad" speech. "Hate speech" codes thus frequently degenerate into either hollow promises of an elusive "civility" or instruments for the imposition of an official orthodoxy.

The other problem with speech codes is that they escalate, rather than dampen, conflict. By wheeling in its disciplinary machinery, the University transformed a fleeting dispute on a wintry night into a protracted public brawl.

As students of the Constitution,

Law faculty have a special obligation to defend freedom of expression, and I am proud to say that many of my colleagues have played that role in these cases. When the racial harassment policy was being reviewed two years ago, I and several of my colleagues forcefully pointed out the inherent threat that it posed to freedom of inquiry. Likewise, several of us urged the Administration to dismiss the Jacobowitz prosecution, not only as a misinterpretation of the existing policy, but because of the chilling message it would send throughout the community. Two members of the Law faculty participated directly in the defense of the case before it was finally withdrawn.

The Law faculty's most emphatic and visible statement, however, came in the form of an open letter sent to Sheldon Hackney and widely reported in the press. In that letter fifteen of my colleagues joined me in publicly criticizing the Administration's equivocal response to the *DP* confiscation:

Removal of the newspapers struck at the heart of the most fundamental diversity which the University should foster — diversity of thought, views and expression. It may well be that the University has not done all that should be done to promote racial diversity. That must occupy a high place on the continuing agenda. But we deserve democratic values if, in our efforts to promote that diversity, we chill diversity of expression.

The events of the past spring remind us forcefully how fragile is the value of open expression and how vigilant all of us must be, especially those of us on law faculties, in its defense.

Symposium

APPOINTMENTS

Faculty Comings and Goings

The Law School's Appointments Committee is pleased to announce that four outstanding scholars and practitioners are joining the faculty.

Jacques deLisle graduated summa cum laude and Phi Beta Kappa from Princeton University in 1982 and magna cum laude from Harvard Law School in 1990. At Harvard, he won the Sears Prize, awarded to the two best students in the second year class. He is also working on his Ph.D. in the Harvard Government department, completing a dissertation on political reform and economic reform in post-Mao China. He has received a variety of highly competitive scholarships. After Law School, deLisle clerked for Judge Stephen Breyer of the First Circuit Court of Appeals, and is now an Attorney Adviser at the Office of Legal Counsel in the Department of Justice.

His primary teaching and scholarly interests are in international law, international economic development, comparative law, human rights, and administrative law. The Law School welcomes deLisle as Assistant Professor of Law.

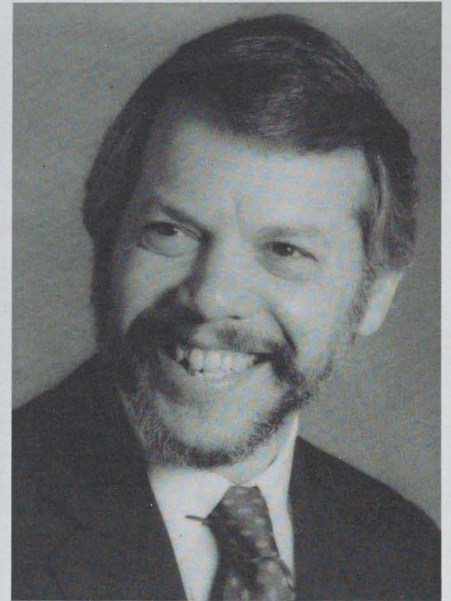
The Law School also welcomes Sarah Barringer Gordon to its faculty as Assistant Professor of Law. Gordon graduated from Vassar College at the top of her class, winning the Phi Beta Kappa and DeGolier Prizes. She later received an M.A.R. in ethics from the Yale Divinity School, and a J.D. from the Yale Law School, where she served as an

editor of the *Yale Law Journal* and as Chair of the Yale Moot Court of Appeals. After law school, Gordon clerked for Judge Arlin M. Adams '47 on the Third Circuit Court of Appeals, and later worked at Fine, Kaplan & Black in Philadelphia. She is currently completing a Ph.D. in history at Princeton University.

Gordon has published a student note on religious freedom, authored two chapters in Lea Brilmayer's *Jurisdiction* book, and co-authored an article with Judge Adams on the Religion clauses. The Law School and Gordon look forward to her developing interest in teaching American legal history, contracts, women and the law, First Amendment, and church/state relations.

Eric Posner, a summa cum laude graduate of Yale University with an M.A. in philosophy from Yale and a J.D. from Harvard, joins the faculty as Assistant Professor of Law. Posner has had a distinguished academic career to date, receiving the Wrexham Prize at Yale for the best senior essay in the humanities, the John Spengler Nicholas Cup for the highest scholarship in Trumbull Residential College while at Yale, and the John M. Olin Prize for Scholarship in Law and Economics at Harvard. After clerking for Judge Steven Williams on the D.C. Circuit, he joined the Office of Legal Counsel in the Department of Justice as an Attorney Adviser.

At the Law School, Posner looks forward to teaching contracts and commercial law. The Law School looks forward to Posner's development as an outstanding and rigorous legal scholar and teacher.



Alan Lerner '65

Last year, the University authorized the Law School to expand the number of Clinical Practice Professorships. The Law School is pleased to announce that Alan Lerner '65 has been named to the first of these professorships. Lerner, a partner at Cohen, Shapiro, Polisher, Shiekman and Cohen, has developed a regional reputation as an extraordinarily capable litigator. In the words of the Clinical Faculty Search Committee, Lerner is "respected for the high quality of his writing, the sophistication of his analytic skills, and the effectiveness of his courtroom style." The Law School looks forward to Lerner's development of the clinical curriculum and of the program's administration.



Justice Anthony M. Kennedy addresses LL.M. students at the United States Supreme Court during their annual visit to Washington, D.C.

On June 2, 1993, following five weeks of mounting controversy, President Clinton withdrew the nomination of Professor Lani Guinier to head the Justice Department's Civil Rights Division.

The controversy over Guinier's nomination focused on her written views about the Voting Rights Act (for a sample, see the February 1993 issue of the *Journal* at pp. 14-17). In the weeks following her nomination, a growing chorus of political conservatives and moderates attacked her views as "out of the mainstream."

Supporters of Professor Guinier expressed dismay that the President succumbed to the pressure from her critics without giving her an opportunity to defend her views publicly before the Senate. Dean Diver called the withdrawal a "tragedy and a travesty," and many colleagues criticized the media for reporting a "caricature" of her writings.

Throughout the controversy, Guinier conducted herself with grace and dignity. While saddened at the withdrawal of her nomination, her colleagues and students welcome her back to the Law School next fall with pride and enthusiasm.

The Honorable A. Leon Higginbotham, Jr. has decided to accept a position on the faculty of Harvard University. Judge Higginbotham, after a long affiliation with the Law School, has been named Professor in the Kennedy School of Government, with joint appointments in the Law School and the Faculty of Arts and Sciences.

In announcing the appointment, Dean Diver noted: "Needless to say, Penn and Philadelphia will miss Leon enormously. The Law School has been fortunate over the years to have him as a member of its adjunct faculty, a member of its Board of Overseers, and a friend and supporter. We will miss him."

The Law School held an appreciation luncheon last month for two long-time contributors to the curriculum and its development: Richard Lonsdorf and Edmund B. Spaeth, Jr. Although both claim to seek "retirement" this year, both — to our good fortune — will be teaching at the Law School next academic year.

At the lunch, Stephen Morse, Ferdinand W. Hubbell Professor of Law, Dr. Peter Whybrow, Ruth Meltzer Professor and Chair of the Psychiatry Department, and Dr. Robert Sadoff, Clinical Professor of Psychiatry, paid tribute to Dr. Lonsdorf's many accomplishments as a faculty member at the Law School and the Medical School. Dr.

Lonsdorf will take status as Clinical Professor of Law and Psychiatry emeritus after years of affiliation with these departments. During his tenure, he has enthused hundreds of students with his challenging look at the juncture of law, ethics, psychiatry, and medicine. Despite his emeritus status, Dr. Lonsdorf will teach a course at the Law School during the 1993-94 school year.

Judge Spaeth has decided to retire as the Director of the Center on Professionalism. The Center, which he co-founded with other faculty members in 1986, has thrived under his leadership and vision, and today is recognized as a national leader in legal ethics education. Caroline Simon, Executive Director of the Center, Janet Perry, Program Director at the Center, and Howard Lesnick, Jefferson B. Fordham Professor of Law, all praised Judge Spaeth's accomplishments at the Center and in the classroom. Law students will continue to benefit from his thoughtful expertise in his course in professional responsibility next year.

Administration

After serving the Law School most admirably for ten years as Director of Development and, later, Assistant Dean for Development and Alumni Relations, Donald G. Myers resigned in February to accept the position of Assistant Vice President for Development at the University of Georgia in Athens. At a farewell party, Law School and Development staff all complimented Don on his fine leadership of fundraising efforts, culminating in the approaching — successful, by preliminary accounts — conclusion of the Five Year Campaign for Penn Law. Don promised to return to celebrate the dedication of the Law School's new building on October 14, a dedication he was instrumental in bringing about.

Peg Tannenbaum, Director of Annual Giving for seven years and promoted last year to Director of Development, serves as Acting Director of the Office while a search continues.

The Law School welcomes Alexandra Morigi as the new Director of Alumni Relations. Alex comes to the Law School from the University's School of Veterinary Medicine, where she was Director of Alumni Relations and of Annual Giving. Alex will work with the Law Alumni Society, Reunion Committees, and on alumni events in Philadelphia and around the country. "I look forward to meeting and working with you all. We're planning a number of alumni events for the upcoming year and we hope you will attend as many of these as possible! If you have any questions about the Law Alumni Society or ideas for alumni events, please call me at (215) 898-6303."

Lyn Davis, Assistant Dean for Career Planning and Placement, has decided to move on to new career challenges after twelve years at the Law School. Lyn joined CP&P in 1980 as Assistant Director to Helena Clark, and became Director in 1986 upon Helena's retirement. Under Lyn's leadership, the Office modernized its on-campus recruiting program (those of you who interviewed in hotel rooms will be pleased to know that this is a thing of the past), expanded its services, and moved through the hiring boom of the mid-'80s into the realism of the '90s while continuing to serve students. In announcing Lyn's decision, Dean Diver commended her on her years of dedicated service to many individual law students and to the Law School generally.

Jo-Ann Verrier '83, formerly Director of the Alumni Office and currently serving as Assistant Director in Career Planning & Placement, will serve as Acting Director while a search is conducted. Alumni are encouraged to continue their contact with Jo-Ann; pass on information about the job market and particularly about opportunities for Penn Law students and alumni. You can reach Jo-Ann at (215) 898-7493.



David Stern, NBA Commissioner, enjoying a conversation with Penn Law students after an Institute for Law & Economics lecture.

L ECTURES AND CONFERENCE

Institute for Law and Economics

The Institute for Law and Economics sponsored three impressive events at the Law School during the academic year. In October, the Institute invited Hon. Douglas H. Ginsburg of the United States Court of Appeals to present his views on the law and economics approach. Judge Ginsburg discussed non-price competition with a standing-room only crowd, and enjoyed a lunch with friends of the Institute after the event.

In March, the Institute brought David Stern, Commissioner of the National Basketball Association (see 1L student David Maryles' report, at page 14) to the Law School, and Room 100 was filled to capacity to hear Stern discuss his views on the importance of a legal education to running a sports league. In May, the Institute sponsored its final roundtable of the year, featuring Professor Michael Schill discussing "Distressed Public Housing: Where Do We Go From Here?"

For information about the Institute's programs for the 1993-94 academic year, please call Lee Kovacs at (215) 898-7719.

Inaugural Edward B. Shils Lecture

The first Edward B. Shils Lecture on Arbitration and Alternative Dispute Resolution featured Kenneth R. Feinberg at the Law School on April 1. Feinberg, a partner of Kaye, Scholer, Fierman, Hays & Handler in New York, served as special settlement master by appointment of the Court in many of the most celebrated mass tort class actions of recent years. Courts have utilized Feinberg's expertise in mediation and alternative dispute resolution in, among other cases, the Agent Orange product liability litigation, asbestos cases, and in DES litigation.

Feinberg's lecture, "Public Disputes and Private Deals: Avoiding the Litigation Explosion of the 1990s," initiated the Edward B. Shils Lecture series. The Shils Lecture is part of a program in Arbitration and Alternative Dispute Resolution created by friends, family, and colleagues of Dr. Shils, the George W. Taylor Professor Emeritus at the Wharton School, who holds both a J.D. (1986) and an LL.M. (1990) from the Law School. The Series, designed to bring to the University leading practitioners and scholars in the field of alternative dispute resolution, is part of the Edward B. Shils Chair in Arbitration and Alternative Dispute Resolution, which Dr. Shils

hopes will honor the memory of his late colleague, George Taylor.

The Series will continue next academic year as Roger Fisher, Professor Emeritus at the Harvard Law School presents the second Shils lecture. Watch for information next fall.

Gruss Lectures

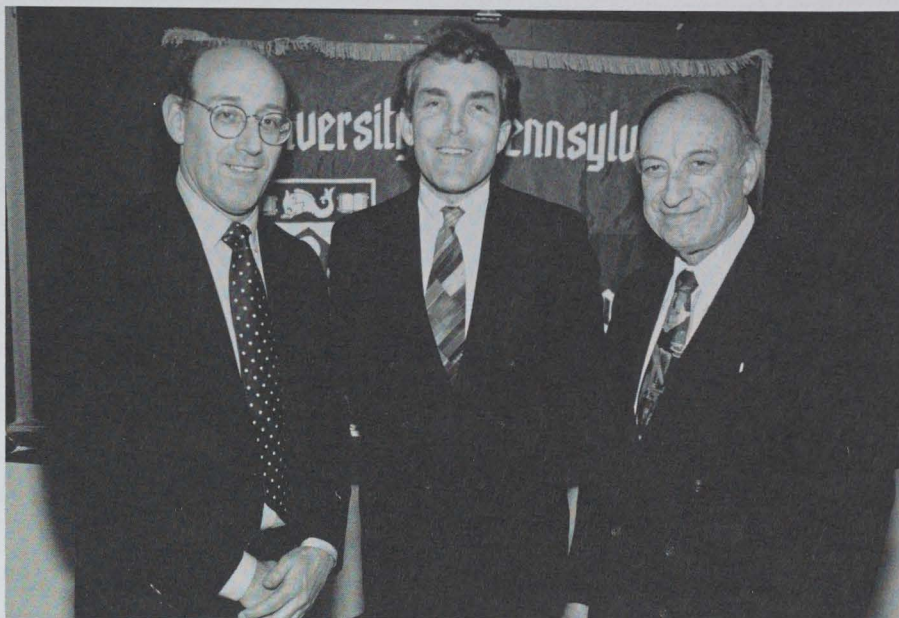
Professor J. David Bleich presented this year's Caroline Zelaznik Gruss & Joseph S. Gruss Lectures in Talmudic Civil Law. Dr. Bleich, the Herbert and Florence Tenzer Professor of Jewish Law and Ethics at Yeshiva University, is a renowned expert in Talmudic jurisprudence, ethics, and Jewish law. He presented three lectures: Capital Punishment in the Secular State on February 25; The New New York Get (Religious Divorce) Law on May 4; and Tissue Donations: Can They Be Compelled? on May 13.

Joseph Gruss, who funded the Chair in Talmudic Civil Law and a Talmudic Law collection in Biddle Law Library through a bequest from his wife Caroline's estate, explains the gift: "Talmudic civil law reflects the universal principles of justice and protection of the rights of the most vulnerable. It has played a substantial role in the development of the Judeo-Christian heritage that serves as a foundation of the common law."

If you are interested in receiving an invitation to next year's lectures, please call Rae DiBlasi at (215) 898-7484.

Chief Dennis Pashe

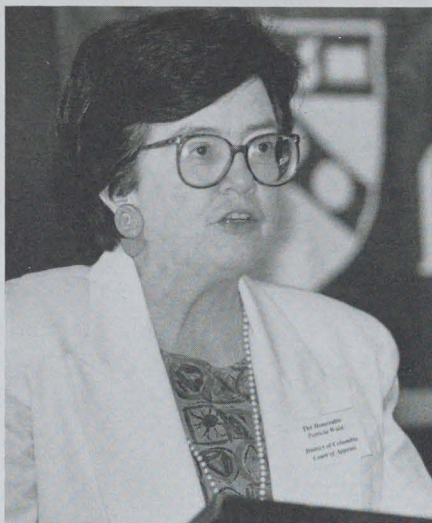
Dennis Pashe, Chief of the Dakota Tipi Reservation — a member of the Great Sioux Nation — visited the law school to discuss his views of self-determination of Indian people in Canada, the United States, and throughout the world. Carroll P. Hurd, Professor Heidi Hurd's father and legal counsel to the Dakota Tipi Reservation, accompanied Chief Pashe and joined the discussion with students of issues facing indigenous



Kenneth Feinberg, left, presented the first Shils Lecture at the Law School in April.



From left following the Shils Lecture: A. Leo Levin '42, Kenneth Feinberg, Esq., Dean Diver, Bernard G. Segal '31, and Edward Shils '86, LL.M. '90.



Honorable Patricia M. Wald presents the keynote address at the Tenth Annual Sparer Conference.

peoples throughout the world.

The Dakota Tipi Reservation sponsors several Public Interest Program placements for students at Penn, including projects focusing on boundary crossing issues, land allotment claims, treaty rights, and tribal justice issues.

Roberts Lecture

Professor Richard Rorty, University Professor of Humanities at the University of Virginia, presented this year's annual Owen J. Roberts Memorial Lecture. Professor Rorty, a member of the American Philosophical Association and the American Academy of Arts and Sciences, has authored many books, including *The Linguistic Turn, Philosophy and the Mirror of Nature, Consequences of Pragmatism*, and *Verite sans Pouvoir: la Philosophie sans Autorite*. His lecture, "Human Rights, Rationality and Sentimentality," will be published in a forthcoming edition of the *University of Pennsylvania Law Review*.

The Roberts Lecture Series is supported by an endowment from the law firm of Montgomery, McCracken, Walker and Rhoads, and is sponsored with the Law School by the Pennsylvania Chapter of the Order of the Coif and the Law Alumni Society.

10th Annual Edward V. Sparer Conference

More than 100 people gathered at the Law School on March 27 for the 10th Annual Edward V. Sparer Conference. This year, law students interested in public service organized a conference looking at the delivery of legal services to the poor, "Legal Services: Confronting New Realities." Participants heard Hon. Patricia M. Wald of the District of Columbia Court of Appeals present the keynote address, and then selected from a variety of panels featuring legal service providers, academics, and social service providers.

The program, which is offered free of charge to all participants, is organized each year by law students in memory of Ed Sparer's lifetime of work. If you are interested in contributing to next year's conference, either with your financial aid or your expertise, please contact the Alumni Office.

BLSA Alumni Dinner

This year's annual Sadie T. M. Alexander '28 Alumni Dinner featured Professor Mary Frances Berry, Geraldine R. Segal Professor of History at the University.

BLSA members also published their Alumni Newsletter twice during the academic year. If you did not receive the newsletter, and want to be added to the mailing list, please send your address to BLSA in care of the Law School.

The Keedy Cup

This year, the Law School's Edwin R. Keedy Cup finals were well-argued and had the added benefit of humor as well. On January 28, 1993 a distinguished panel of judges, Hon. Alex Kozinsky of the United States Court of Appeals for the Ninth Circuit presiding, Hon. Morris S. Arnold of the United States Court of Appeals for the Eighth Circuit, and Hon. Jane R. Roth of the United States Court of Appeals for the Third Circuit, heard argument in *Church of the*

Lukumi Babalu Aye, Inc. and Ernesto Pichardo v. City of Hialeah.

Leslie J. Keyes '93 and John A. Nathanson '93, representing the petitioners, challenged the constitutionality of a Hialeah, Florida ordinance prohibiting the killing of animals for "sacrifice... ritual or ceremony." The petitioners argued that the ordinance violates the free exercise of religion clause of the First Amendment and the United States Supreme Court's interpretation of that clause in *Employment Division v. Smith*, 110 S. Ct. 1595 (1990). Seth M. Galanter '93 and Sean M. Halpin '93, for the respondent, contended that the ordinance regulates conduct, not belief, and is justified by compelling interests established under a strict scrutiny review.

Both teams had reserved time for rebuttal; one brave advocate asked the court if he should proceed. Judge Kozinsky noted that he wasn't required to use the rebuttal time, observing, "I've seen quite a few cases lost and none won on the basis of rebuttal." Needless to say, there was no rebuttal.

In announcing the Court's decision in favor of respondents, Judge Kozinsky complimented both teams on their excellent performances, saying that "both were outstanding in phrasing the problem in their briefs and in their performances as advocates." He added, "It was a very close case, with both teams' performances easily within the range of professional advocates."

The Law Alumni Society congratulates all of the Keedy Cup Finalists.

PUBLIC INTEREST WEEK

Students returned from spring break to one of the Law School's fullest weeks, Public Interest Week.

On Wednesday, the Public Service Program hosted its third annual Public Service Fair, inviting attorneys from more than 25 agencies, public interest groups, and government employers to discuss opportunities with 1L students for their public service work next year. Students sponsored a panel discussion that afternoon on "Integrating Community Service into Professional Life," featuring Andre Dennis, Chancellor of the Philadelphia Bar, and Marcia Olives Chavez '84.

Students also participated in a Federalist Society-sponsored panel discussion on the use of state-funded vouchers to support private school education featuring Clint Bullock, Director of Litigation for the Institute for Justice, and Professor Ralph Smith.

On Thursday, the Equal Justice Foundation held its annual auction to raise funds to support law students employed in public interest positions for the summer. Students raised more than \$3000 raffling donations by faculty, staff, and friends. This summer, EJF will fund 12 law students serving in public interest law placements.

PUBLIC SERVICE PROGRAM REPORT

This year, 462 Penn Law students each provided a minimum of 35 hours of legal assistance and service to the Philadelphia community and beyond. Students taught law, assisted attorneys in custody cases and prisoner rights cases, counselled victims of domestic abuse, assisted petitioners in bankruptcy, and more.

Thirty-three students taught law and coached mock trial teams in Philadelphia public schools, in a unique placement partnership between Temple Law School and Penn. Twenty-five students staffed a hotline providing

information and assistance to parents of disabled children seeking social security disability benefits — to which they are entitled following *Sullivan v. Zebley*, a landmark class action suit pursued by Jonathan Stein '67 and Community Legal Services of Philadelphia.

In an exciting development, five students (speaking five languages among them) initiated the Custody and Support Assistance Clinic, making a major contribution to the greatest area of unmet legal need in Philadelphia. Students, supervised by Community Legal Services attorneys, assist clients in pro se custody and child support matters. During the fall semester, the 15 students involved in this placement served 83 clients.

The Program continues to enjoy success, both in offering students challenging and meaningful placements and in meeting some of the great need for legal service providers in segments of our society. Judith Bernstein-Baker, Program Director, reports that supervisors this year had great praise for students' work. *Zebley* project coordinator Ethel June Sears wrote: "Each student proved to be knowledgeable regarding subject matter, concerned, efficient, and a source of comfort to the callers. Advocates found the students to be very informative and quick on the follow up in response to their requests. Claimants could not praise their performance enough in regard to their concern and timely advice."

If you are interested in having a student's assistance next year, or in learning more about the program, please contact Bernstein-Baker, at (215) 898-0459.

LAW JOURNAL NEWS

The *University of Pennsylvania Law Review* hosted a very successful symposium in January on The Paradox of Blackmail. Moderated by Professor Michael Moore and featuring federal jurists and faculty from national law schools — including Wendy Gordon '75 of Rutgers School of Law - Newark — the symposium permitted a full day's discussion of a range of issues in Blackmail. Professor Leo Katz's presentation, *Blackmail and Other Forms of Arm-Twisting*, is excerpted at page 25.

The *Comparative Labor Law Journal* hosted this year's colloquium of the International Club of Labor Law Journals. This annual meeting of journal staff from nine international journals, including the *Australian Journal of Labor Law*, *Arbeit und Recht*, *Japan Labor Bulletin*, *Lavoro e Diritto*, and *Travail et Emploi*, collaborated on a discussion of Models of Employee Representational Participation. The colloquium featured speakers from around the world, and included Professor Clyde Summers and Janice Bellace '74, Vice Dean of the Legal Studies division at Wharton.

The *Journal of International Business Law* awarded the Samuel F. Pryor, III '53 Prize to Richard M. Andrade for his comment, "The Parallel Importation of Unauthorized Genuine Goods: Analysis and Observations of the Gray Market." The Pryor Prize, awarded annually to the author of the best comment chosen for publication, was established in 1992 to honor Pryor, a long-time supporter of the *Journal*. Andrade's comment will appear in the *Journal's* Volume 14, Number 3.

Students continue their fundraising and are close to publishing the first edition of *Hybrid: A Journal of Law and Social Change*. This innovative, student-initiated journal will include scholarship exploring the law's impact on people's lives. For more information about *Hybrid*, how you can support students in their effort to fund the journal, or to learn about opportunities to publish your interdisciplinary and community-oriented work, please call (215) 222-8565.

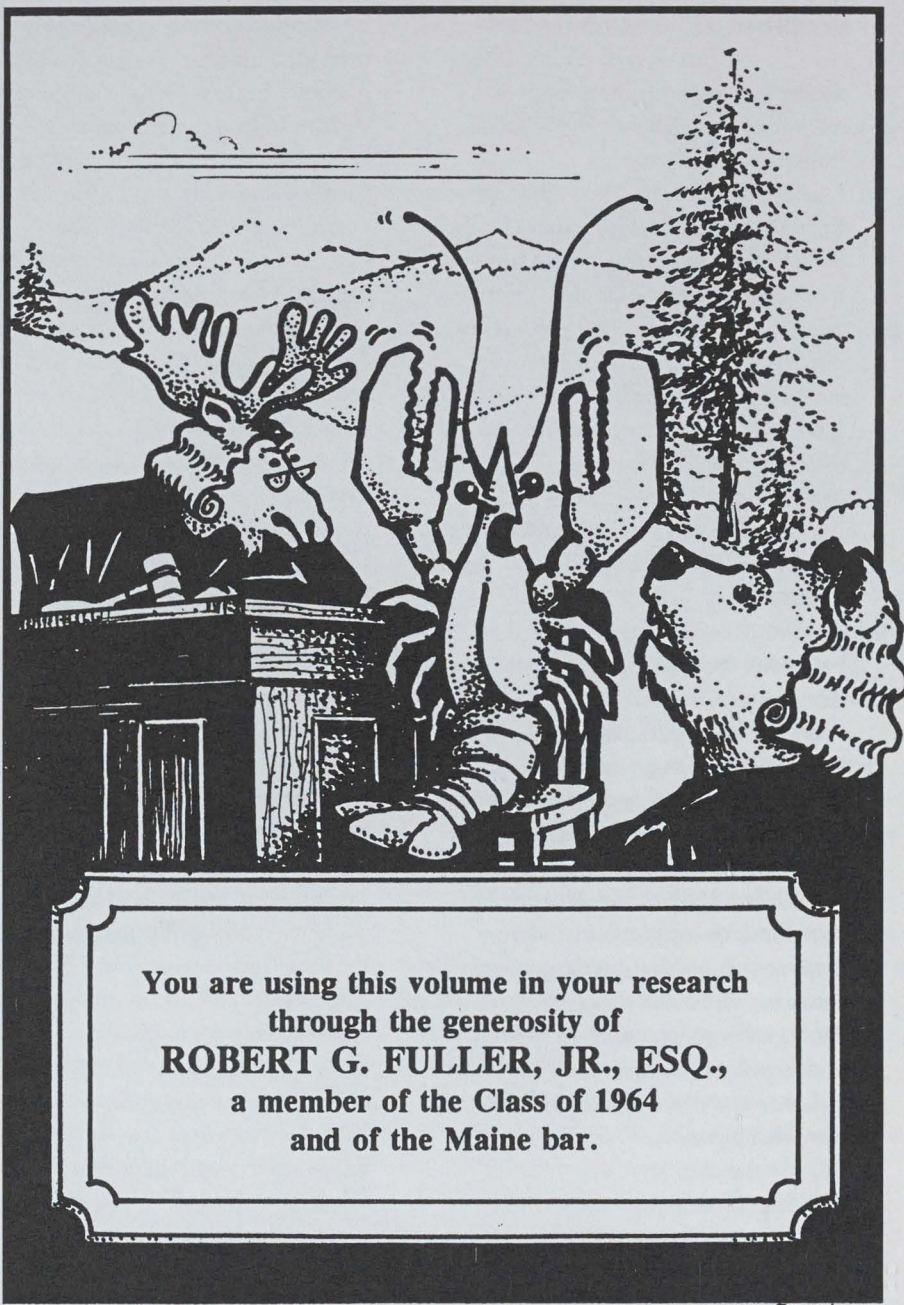
BIDDLE LAW LIBRARY NEWS

The Raymond Trent Collection on the Black Lawyer

For many years, Penn Law students and faculty, particularly students of color, have quietly valued the expertise of Raymond Trent, a senior clerk at Biddle with responsibility for book binding, on the African American experience. Trent has been collecting and making audiotapes on all aspects of the black experience in America and on a myriad of other subjects. In the mid-1980s, Biddle Library Director Elizabeth Slusser Kelly went to Trent to discuss his collection, and offered to house a segment detailing the experiences of the Black Lawyer in the United States. The Raymond Trent Collection on the Black Lawyer is now available in Biddle; the collection, primarily of audiotaped speeches, plays, presentations, and lectures, is consulted by scholars and students alike.

Last semester, during Black History Month, Temple University's student-run radio station, W-RTI, profiled Trent on its syndicated FM News Journal Hour. "Keeper of the Voice: The Story of Ray Trent" presented Trent's life story — how he became involved in audiotaping, how he focussed on the African American experience, where he gets his sense of passion for his collection. The documentary interviewed Cassandra Jones Havard '81, who first learned of Trent's accomplishments while in Law School, and Professor Kelly, who noted the unusual nature of Trent's dedication to his work, to other people, and to his collecting.

If you are interested in obtaining a copy (in audiotape, of course) of the documentary or in enjoying the Trent Collection, please call the Alumni Office at (215) 898-6303.



**You are using this volume in your research
through the generosity of
ROBERT G. FULLER, JR., ESQ.,
a member of the Class of 1964
and of the Maine bar.**

This personalized bookplate can be found in many books in Biddle's collection, donated through the generosity of Robert G. Fuller, Jr., '64. Your gift to Biddle can be memorialized in this or many other ways. For information, call Carol Weener at (215) 989-9438.



Former Dean Robert Mundheim visits with Japanese alumni during a recent trip. Our thanks to Akio Kawamuro LL.M. '86, lower left, for arranging the event.

ALUMNI ACTIVITIES

Alumni Speakers and Volunteers

Alumni volunteered their time and expertise to the benefit of several law student groups and administrative offices during the academic year.

Students learned about practice choices from several alumni who spoke with them through the Career Planning & Placement Forum Series Program. Alice Beck '84 of the Philadelphia Law Department, Timothy Malloy '86 of the Environmental Protection Agency, and Kenneth Trujillo '86 of the U.S. Attorney's Office led students in a discussion of their choice of governmental practice. Hector Gonzalez '88 of the New York District Attorney's Office spoke with students in March about life as a prosecutor.

George Edwards '74, Managing Director of Bell Atlantic Company's Mergers & Acquisitions division, addressed the International Law Society on Asia-Pacific Investment Opportunities in January. Jerome Apfel '54 spoke to students in the Law and Medicine

Society, as well as to interested staff and undergraduate students, about living will legislation. Karen Pushaw '81 spoke to students about her recent year-long residence in a care facility for the homeless.

The Clinic employed alumni to participate in simulation exercises in Negotiation and Depositions during the academic year. Thanks for this service go to: Marguerite Ayres '78, James A. J. Backstrom '76, Suzanne Bohannon '89, Richard Buchanan '89, Frances M. Fortuno '78, Neil Hamburg '80, Dexter Hamilton '87, Eric Hoffman '84, Sarah Kelly '85, Randi Kremer '91, Kimberly Lewis '83, Martha Lhamon '88, Steven Ludwig '83, Gerald McHugh '79, Steve Mendelsohn '91, Jeremy Mishkin '79, James Pabarue, Jr. '78, Aileen Schwartz '91, J. Denny Shupe '89, Brian Siegel '83, Jo-Ann Verrier '83, Elizabeth Weill '91.

Alumni are a most valuable resource for students, who invariably come away from these events with a greater appreciation of the opportunities open to them as members of the profession. If you are interested in volunteering your time and expertise, please call the Alumni Office at (215) 898-6303.

Alumni Events

In January, alumni gathered in New York City during the annual meeting of the New York Bar Association. Jerome Apfel '54, chair of the Law Alumni Society's Awards Committee, presented the Alumni Award of Merit to Samuel F. Pryor, III '53 and to Marvin Schwartz '49. Both Pryor and Schwartz are dedicated members of the Law School's Board of Overseers. In February, alumni in Boston joined colleagues in their city during the mid-year meeting of the American Bar Association. Professor Elizabeth Warren spoke to the group at a breakfast hosted by Paul F. Ware, Jr. '69.

Alumni in Pittsburgh welcomed the Society during the annual meeting of the Pennsylvania Bar Association in May; the Society presented the Alumni Award of Merit to S. Donald Wiley '53. The Society's final stop this year was in Washington, D.C. during the annual meeting of the American Law Institute. Outgoing Society President John F. DePodesta '69 received the Alumni Award of Merit in recognition of his outstanding leadership and service to the Society over the past two years.

Annual Giving Update

Law Annual Giving '92-'93 is slowly moving toward the goal of \$2 million. Gifts totalling \$1,402,792 have been received from 2,653 alumni and friends. The dollar total is ahead of last year, and we are cautiously optimistic about the achievement of the goal. Participation has increased this year by over 10% (300 donors) thanks in part to the help of law student callers. Shari Neier '95, Jane Benharbit '93, and Jeffrey Techentin '93 have been contacting alumni in their offices. Please ask the students about their experiences at Penn Law should you receive a call!



David Cohen '81, Chief of Staff to the Mayor of Philadelphia, joins Dean Diver and members of the Class of '95 for a casual lunch in the Roundtable Series.



Members of a first-year legal writing group get career advice from Betsy Cohen '66.

DEAN'S ROUNDTABLE SERIES

This academic year, Dean Diver initiated a program designed to bring first year students valuable information about the actual practice of law and utilization of the skills gained in legal study. Dean Diver invited each legal writing group of a dozen or so students to join him and an alumnus or alumna who spoke to the group informally about his or her work.

Our appreciation to the following alumni who shared their experiences with the 1L students:

IRVING R. SEGAL '38
Schnader, Harrison, Segal & Lewis
Philadelphia

MICHAEL J. ROTKO '63
United States Attorney for the Eastern
District of Pennsylvania

JOHN W. NIELDS, JR. '67
Howrey & Simon
Washington, D.C.

JANE LANG '70
Sprenger & Lang
Washington, D.C.

HON. SUE ROBINSON '78
United States District Court for the
District of Delaware

HON. ROXANA CANNON ARSHT '39
Retired Judge of the Family Court of
Delaware

SHERRIE RAIKEN SAVETT '73
Berger & Montague
Philadelphia

EDWARD S. G. DENNIS, JR., '73
Morgan, Lewis & Bockius
Philadelphia

JAMES H. AGGER '61
General Counsel
Air Products and Chemicals, Inc.
Allentown, PA

MARK M. WEINSTEIN '68
Senior Vice President and General
Counsel
Viacom International, Inc.
New York

BETSY Z. COHEN '66
Chairperson
Jefferson Bank
Philadelphia

CHARLES E. DORKEY III '73
Haythe and Curley
New York

DAVID L. COHEN '81
Chief of Staff to the Mayor of
Philadelphia

HON. CAROLYN ENGEL TEMIN '58
Court of Common Pleas of Philadelphia

HELEN PUDLIN '74
Vice President and General Counsel
Provident National Bank

RICHARD E. GRAY '69
Chairman
The Chariot Holdings Ltd.
New York

ALUMNI ASSIST IN
THE CENTER ON
PROFESSIONALISM'S
NATIONAL BROADCAST

On April 15, the Center on Professionalism took its innovative course in Ethics and Professionalism for the Practicing Lawyer "on the road" without ever leaving Philadelphia. Lawyers around the country seeking to satisfy Pennsylvania's continuing legal education requirement participated in a novel video presentation simulcast in fifty-four cities nationwide.

With ALI-ABA, the Center videotaped actual dramatized case studies and lively discussions by lawyers of the ethical questions raised in the dramatizations. On April 15, this videotape went out to the 54 national sites. Local commentators at each viewing location commented on the case studies and led discussion of questions from the audience. 1200 attorneys around the country attended the classes.

Alumni served as discussants at the original, taped classes and also as local commentators for the presentation in the identified cities. The Center and the Law School express their appreciation to the following alumni, without whom the Program would not have been a success:

Alumni Participating in Philadelphia for the Original Center Taping:

Eleanor W. Myers '75,
as a Discussion Leader
Thayer R. Adams '86
Michael M. Baylson '64
Henry Sill Bryans '71
Samuel Diamond '55
Cassandra Jones Havard '81
Alan M. Lerner '65
Arthur Makadon '67
John M. Myers '72
Gene E. K. Pratter '75
Michael L. Temin '57
Paul A. Wolkin '41

Participating as Local Commentators

Dr. Theodore M. Benditt '65,
Birmingham, AL
Stephen D. Berger '72, Lexington, KY
Robert T. Bowsher '73, Baton Rouge, LA
E. Barclay Cale, Jr. '62, Miami, FL
Walter W. Cohen '67, Harrisburg, PA
Steven S. Fox '85, Buffalo, NY
Donald G. Gavin '67, Annandale, VA
Oscar B. Goodman '64, Las Vegas, NE
Robert J. Guinness '82, St. Louis, MO
Barbara J. Holland '86, Philadelphia, PA
Lucinda E. Jesson '83, St. Paul, MN
J. Judge Kelley '84, Ann Arbor, MI
Richard L. Kornblith '77, Dallas, TX
Stephen M. Lowry '80, Los Angeles, CA
Rear Admiral James J. McHugh '54,
Sacramento, CA
Philip A. Miscimarra '82, Chicago, IL
Robert C. Ozer '67, Denver, CO
John F. Penrose '65, San Francisco, CA
Richard D. Rogovin '65, Columbus, OH
Marvin Schwartz '49, New York, NY
Henry A. Stein '65, Tampa, FL
Mark R. Sussman '77, West Hartford,
CT
Peggy B. Wachs '86, Philadelphia, PA
Toni G. Wolfman '75, Boston, MA

The Center's Programs are available on video-tape! For information on the Center's Programs or on purchase of the Center's materials, please call Caroline Simon at (215) 898-9812.



David Stern, far left, joins David Maryles '95, Dean Diver, and Professor Michael Wachter, Director of the Institute for Law and Economics.

NBA COMMISSIONER DAVID STERN VISITS PENN LAW

The only misstep David J. Stern, Commissioner of the National Basketball Association (NBA), made during his visit to Penn was not getting better highway directions for his trip down from New York. Over two hundred and fifty people filled Room 100 at the Law School for the much-anticipated event. The lecture, one in the Institute for Law and Economics Ronald Rubin Lecture Series, attracted students, faculty and others from various areas of the University and beyond to hear Stern discuss the important role his legal education has played in his successes at the NBA.

The information sheet provided by the NBA begins: "David J. Stern is a lifelong sports fan who believes he has the ideal job as Commissioner of the NBA." However, Stern explained that the fan in him has suffered at the expense of his business position — once a New York Knicks fan, Mr. Stern is now not allowed to favor any team. In fact, he claimed that the 1992 Summer Olympics proved most satisfying for this "fan" side, as he was able to support the "Dream

Team" (representing the U.S.A.) which was comprised of NBA players.

Stern received his B.A. from Rutgers University in 1963, and studied law at Columbia University, receiving an LL.B. in 1966. Thereafter, he spent twelve years at the New York firm Proskauer, Rose, Goetz and Mendelsohn. At that time, the firm served as counsel to the NBA, and Stern was fortunate enough to work on numerous NBA matters. A meteoric rise to partner at Proskauer preceded an enticing offer from the NBA to join their operation as general counsel — a role created with Stern in mind. There, he experienced continued success, culminating in early 1984 with his elevation to the commissionership.

On its face one might believe this ascent to be the handiwork of an individual with a master plan. While admitting that it would make a pleasant story, Mr. Stern does not claim to have constructed such an elaborate and calculated strategy. Despite modest assertions that "I just fell into it," Stern

has led the NBA to unprecedented success, popularity, and profitability. The NBA has become *the* model sports league, envied and emulated by its counterpart organizations in baseball, football, and hockey.

"Salary caps, collective bargaining agreements, court approved settlements with our players association, television negotiations, copyright issues, trademark protection, customs regulation, and immigration rules" are examples of the legal issues that Stern and his office of 400 people deal with on a regular basis as they attempt to fight their way through "a virtual regulatory thicket." In light of such an imposing assortment of legal topics, it's not surprising that he still considers himself first and foremost a lawyer. Moreover, it's even less astonishing to find out that many of his staff at the NBA, including those in non-legal positions, have law degrees.

Stern divulges his secret belief that "in choosing the correct options, my shooting percentage would be significantly lower if I did not have the legal training with which to make these difficult decisions in the sports context." Legal education has trained him to ask the right questions, to analyze projects and proposals with the strictest scrutiny. As he explained: "For those future lawyers here, whether you know it or not, you will acquire in law school, and it will remain with you, an extraordinary set of skills that I have found invaluable in the business world as a multitude of legal issues confront and even engulf us."

— David Maryles '95

Calendar

SUMMER & FALL 1993



AUGUST

Sunday, August 8, 1993
Law Alumni Society event in conjunction with the annual meeting of the American Bar Association.
New York City

SEPTEMBER

Tuesday, September 21, 1993
Annual Giving Kickoff

OCTOBER

Wednesday, October 6, 1993
LAS Board of Managers' Meeting
The Law School
5:30 pm.

Wednesday, October 13, 1993
Major Benefactors Dinner
Nicole E. Tanenbaum Hall
6:30 pm.

Thursday, October 14, 1993
Dedication of the New Building
See page 16 for details of the Celebration.

NOVEMBER

Tuesday, November 9 and Wednesday, November 10, 1993
Annual Giving Phonathon

Friday, November 12, 1993 (tentative)
The Law Alumni Society's Parents and Partners Day for members of the Class of 1996 and their families.

Tuesday, November 16, 1993
Key Alumni Dinner
New York

DECEMBER

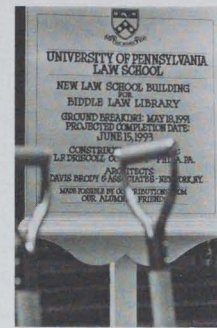
Tuesday, December 7, 1993
Law Alumni Society Luncheon in
Wilmington, Delaware

SPRING EVENTS

Dates to be announced

Shils Lecture: Roger Fisher
Gruss Lectures: Arnold Enker

For information on these and all Law School events, call Alexandra Morigi, Director, Alumni Office, at (215) 898-6303.



JOIN US FOR THE DEDICATION OF NICOLE E. TANENBAUM HALL



Nicole E. Tanenbaum

On October 14, 1993, the Law School will proudly dedicate its impressive new building, the Nicole E. Tanenbaum Hall. The new five-story structure features four stories of airy, light space for Biddle Law Library and offices for student services, including the Public Service Program, Career Planning & Placement, and the law journals.

The Law School recognized its need for improved physical space for the renowned Biddle Law Library, and contemporaneously recognized Myles H. Tanenbaum '57 as the alumnus with the energy and commitment to lead the effort to build for the future. Tanenbaum agreed to chair the Campaign for Penn Law, now well on its way to reaching the ambitious goal of \$52 million, because of his desire "to repay a debt to this truly great school."

The new building is to be named in memory of Nicole, the daughter of Roberta and Myles Tanenbaum. Nicole, a caring and loving young girl, died of complications from leukemia at age 16 in 1986. The Tanenbaums' decision to memorialize Nicole in this manner "seemed appropriate to us. Nicole was a gifted child, possessing both an inquiring mind and that certain something by which she seemed to make every day a happy one. This building will be a living testament, reinforcing in perpetuity our cultural heritage and thus celebrating individual achievement."

Plan to attend this momentous event in the Law School's history, as alumni and friends join faculty and students to celebrate the dedication and opening of Nicole E. Tanenbaum Hall.



By October of 1991, the dormitories were no more, and the ground cleared for the project. The fifth floor of Nicole E. Tanenbaum Hall provides a wonderful vantage point for viewing Philadelphia's new skyline over the rooftop of Lewis Hall.

Myles H. Tanenbaum, Class of '57, is a man of seemingly boundless energy, commitment, and generosity. In preparation for the naming of Nicole E. Tanenbaum Hall, we asked Myles where he gets this commitment and energy as he continues his work at the Law School, for his University, and on behalf of many other charities.

He referred us to his Kick-Off address to the University community in 1989, at the initiation of the University's Capital Campaign. Here, we reprint a portion of his remarks:



In May, 1992, steelworkers lifted the last beam and topped off the building. This view is taken from the west end of Sansom Street, looking east toward Lewis Hall.

“...When it comes to the ‘Penn experience,’ I believe my seven student years provide me with sufficient credentials. Reduced to the essence, the University’s role is to furnish the environment and the student’s burden is to make the most of it. When I speak of environment, I mean providing a faculty of committed educators, a curriculum whose content is challenging and meaningful; a student body that is awesome in its diversity and talent; broad-based activities that afford social, recreational, and educational opportunities; and facilities adequate to the task, situated in an urban campus setting that is both safe and attractive.

And each of these features have brought to us — you and me — the rewards for having accepted what Penn has offered...

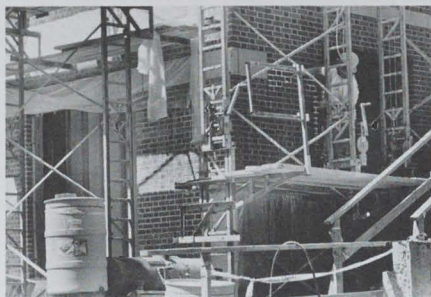
I entered Penn as a young, impressionable boy. And in the environment which Penn afforded, I learned much about myself and the world around me. One lesson — candidly, a most significant one — was furnished by a poem in my fraternity pledge handbook, and I would like to share it with you: It tells the tale of an old man walking down a roadway, who crosses a stream, camps on the other side and sets about to build a bridge. Another traveler, noticing the old man building the bridge, tells him he is wasting his strength building a bridge he will never again cross and urges him to walk on. The poem concludes:

*The builder lifted his old gray head —
“Good friend, in the path I have come,”
he said,
“There followeth after me today,
A youth whose feet must pass this way;
This chasm that has been naught to me
to that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim
Good friend, I am building this bridge
for him.”*

From the moment I read that poem as a freshman, I understood that each of us has the responsibility to build bridges for those who follow us. In my senior year, I chaired a project that my fraternity brothers and I pledged to accomplish, namely, to build a recreation room in the basement of our fraternity house. Doing so was an extremely exhilarating experience because we knew what it would mean to our “brothers” in the years to come. And in the years since, there were further opportunities to build bridges — and those of us in this room have left our marks in our travels through life.

The lesson is there and I believe that is why we are sharing this evening: It is our responsibility — perhaps even our need — to provide for those “fair-haired youth” who are following in our paths....

We owe something to Penn — you and I — and it delights me that you have signalled your willingness to repay, by committing yourselves to this Campaign.”



LEFT:

External brick work progressed over the summer; this photo shows August's progress. Architects selected brick to match the pattern and design of those used in Lewis Hall.

RIGHT:

October of 1992: the interior space is navigable. Here, Dean Diver gives a tour to the Board of Overseers.

PROGRAM
OF
EVENTS

*Dedication of
Nicole E. Tanenbaum Hall*

WEDNESDAY, OCTOBER 13, 1993

Major Benefactors Dinner
Black Tie
Nicole E. Tanenbaum Hall
7:00 p.m.

THURSDAY, OCTOBER 14, 1993

*Benjamin Franklin Society Champagne
Reception*
Location to be announced
3:30 p.m.

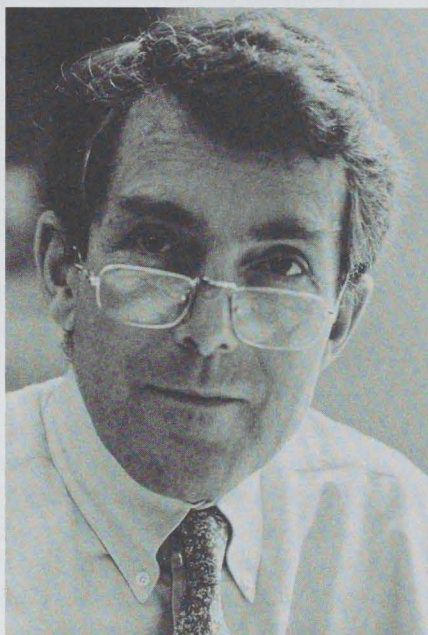
Convocation
Location to be announced
5:00 p.m.

Gala Open House
Nicole E. Tanenbaum Hall
Following Convocation



Master stone cutter Richard Grasby inscribes the stonework over the Law School's new main entrance in the south side of Nicole E. Tanenbaum Hall.

Faculty Excerpts



Dean Colin S. Diver

“HOMER PLESSY’S LEGACY”

Remarks by Dean Colin S. Diver
Hastie Award Luncheon, December 9, 1992

Last year, the NAACP Legal Defense and Educational Fund, Inc. presented the William H. Hastie Award to William H. Brown, III '55, in honor of his outstanding work as a litigator of discrimination cases and his philanthropic dedication. In this edition of the Journal, we include Mr. Brown in our profiles of five alumni whose efforts in civil rights have been outstanding during their careers (see pages 35 through 43).

The Legal Defense and Educational Fund chose Dean Diver as the principal speaker at the William H. Hastie Award Luncheon, where the Award was presented to Mr. Brown. Here, we reprint an excerpt of Dean Diver’s address.

It is a genuine honor to be here with you today. In particular, it is a great privilege to participate in honoring Bill Brown for his lifetime of devotion to the cause of civil rights. If you’ll permit me a word from my sponsor, I’m proud to note that Bill is a distinguished graduate of the University of Pennsylvania Law School. As, I might add, is Lani Guinier a distinguished member of its faculty, and Julius Chambers a distinguished former Overseer. They and many others in this room remind us of the close connection between the Penn Law School and the civil rights struggle. They all, by their careers, confer much more honor on the Law School than the Law School could ever confer on them.

It is also a very special privilege for me to participate in honoring the memory of Judge William Hastie. In the course of organizing my thoughts for today’s talk, I happened quite by chance — indeed while reading Judge Hastie’s biography — to discover that this year is the 100th anniversary of the event that triggered one of the most infamous decisions in American legal history, *Plessy v. Ferguson*. On that fateful day in June of 1882, Homer Adolph Plessy, who described himself as a fair-skinned man of seven-eighths Caucasian blood and one-eighth African blood, boarded an East Louisiana Railway train in New Orleans, bound for Covington. He sat in the coach restricted to whites. The conductor ordered him to move to the coach restricted to colored people. When he refused he was arrested, imprisoned, and prosecuted for violating a Louisiana statute requiring railways to provide “equal but separate” accommodations for the white and colored races and prohibiting a member of either race from sitting in a coach restricted to the other.

Homer Plessy challenged the Louisiana statute as a violation of the 13th and 14th Amendments to the Constitution. As you all know, the Supreme Court’s rejection of his appeal, four years later in 1896, laid the jurisprudential foundation for racial apartheid in post-emancipation America. Many of the people in this room, including most

particularly Bill Brown, Julius Chambers, Lani Guinier, and the ghost of William Hastie, devoted their professional lives to the destruction of that foundation, and its eradication from the face of American jurisprudence.

On this centennial of Homer Plessy's arrest in New Orleans, it seems appropriate to ask to what extent that task has been accomplished. The answer, as you all know better than I, is "partially."

As one rereads the Supreme Court's decision in *Plessy* through the lens of a century's hindsight, one can see, I think, both how far we have come and how far we have to go.

In the portion of the decision for which it is most remembered and most hated, the Supreme Court ruled that the Louisiana segregation law did not violate the Equal Protection Clause because the statute, by its terms, was evenhanded in its application. Whites were as much forbidden to ride with blacks as were blacks forbidden to ride with whites. Thus, said the Court, the statute did not single out blacks for unfair treatment. In his majority opinion, Justice Brown defended this position with these words:

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the [statute] but solely because the colored race chooses to put that construction upon it.

Charles Alan Wright once said of this passage that, of all the places in American legal history, it is perhaps here that the curves of callousness and stupidity intersected at their respective maxima. That is a memorable, ringing phrase. But, it seems to me, it grossly underestimates the problem. If callousness and stupidity were all that were wrong with the Court's decision, I dare say that the Supreme Court would have been cured of both long before 1954,

when it finally overruled *Plessy* in *Brown v. Board of Education*.

The problem with the Supreme Court's opinion in *Plessy*, it seems to me from this vantage point, was not stupidity but prescience, and not so much callousness as fear. I suspect that the *Plessy* majority understood the implications of striking down the Louisiana statute all too well. And the implications that they foresaw scared the living daylights out of them — the unleashing of civil unrest, outright resistance, sabotage, and widespread evasion; a federal judiciary drawn into bitter conflict with the political branches, repeatedly called upon to police the latest evasion, to close the latest loophole, in a seemingly endless struggle with racial animus.

In many respects, Justice Brown's majority opinion in *Plessy v. Ferguson* seems to me to be quite prophetic in its stated concern about the limits of legal compulsion and the difficulty of defining legal equality. Consider this famous passage:

The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended...to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either.

The [plaintiff's] argument assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition.

Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation.

If the two races are to meet on terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals.

If those words sound familiar, they should. They could easily have been written by several recent Presidents or Attorney Generals, many members of Congress, several members of the Supreme Court, to say nothing of lawyers, scholars, or journalists.

In a lonely dissent in *Plessy*, Justice Harlan strenuously disagreed with Justice Brown's two main arguments. He contemptuously dismissed the argument that the Louisiana statute is facially evenhanded. "Everyone knows," he said, "that the statute in question had its origin in the purpose, not so much to exclude white persons from railroad cars occupied by blacks, as to exclude colored people from coaches occupied by [whites]."

As to Justice Brown's argument about the impossibility of achieving social equality, Justice Harlan replied that social equality was simply not the issue. The purpose of the Fourteenth Amendment was to achieve legal equality, pure and simple, and legal equality required "color-blind" laws. "The Constitution of the United States," Harlan wrote, "does not...permit any public authority to know the race of those entitled to be protected in the enjoyment of [civil] rights."

For all his unquestionable courage and eloquence, Harlan seems far less attentive than Brown to the immense practical and political difficulties of achieving even legal equality among the races, to say nothing of social equality. In a world shaped by centuries of legally enforced slavery and apartheid, it doesn't take much sophistication to anticipate widespread and stubborn resistance. Nor does it take much sophistication to predict at least some of the many devices that would be used to evade judicial decrees and legislative commands to abolish legal segregation.

As we have seen during the past century, the forms in which racial discrimination receives state protection are many and varied. Those who wish to maintain white dominance have a vast reservoir of means at their disposal — explicit racial classifications; the use of markers, nonracial classification devices that systematically disadvantage a disfavored racial group; broad delegations of authority to administrators known to be of a safe political persuasion; delegation, by deregulation, to powerful actors with proper sympathies. And so it goes.

But the most serious problem for civil rights enforcement is not the wiliness and persistence of racists. It is, rather, the problem of backlash by racial moderates. As antidiscrimination enforcement extends into the farther reaches of social, political, and economic life, as it begins to generate more cumbersome affirmative obligations, it begins to challenge more and more actions either unaffected by racial animus or only weakly affected by it. More and more racial moderates, people of essentially good will on the racial question, find themselves forced to defend their actions against charges of racial bias or find themselves personally disadvantaged for reasons that they believe lack moral justification. As that happens, political support for civil rights enforcement inevitably erodes.

We have seen precisely that happen in the past two decades. Many of us have probably found ourselves in that very position. Perhaps it happened when what we thought was a fully justified personnel action was challenged for racial bias. Or perhaps it happened when we were passed over in applying for a job in favor of a minority applicant who seemed less competent. Or perhaps when a family member with strong quantitative credentials nonetheless failed to be admitted to a particular college. Or perhaps when the neighborhood school attended by a son or daughter was disrupted by a judicial desegregation decree.

It used to be said that a conservative was a liberal who got mugged. Now perhaps it should be said that a conservative is a liberal who got sued for discrimination. Among many whites of good will, and many minorities as well, the civil rights movement has lost its one-time capacity to command unquestioned moral support. It has been transformed in the hearts and minds of many from a moral crusade into so much regulatory red tape, from public-interest politics.

As we enter what we all hope and expect will be a new era of racial politics, the task set for those who lead the civil rights struggle is to recapture that moral certainty that so inspired William Hastie and Thurgood Marshall in the 1940s and 1950s and to rebuild the coalition that enacted the great civil rights legislation of the 1960s.

One part of that task is easy to describe: to continue the struggle against explicit and intentional racial exclusion in those backwaters of America where it still persists, even a century after *Plessy*. The racial supremacists may be wily and persistent; the racial egalitarians must simply be wiler and more persistent.

But the other part of the task is more difficult and important: to find ways to uplift the condition of people of color without appearing to diminish that of moderate whites. It seems to me that the way to accomplish that aim is to refocus the civil rights agenda, at least in significant part, on the problem of urban decay. Urban decay disproportionately impacts minorities in this society. And a thoroughgoing campaign to revitalize our cities — to make them safer, to clean them up, to create jobs and improve the infrastructure, to rebuild their educational systems — would arguably do more to uplift the condition of minorities than any policy I can think of.

But urban revival is not simply a minority issues. It is not a policy that needs to be viewed as pitting the races against each other in a zero-sum struggle for fixed resources of wealth and power. A strategy of reviving American cities is unquestionably a positive-sum, value-generating enterprise. Our cities today

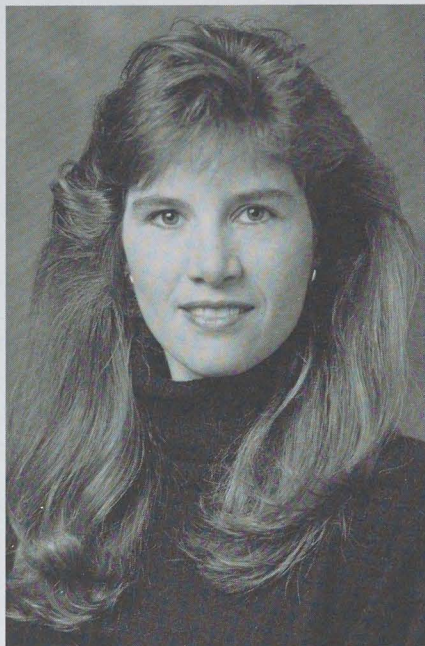
are vast sinkholes of public and private resources. Think of the resources wasted in essentially futile law enforcement and security, income transfers that perpetuate dependency, repetitive cycles of building and destruction and rebuilding. Turning our cities from wealth-destroying sinkholes into wealth-generating resources will benefit the entire society, while it clearly uplifts the disadvantaged so concentrated within them.

A century after the Supreme Court's catastrophically tragic decision to legitimize legal apartheid in America, Justice Brown's language haunts us still. His assertion that social equality cannot be legislated became a self-fulfilling prophesy. Perhaps it is still true. But I haven't lost my faith that social equality is still the only legitimate goal of this society. Without a sustained investment in restoring our cities, we cannot achieve social equality. Nor, in my view, can we achieve the goal of a truly color-blind Constitution that Homer Adolph Plessy sought to achieve, with such simple eloquence and courage, 100 years ago.

Thank you.

THE MORALITY OF JUDICIAL DISOBEDIENCE

by Heidi M. Hurd



Heidi Hurd

HEIDI HURD, Assistant Professor of Law, completed her Ph.D. in philosophy last academic year. In this article, she reviews civil disobedience and the morality of a judge's action when confronted with this disobedience. Clearly, the combination of Professor Hurd's philosophical and legal scholarship bring much to the discussion.

The thesis that an unjust law cannot compel obedience typically engenders schizophrenic sympathy. Many agree that citizens should not be thought to be obligated to obey laws that are, all things considered, unjust. But those who are willing to countenance, and indeed, to encourage civil disobedience of unjust laws often simultaneously condemn judicial disobedience of unjust laws.

Those who consider law asymmetrically obligatory argue that there are compelling moral reasons why judges and other officials charged with fulfilling the duties of our legal institutions ought

to obey and enforce unjust laws. These reasons, they argue, are role-relative; that is, they are reasons born of the unique institutional roles that these actors occupy. In most cases, these reasons are sufficiently weighty to tip the balance of reasons for official action in favor of obedience to the law, even when the law in question is quite unjust. Those who believe that morality is role-relative thus maintain that different actors have different justificatory perspectives, so that it may be right, all things considered, for a citizen to break the law, and right, all things considered, for a judge to punish her for so doing. Or it may be right, all things considered, for a judge to disobeyingly acquit a disobedient citizen, but also right, all things considered, for a system designer to punish the judge for his justified acquittal.

Consider, for example, the battered wife who cannot defend herself or her children from an abusing husband when he goes into a rage, and who has repeatedly but unsuccessfully attempted both to escape from the home and to have him removed from it. If she rightly believes that it is only a matter of time before her husband will kill her and her children, she may act rightly in breaking the law and killing her husband when he poses no imminent peril. Yet those who believe that morality is role-relative would argue that the judge who adjudicates her case has reasons for obedience to the law that she did not have, reasons that may make it right for him to abide by the decision rule that requires her punishment. And even if the judge acts rightly by disobeying the law and acquitting the justifiably disobedient battered wife, the system designer who is charged with protecting our system of

structural pluralism has reasons to enforce the law that the judge did not have, reasons that may make it right for her to punish the judge for official action that the judge was right to take.

Yet to the extent that private, judicial, and systemic actions are co-dependent, it is extraordinarily puzzling that the reasons for each might be thought to be different. To appreciate the puzzle, consider a simpler case of co-dependent actions. Suppose that Smith is threatened with imminent peril by a culpable aggressor. Smith has but two choices: to kill or be killed. Suppose that Jones sees Smith's peril but can intervene only in Smith's actions, not in those of the aggressor. She has but two choices: to prevent Smith from killing the aggressor, or to permit Smith to kill the aggressor. Similarly Green sees Smith's peril and sees that Jones is contemplating preventing Smith from killing his aggressor. Green also has but two choices: to prevent Jones from interfering with Smith's act of self-defense, or to permit that interference.

It would appear that in such a case the morality of each actor's choice reflects what I call "the correspondence thesis." The correspondence thesis asserts a metaethical claim about the justification of co-dependent actions. It holds that the justifiability of an action determines the justifiability of its prevention or permission. That is, it asserts that the same reasons that determine the justifiability of an act also determine the justifiability of acts that prevent or permit it, so that if an act is in fact morally justified, its prevention must be morally unjustified. The correspondence thesis is intuitively compelling because the same act cannot be simultaneously right and wrong, and hence, if the act is right it seemingly cannot be right to prevent it. Put differently, if an act is right, it must be the case that the act should occur, and hence, it must be wrong to prevent it.

It is crucial to recognize that the correspondence thesis is a thesis about the conditions of right action; it is not a thesis about the conditions of justified

belief that determine culpability. Two persons can be epistemically constrained in ways that require them to guess at the morality of their actions. And each can be epistemically justified in guessing that the right thing to do is to prevent the other's actions. Thus, both can act nonculpably in doing actions that thwart the actions of the other. The correspondence thesis holds, however, that only one of them can in fact be right in so acting. The other's actions, however nonculpable, must be wrong.

The correspondence thesis, as thus far stated, is a thesis about the justifiability of preventative and permissive acts. Yet it would also seem to be true of the justifiability of acts of punishment. After all, punishment conveys the judgment that an act is wrong, implying both that the person who performed the act should have acted otherwise and that future similarly-situated actors ought not to follow suit. If an actor acts rightly in disobeying the law it seems wrong to respond with punishment, for such punishment will prevent future similar acts that, by virtue of being right, ought to come about.

Yet application of the correspondence thesis to the punishment of disobedient acts appears to threaten fundamental institutional values. What would become of the rule of law if judges were to acquit citizens for violating laws that were unjust as applied to them? As Lon Fuller said, law is not law if it should be disregarded whenever it dictates results inferior to those achieved by individual judgment. And what would become of democracy and the separation of powers if judges were not disciplined for failing to enforce democratically-enacted, albeit unjust, laws? The powers are not kept separate and the majority does not rule itself when individual judges set aside democratic decisions in favor of their own private determinations, however right.

It is the values associated with the rule of law and structural pluralism that those persuaded of role-relative morality typically invoke when they argue that judges and system designers have unique reasons for obedience to the law. Yet notwithstanding the intuitive appeal of the claim that legal actors have special reasons to obey the law, both moral consequentialists and moral deontologists have good reasons to reject the concept of role-relative morality upon which this claim rests.

Consequentialists are committed to the thesis that an act is right if it produces more good consequences than bad, *all* consequences considered (including those consequences that cannot be reasonably foreseen and considered by the actor at the time of action). Thus, a citizen acts rightly in disobeying a law only if the good consequences produced by her disobedience outweigh the adverse systemic consequences that her disobedience triggers — including the adverse effects to the rule of law caused by her own acquittal and the adverse effects to democracy and the separation of powers caused by her judge's acquittal. Hence, while the institutional ramifications of her conduct are epistemically unavailable to the citizen at the time of her decision to act, they nevertheless enter into the balance of consequences that determines the rightness of that act.

Under a consequentialist theory, therefore, the disobedient citizen shares with the judge and system designer an identical set of reasons for action, for the consequences of their official actions are consequences of her private actions, and they thus enter into the calculus that determines the rightness of her disobedience. If the adverse consequences of the official actions triggered by her disobedience are outweighed by the beneficial consequences of her disobedience, the citizen's disobedience must be deemed right. And insofar as her punishment would then only prevent more right actions than wrong, her punishment must, on consequentialist grounds, be deemed wrong.

It is similarly implausible to think that deontologists would embrace a role-relative morality that would justify the punishment of the justified. According to deontologists, the morality of an act is a product not of its consequences, but of its conformity with maxims that impose obligations or grant permissions. While there is nothing conceptually confused about supposing that a deontological morality might require some actors to do what it requires others to prevent, such a morality would pit us against one another as moral gladiators, our moral success dependent upon others' moral failure.

There are, however, hard cases that often tempt deontologists to declare morality gladiatorial. Yet in each case there seem to be good grounds for thinking that the correspondence thesis should be preserved. Consider, for example, the case of a police officer who must shoot through an innocent human shield in order to defend herself against a culpable aggressor who is about to fire on her. Is this not a case in which the actors involved are genuine moral gladiators? For is not the police officer morally justified in shooting the innocent shield to save her own life? But is not the innocent shield simultaneously justified in shooting the police officer to save his life?

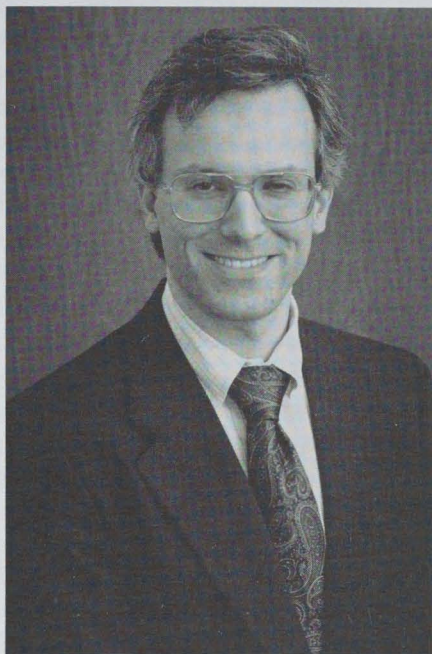
While this case suggests that deontological maxims might violate the correspondence thesis, deontologists could and plausibly would argue that morality does not contain a selfish tipping principle that allows persons to prefer their own innocent lives to the innocent lives of others. Hence, in the above case, the police officer does not act rightly in shooting at the human shield in order to save her own life. While deontologists would undoubtedly sympathize with her position were she to shoot, this would be a reason to excuse

her, but not to think her justified. Thus, even in a case in which it appears that the actors involved are true moral gladiators, deontologist could muster good reasons to argue that they are not.

This analysis suggests that while a deontological moral theory is not conceptually committed to the correspondence thesis, it would plausibly embrace it. As such, it would plausibly insist that when a citizen acts rightly in disobeying the law, a judge acts wrongly in punishing her. And when a judge acts rightly in acquitting a justifiably disobedient citizen, a system designer acts wrongly in condemning that disobedience. Hence, on both consequentialist and deontological grounds, it appears that we should accord justificatory parity to acts of civil and judicial disobedience.

A PUZZLE ABOUT PUNISHMENT

by Leo Katz



Leo Katz

In January, 1993, the University of Pennsylvania Law Review held a symposium on the so-called paradox of blackmail, contributions to which are appearing in its May issue. "A whole symposium about an exotic crime like blackmail?" asks LEO KATZ, in his introduction to the issue, "Why?" "Because," he responds "it has come to seem to [many of] us that one cannot think about coercion, contracts, consent, robbery, rape, unconstitutional conditions, nuclear deterrence, assumption of risk, the greater-includes-the-lesser arguments, plea bargains, settlements, sexual harassment, insider trading, bribery, domination, secrecy, privacy, law enforcement, utilitarianism and deontology without being tripped up repeatedly by the paradox of blackmail."

In the course of his own essay on the paradox of blackmail, Professor Katz explores a more general problem having to do with the peculiar role that a victim's preferences and attitudes play in the criminal law. It is his presentation of that problem, but not its solution, that we reprint below.

One night, Smithy, the burglar, breaks into the house of Bartleby. He finds very little of value. As he is about to leave, he discovers a safe, which he is unable, however, to open. Wielding a club, he wakes up Bartleby and asks him for the combination. But Bartleby refuses to tell him. "Look here," says the exasperated Smithy, "unless you tell me the combination, I am going to beat you to pulp." But Bartleby is adamant. "What's in that safe really isn't very valuable. Just some cheap family jewelry. But it has enormous sentimental value for me, having been passed through the generations for ages. I simply cannot give it up." But Smithy persists: "Tell me the combina-

tion, or I'll make you regret it." Bartleby quite sincerely replies: "Much as I fear physical violence, I'd rather you give me a savage beating than give up what's inside that safe." "As you wish," says Smithy, and proceeds to administer a fairly severe pummeling.

Another night, another burglar, let's call him Louie, breaks into Bartleby's house. Like Smithy, he finds very little of value. As he is about to leave, he too discovers Bartleby's safe, which he is as unable as Smithy to open. Wielding a club, he wakes up Bartleby and asks him for the combination, but Bartleby refuses to tell him. "Look here," says the exasperated Louie, "unless you tell me the combination, I am going to beat you to pulp." But Bartleby is adamant. "What's in that safe really isn't very valuable. Just some cheap family jewelry. But it has enormous sentimental value for me, having been passed through the generations for ages. I simply cannot give it up." But Louie persists: "Tell me the combination. Or I swear I'll make you regret it." Bartleby quite sincerely replies, "Much as I fear physical violence, I'd rather you give me a savage beating than give up what's inside that safe." "As you wish," says Louie, and is about to launch into the beating. But then his eyes fall on a slip of paper lying at Bartleby's bedside. He takes a closer look and realizes that this is the combination to the safe. He is about to open the safe, when Bartleby implores him: "Please. It's just like I said. I am really attached to those trinkets inside the safe. I really would rather you beat me to pulp than strip me of those trinkets." Louie remains unmoved, opens the safe, takes what he finds inside and makes off.

Both Smithy and Louie are caught. You are the judge. Which of them should you punish more harshly?

What the law would do is reasonably clear: punish Smithy, the batterer, worse than Louie, the thief. The batterer would probably be found guilty of aggravated robbery, the thief of simple robbery. But that could vary. What is unlikely to vary is the significantly graver treatment of batterers than thieves. But does that make sense?

Informal polling among my law school colleagues, as well as at a party of economists, suggests that it does not. What strikes most as the most plausible solution is the following: Ordinarily, someone who commits a serious battery is worse than someone who commits a theft, especially a relatively modest one. But that's because most victims prefer being stolen from to being battered. Not so in this bizarre case. This bizarre defendant, for very idiosyncratic reasons, preferred being battered to being stolen from. Smithy did what the victim preferred, Louie did not. Hence Smithy, the thief, is worse than Louie, the batterer.

There's a lot that could be said to fortify this argument. For instance, one could point to tort law and note that in a perfectly-run tort system, one that tried to obtain the most accurate possible measure of someone's loss, Bartleby would be entitled to more compensation from Louie than from Smithy, since he considered what Louie did to him worse than what Smithy did to him. Although the tort system is a little wary of recognizing excessively idiosyncratic tastes, by and large it tries to avoid discriminating against the eccentric, the thin skull, or — as Calabresi shows in his essay on the "reasonable" tort victim — the devoutly religious: A Christian Scientist woman whose pelvis has been shattered in an auto accident delays seeking medical care and renders her injury irreparable; a Catholic woman refuses to use contraception after a similarly serious injury to her pelvis and enters into a life-threatening pregnancy; a Jewish woman is stalled on a ski-lift, sitting next to a man, on

Sabbath, and seeks to escape her predicament by taking a disastrous leap to the ground. We deem all of these victims entitled to a full tort recovery, even though their idiosyncratic beliefs greatly exacerbated their injuries. Given all that, it would seem churlish to treat Bartleby's strong attachment to his heirlooms any differently.

The recent tendency to consult victim impact statements when deciding on the death penalty further supports this conclusion. Granted, victim impact statements are controversial inasmuch as they arguably ignore the most important victim, the deceased, and give a disproportionate role to collateral victims, his family. But the basic idea that victims need to be consulted in assessing harm and meting out suitable punishment seems intuitively sound — as well as consistent with the decision to punish the thief more harshly than the batterer, because that's how the victim perceived the acts.

But the most important point in favor of the preference-based view is probably this one: Harm is in the eye of the victim. The very conduct that is a crime or tort if done against the victim's wishes, is neither if it has his consent. If consented-to, the taking isn't theft, the intercourse isn't rape, the tackling isn't battery, even the killing may not be murder. The absence of consent seems like a crucial, a defining, attribute of harm. Excepting odd cases, like prostitution and drugs, what a victim wants cannot count as an injury. It seems to follow almost inexorably that even among bona fide harms, those the victim likes least are most harmful and those the victim can tolerate most are least harmful. At least it seems that way.

But consider some of the more oddball consequences of the preference-based view:

(1) A man is about to rape a woman. As he holds the knife to her throat, the woman declares: "I would

rather die than be violated." Thereupon the man kills her. Or: Defendant kidnaps Victim, intending to hold him for ransom. Defendant insists: "I would rather die than be used for ransom against my family." At trial the rape and kidnapping victims' attorneys argue: "Ordinarily murder is a more heinous offense than rape or kidnapping, indeed it is the only one that qualifies for the death penalty. In these cases, however, the victims preferred murder to rape or kidnapping. The defendants, heinous though their conduct was, did their victims a favor inasmuch as they killed rather than raped or kidnapped them. Therefore their penalty should be no more severe than would have been the case had they committed rape or kidnapping."

I take it the argument would not persuade.

It might be objected, though, that this example proves very little. We simply do not ordinarily take people's preferences for death into account. But my hunch is that it is not this circumstance which makes us resistant to the defense attorney's argument. Even if death cannot ordinarily be consented to, it does tend to diminish the guilt of the killer — assisting suicide or committing euthanasia seem less heinous to us than outright murder.

(2) Assume the same facts as above. But suppose that the rapist or the kidnapper, instead of killing their victims, proceed with the rape and the kidnapping. At trial, the prosecutor argues: "Ordinarily, the death penalty cannot be imposed in cases of rape or kidnapping. But this rape and this kidnapping, as far as these victims are concerned, were worse than murder, and the defendant knew this. Therefore, they should be treated with the same severity as a murder."

I take it, this argument would not persuade either.

(3) Suppose Louie had broken not into the house of Bartleby, but Bartholemea. All other facts remain the same. Bartholemea, like Bartleby, declares she would rather be beaten than

give up the family heirlooms inside her safe. Louie, seeing the combination to the safe on her nighttable, manages to open the safe and to make off with the jewelry without ever laying a hand on Bartholemea. Louie presumably should be treated just as he would be if he had broken into Bartleby's house. Yet by punishing Louie more severely than Smithy we are now asserting that the theft from Bartholemea was worse than the battery of Bartleby. But the only thing of which we can be at all confident is that both Bartleby and Bartholemea judge thefts of family jewelry to be worse than batteries. We have no basis for thinking that the battery of Bartleby is less painful to him than the theft from Bartholemea is painful to her. For that sort of interpersonal comparison we have been given absolutely no data.

(4) Suppose Smithy had never been given a choice between battery and theft. Upon not finding any valuables in Bartleby's house, he simply bursts into his bedroom and administers the beating. It is clear, however, that if he had noticed the safe, Bartleby would have pleaded with him to beat him rather than steal the contents of the safe. If this comes out during the trial, the preference-based view suggests that we let the defense attorney argue that since the victim in fact preferred what the defendant did to something we would count as a lesser crime, the defendant should only be punished at the level of that lesser crime. Indeed it doesn't really seem to matter whether Bartleby's house

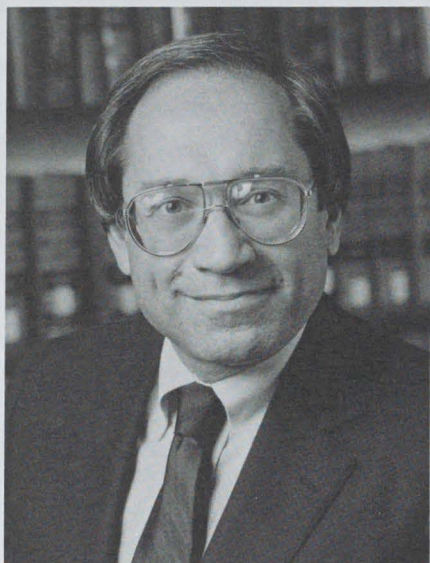
actually has such a safe in it. The mere fact that the defense-attorney is able to point out that he could envision circumstances under which the victim would have preferred what the defendant did to something else which would have rated a lesser penalty, should entitle the defendant to be punished no more harshly than for that lesser crime. All this is suggested by the preference-based view and it seems absurd.

If the preference-based approach generates such absurd-sounding consequences, it must contain some logical flaw. But what is that flaw?

Those determined to read my answer to this question will find it in the May issue of the *University of Pennsylvania Law Review*.

Docket

ABA REACREDITATION AND CURRICULAR DEVELOPMENTS



Associate Dean Robert A. Gorman

As Dean Diver reported in these pages and in his annual letter to alumni, the Law School served as host to the ABA/AALS site evaluation team last semester as part of the routine process of reaccreditation. The team's report has been filed with the Accreditation Committee of the ABA's Section on Legal Education and with the Executive Committee of the Association of American Law Schools. Those groups are currently considering the report, and will communicate their comments to the Dean.

The preliminary report spoke of the many good things at the Law School — its sense of community, its productive faculty, its enthusiastic student body, and, of course, the addition of our new physical facility. Here, we review the ABA/AALS recommendations with Associate Dean Robert A. Gorman, and also get from Dean Gorman an update on the Law School's curriculum for the coming year.

Every seven years, a law school accredited by the American Bar Association and the Association of American Law Schools undertakes a review process as part of the ABA/AALS reassessment of the school's accreditation. At Penn, the faculty began to prepare for our reaccreditation by completing a self-study, outlining in depth the Law School's needs, aspirations, and goals. The ABA/AALS team selected to inspect the Law School reviewed the self-study, visited the Law School for three days last semester, and made recommendations on how the Law School might best achieve its goals.

Dean Gorman comments on the evaluation team's report: "The bottom line conclusion of the ABA/AALS site

evaluation team is that this continues to be an outstanding law school, with a very productive scholarly faculty. The Law School faculty's teaching also rated very highly. The team favorably commented on the extremely complimentary reports of students, whose attitude toward and appreciation of the Law School is very positive. The report also praised the Law School's environment: its sense of community and the positive interaction among students and between faculty and students."

The Law School's response to the major concern identified seven years ago in that reaccreditation round also received commendation. At that time, the ABA/AALS remarked unfavorably on the Law School's need for improved physical facilities, particularly for Biddle Law Library. "This time, the evaluation team was very enthusiastic about the new building, and noted that we'll have a state-of-the-art library, which will serve us well into the 21st Century."

Nonetheless, the team did have some concerns, which echoed concerns raised in the Law School's self study. The evaluator's major concern this year was the size of our faculty. "We had identified in the self-study, and the inspection team confirmed, that our faculty is much too small for a school of this quality and size, with aspirations to cover the breadth of the corpus juris. This has an impact on our curriculum: from year to year, we are forced to staff too many courses with adjuncts and visiting professors."

The team also expressed some concern that the Law School's financial

aid program is not as well funded as it should be. Gorman notes: "This has adverse consequences in trying to attract applicants, who get better financial aid treatment from some competitor law schools."

To address the ABA/AALS team's concerns on this go-round seems simple enough: expanded resources for faculty development and financial aid. Of course, this pat response defies our bottom line, particularly with Tanenbaum Hall coming on line, bringing operating expenses to a new high. Seven years ago, then-Dean Mundheim took to alumni his plan to address the ABA/AALS concerns at that time with a new building. Alumni have responded generously, and the building construction is well on its way to being funded. This response has been echoed in all areas of the Campaign for Penn Law, which includes funding for faculty chairs and faculty research and development. The generosity of alumni and friends speaks well for the future, for as Dean Gorman notes: "Dean Diver has been making vigorous efforts to ensure that the University treats us fairly in underwriting the Law School's expense. There have to be sources external to the University to contribute to the financial strength of our program."

As part of its strategy for responding to these concerns, the Law School's faculty has voted to incrementally increase the size of the incoming class to a maximum of 270 students. For the Class of 1996, entering the Law School this September, the enrollment goal is 240, ten students greater than our current enrollment for the first year class. Dean Gorman outlines the faculty's plan to deal with the increase in an advantageous fashion: "The faculty has decided to break out of the two section mold that has dominated the 1L program at the Law School for decades, and move to three sections of all required 1L courses. We will then, for the first time in my 30 years here at the Law School, introduce a small group program in the first year — every 1L student will have one required class in a group of 40-45 as opposed to 110. This creates two benefits. First, we'll

be affording every 1L student the opportunity to learn and participate in classroom discussion in a somewhat less forbidding forum than the large classroom, providing the opportunity to know classmates and faculty better. And at the same time we'll provide the opportunity for faculty members to vary their pedagogical approach and use a variety of different kinds of exercises or teaching formats in their classroom."

The first year curriculum has also changed in that the two-week program in professional responsibility, given for the last five or six years between fall and spring semesters, has been dropped. "We've determined that the subject matter is better taught in the standard format across the full semester (or at least for longer than two weeks!). We've returned the requirement to take a professional responsibility offering to the upper level curriculum."

And what other developments are there in that upper level curriculum? Dean Gorman had several observations: "As I put together the course schedule for 1993-94, I noticed the increasing internationalization of the curriculum, particularly with the addition to our faculty of Jacques deLisle (see page 4). DeLisle will be teaching courses on the law of the Far East, particularly China, and in public international law, adding to the offerings of Bill Ewald and Fritz Kubler. Even beyond this expertise, I see an incrementally increasing interest on the part of our faculty as a whole in including international issues and comparative issues in their courses. Next year, we'll have seminars dealing with international subjects as diverse as human rights, sales transactions, employment law, and corporate law."

"We're also capitalizing on our strength in jurisprudence. We have a number of courses being taught on legal philosophy, by Michael Moore, Leo Katz, Heidi Hurd, Bill Ewald, Stephen Morse, and others. In an exciting development for the future, our faculty has just approved the creation of a joint J.D./Ph.D. program in Philosophy. In the coming year, we'll have two additional courses in jurisprudence taught by

visiting faculty: a seminar on feminist theories of law, and a course on women and the criminal law."

"Our clinical program is also in a state of transition. Last year, the University authorized the Law School to appoint more Practice Professors. With the appointment this year of Alan Lerner '65 to one of the new positions, we have already begun to reshape and redirect the clinical program."

"The Law School will be using a substantial number of adjuncts, including a good number of alumni, next year, in precisely the way that they are most useful to any law school. They will be teaching traditional skills courses such as trial and appellate advocacy. In addition, there will be an increased number of courses on transactional planning issues, in corporations, commercial law, and estates. Adjuncts will also provide students the opportunity to keep pace with a number of newly developing areas, eg., environmental law, AIDS and the law, and — my personal favorite — art law." All in all, Dean Gorman describes a "rich bundle" of courses for students' selection.

A rich selection of courses and seminars, taught by a faculty renowned for its scholarship and teaching, to students who are enthusiastic and appreciative of the education and opportunities they receive, and all enjoying the premier collection of Biddle Law Library in the state-of-the-art Tanenbaum Hall. And these are only some of the reasons that make Penn Law School, as Dean Gorman noted and the ABA/AALS team noted, an outstanding law school. With increased resources for faculty development and for financial aid, we can address the current concerns of the ABA/AALS team and move forward with all of our resources in place to take us well into the 21st century.

Faculty Notes

Regina Austin '73, *Professor of Law*, published "Left at the Post: One Take on Blacks and Postmodernism," 26 *Law and Society Review* 751(1992). She is currently exploring how the law approaches shopping and selling by blacks as forms of deviance. Professor Austin has presented various aspects of this work at the Discourses lecture series at New York University Law School, a symposium on "The Outlaw in Contemporary Legal Culture" at the University of Utah College of Law, a conference sponsored by New York University's Africana Studies Program on "The Black Public Sphere: Toward an Ethnography of the Black Good Life," and the Feminist Theory Workshop at Yale Law School.

C. Edwin Baker, *Nicholas F. Gallicchio Professor of Law*, completed the manuscript of a book on advertising and the law to be published by Princeton University Press. In January, he presented a paper entitled "Private Power and the Constitution: Focus on the Press Clause" at the annual meeting of the Association of American Law Schools in San Francisco. The paper will be published by *Constitutional Commentary*.

Stephen B. Burbank, *Robert G. Fuller, Jr. Professor of Law*, published "Federal Judgments Law: Sources of Authority and Sources of Rules," 70 *Texas Law Review* 1537 (1992), and "State Ethical Codes and Federal Practice: Emerging Conflicts and Suggestions for Reform," 19 *Fordham Urban Law Journal* 969 (1992). Professor Burbank also moderated a panel on judicial discipline and removal at the Third Circuit Judicial Conference in April. In May he was a discussant at a symposium on Evaluating Proposals for Change in Civil Litigation, and his remarks will be published in *Brooklyn Law Review*. Professor Burbank continues to represent the Law School on the University's Faculty Senate Executive Committee, and President Hackney has appointed him Chair of a University Task Force on Benefits for Domestic Partners.

Colin S. Diver, *Dean and Bernard G. Segal Professor of Law*, completed work on the 1993 Supplement (with Ronald Cass and Jack Beerman) to Cass & Diver, *Administrative Law: Cases and Materials* (Little, Brown & Co., 1987). In April, Dean Diver chaired a day-long program on Law School Pro Bono Programs at the annual Pro Bono Conference of the American Bar Association in Baltimore. The Program highlighted Penn's nationally acclaimed public service program.

William Ewald, *Assistant Professor of Law*, has begun an extended study of Kant's legal philosophy and its influence on nineteenth century legal thought now that his two-volume work on the philosophy of mathematics is at press.

Michael A. Fitts, *Professor of Law*, appeared on a panel in April at the Center for Advanced Study in the Behavioral Sciences at Stanford University and published "Ways to Think About the Unitary Executive," as part of a symposium issue of *Cardozo Law Review*. He also published book reviews in *Constitutional Commentary* and the *Journal of Policy Analysis*.

Douglas N. Frenkel '72, *Practice Professor and Clinical Director*, completed work on West's *Pennsylvania Business Organizations* (with author Kathleen O'Brien '76). In early June he participated in the American Jewish Committee's German-American Jewish Leadership Exchange Program in Germany.

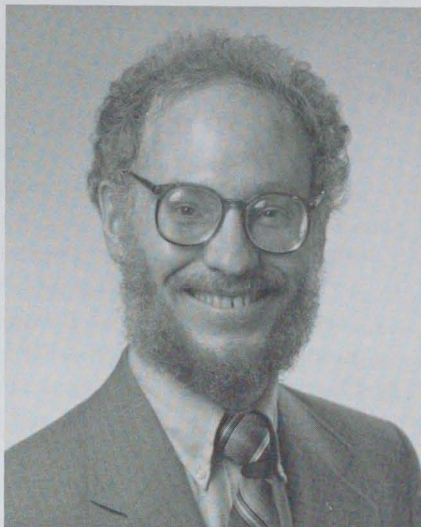
Robert A. Gorman, *Kenneth W. Gemmill Professor of Law and Associate Dean*, completed the manuscript of the Fourth Edition of his casebook on *Copyright Law*, co-authored with Professor Jane Ginsburg of Columbia. He served as a member of the ALI Board of Advisors to the Restatement of the Law of Unfair Competition, a member of the Committee on Academic Freedom and Tenure of the Association of American University Professors, and as a member of a committee of the ACLU exploring the relationship between artists' rights and the First Amendment.

Heidi M. Hurd, *Assistant Professor of Law*, gave a talk on judicial disobedience and served on a panel on the sources of natural law at the Conference on Natural Law Theory co-sponsored by the University of Texas Law School and Department of Government in February. In March and April she presented chapters of her current book manuscript, "In Violation of the Law," at George Washington University Law School, Cornell University Law School, the University of San Diego Law School, and the University of Southern California Law School.

In June she returned to Budapest, Hungary, where she served for a third time on the faculty of Raising Rights Consciousness — an intensive summer seminar program co-sponsored by Columbia University, the Ford Foundation, and the Budapest Foundation for Democracy After Communism. The program is designed to facilitate the Eastern European transition to democracy and a market economy by gathering together judges, legislators, lawyers, and academics from fifteen Eastern European nations and engaging them in discussion about aspects of Western law and legal theory. As part of this program, Professor Hurd taught a two-week course on "Theories of the Just State."

Leo Katz, *Professor of Law*, organized a very successful symposium on the Paradox of Blackmail, held at the Law School in January. *The University of Pennsylvania Law Review*, sponsor of the symposium, is publishing his paper, "Blackmail and Other Forms of Arm-Twisting," along with other papers presented at the symposium (see page 25 for an excerpt of Professor Katz's fascinating paper).

Professor Katz also presented the Fritz Marti Lecture to the Philosophy Department at Southern Illinois University in May. He presented portions of this forthcoming book, *Ill-Gotten Gains: The Paradoxes of Theft*.

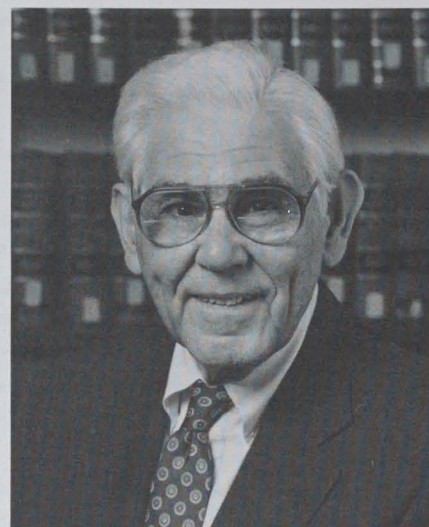


Seth Kreimer

Seth Kreimer, *Professor of Law*, published an article entitled "But Whoever Treasures Freedom...: The Right to Travel and Extraterritorial Abortions," in 93 *Michigan Law Review* 907 (1993). He also continued his extensive pro bono activities, participating as advisor or counsel in matters involving the Pennsylvania abortion statute, the right to treatment of mentally retarded adults, a municipal drug-stop policy, and the exclusion of pregnant women from drug treatment programs.

Howard Lesnick, *Jefferson B. Fordham Professor of Law*, continued research on a book on religious consciousness and law that will focus on the sources of responsibility and obligation in religion and law. He chaired the Committee on Bar Admissions of the Association of American Law Schools and served as a member of the AALS Task Force on the MacCrate Report.

A. Leo Levin '42, *Leon Meltzer Professor of Law Emeritus*, participated in the program of a National Workshop for Judges of the United States Courts of Appeal held in Washington in February. He also spoke at a retreat for judges of the District Court of the Eastern District of Pennsylvania on pending amendments to the Federal Rules of Civil Procedure and current developments in evidence law.



A. Leo Levin '42

Professor Levin testified before the Pennsylvania Senate Judiciary Committee on merit selection of appellate judges and other court-related issues in April. Interrogating him as a member of the panel was Senator Charles D. Lemmond, Jr. '55, whom he had taught when the senator was a student at the Law School.

Richard Lonsdorf, *Professor of Law and Psychiatry*, has received two awards of note. In May, he received the University of Scranton's Frank J. O'Hara Award to a distinguished alumni, recognizing his accomplishments in the legal field. Also during May, the Philadelphia Psychiatric Society selected Dr. Lonsdorf as the recipient of the Daniel Blain Award, in honor of his dedication and service to the profession of psychiatry. This Award will be presented at the 1994 Benjamin Rush Ball.

Bruce H. Mann, *Professor of Law and History*, used his year as Visiting Professor of Law at Harvard Law School to ransack Boston-area archives for further material for his book on debtors, creditors, and republicanism in the Revolutionary era. Professor Mann is a member of the Littleton-Griswold Prize Committee of the American Historical Association. He completed his five-year term as editor of the *Law and History Review* in February, but remains on the editorial board.

Charles W. Mooney, Jr., *Professor of Law*, has been named a co-reporter for the revision of Uniform Commercial Code Article 9 (Secured Transactions) by the National Conference of Commissioners on Uniform State Laws. The newly formed drafting committee will hold its first meeting in November, 1993. Professor Mooney previously served as the co-reporter for the UCC Permanent Editorial Board's Article 9 Study Committee.

In March, Professor Mooney attended the first meeting of the International Institute for the Unification of Private Law Study Group on International Secured Financing of Mobile Equipment, held in Rome.

Michael S. Moore, *Leon Meltzer Professor of Law*, gave a series of talks on natural law to a conference convened on that topic by the Law School and the Departments of Government and Philosophy at the University of Texas, Austin, this past February.

In May Professor Moore flew to Israel to give a paper on "Interpreting Interpretation" at Tel Aviv University. The paper will be published (in Hebrew) in Tel Aviv's law review, then collected into a volume of essays on interpretation to be published in England. In June, he lectured for two weeks on "The Right to Privacy" to a group of Eastern European judges, legislators, legal academics, and lawyers. Sponsored by the Ford Foundation and Columbia University, the lectures were given at the Center for Democracy after Communism in

Budapest, Hungary.

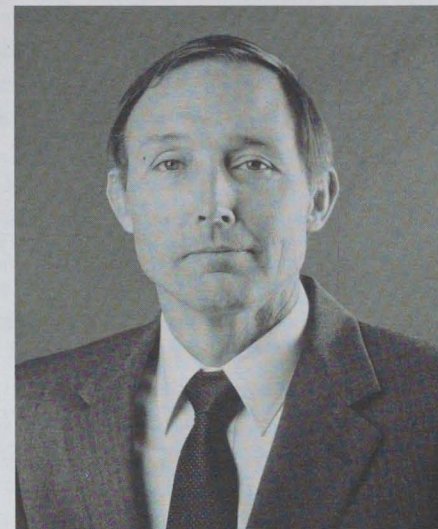
Also in June, Oxford University Press published Professor Moore's book, *Act and Crime: The Implications of the Philosophy of Action for the Criminal Law* (Oxford, Clarendon Law Series, 1993).

Edward B. Rock '83, *Assistant Professor of Law*, published a review essay in the *Journal of Corporation Law*. In April, he presented "Labor Law Successorship, A Corporate Law Approach" to the Yale Law School's Law, Economics and Organization workshop.

In May, he presented "Controlling the Dark Side of Relational Investing" at a conference on Relational Investing sponsored by Columbia Law School's Institutional Investor Project. In addition, Professor Rock attended the Brussels meeting of the International Faculty of Capital Market Law and Securities Regulation on the integration of the financial systems in Europe after 1992, and was invited to join the International Faculty on a permanent basis.

Michael Schill, *Professor of Law and Real Estate*, presented "Distressed Public Housing; Where Do We Go From Here?" at the May 21, 1993 Law and Economics Roundtable. He and Susan Wachter presented "A Tale of Two Cities: Racial and Geographic Disparities in Home Mortgage Lending in Boston and Philadelphia" at the Real Estate and Urban Economics Association Mid-Year Meetings on June 1, 1993.

Professor Schill has recently been appointed a Professor of Real Estate in the Wharton School of Business' Real Estate Unit.



Michael S. Moore

David J. Shakow, *Professor of Law*, published an article on "Computers and Plagiarism," in 42 *Journal of Legal Education* 458 (1992), and has completed an article on the measurement of the tax expenditure for housing after the Tax Reform Act of 1986. Professor Shakow is working on a study of the equity of taxing Social Security benefits in light of the actual asset holdings of retired persons.

Reed Shuldiner, *Assistant Professor of Law*, published an article entitled "A General Approach to the Taxation of Financial Instruments," in the *Texas Law Review*. In May, he presented a paper on indexing the tax system for inflation at a conference on capital gains taxation at New York University.

Edmund B. Spaeth, *Senior Fellow*, attended a symposium in Harrisburg on April 21, 1993. Under the sponsorship of the Pennsylvania Department of Environmental Resources Office of Chief Counsel, the symposium addressed "Precautionary Principle and the Rio Declaration."

Susan Sturm, *Associate Professor of Law*, gave a talk on Consent Decrees at the National Legal Aid and Defender Association, and presented a paper on Participation and Remedial Values as part of a panel on the Rehnquist Court's Assault on Public Law at the Remedies Section of the Association of American Law Schools. Her articles "Lawyers at the Prison Gates: Organizational Structure and Corrections Advocacy" and "The Legacy and Failure of Corrections Litigation" will be published this fall.

Michael L. Wachter, *Professor of Economics and Law, and Director of the Institute for Law and Economics*, recently co-authored a paper, "Labor Law Successorship, A Corporate Law Approach" with Professor Edward Rock '83. Professor Wachter was recently honored by the Department of Economics, receiving the Irving B. Kravis Prize for Distinction in Undergraduate Teaching.

As Director of the Institute for Law and Economics, Professor Wachter worked with Michael Schill to organize a Roundtable on Future Direction in Housing Policy held in the Moot Court Room of the Law School on May 21, 1993.

Elizabeth Warren, *William A. Schnader Professor of Law*, returns to the Law School following a very busy year as a Visiting Professor of Law at Harvard. She completed the manuscript of a book on Business Bankruptcy to be published by the Federal Judicial Center and co-authored two articles with Teresa Sullivan and Jay Westbrook, "Bankruptcy Law and the Family," and "Baby Boomers and the Bankruptcy Boom." She served as host for a program on executive salaries, plant closings, and the responsibility of a Board of Directors when trouble is brewing, as one in a series of four programs on "Corporate Governance." The program will be

aired this month on the Public Broadcasting System.

Professor Warren gave numerous lectures on bankruptcy law, including "The Lesson of the Dalkon Shield Bankruptcy," at the Association of American Law Schools annual meeting in January, "The Demography of Bankruptcy," at the annual meeting of the Southwestern Sociological Association in March, "Local Legal Cultures: The Evidence from Bankruptcy," at the New England Law School in March, "Ethnicity and Nativity Patterns in Bankruptcy Filings," at the meeting of the Population Association of America in April, and "Bankruptcy Policy Making in an Imperfect World," as the keynote address to the Federal Judicial Center's Judicial Education Program for Bankruptcy Judges. She also presented the keynote address for the Women's Law Association Annual Dinner at Harvard, speaking on "Women in the Classroom."

She was elected into the American College of Bankruptcy in May.

Barbara Bennett Woodhouse, *Assistant Professor of Law*, published two articles this spring, "Hatching the Egg: A Child-Centered Perspective on Parents' Rights," 14 *Cardozo Law Review* 1745 (April 1993), and "Children's Rights: The Destruction and Promise of Family," *Brigham Young Law Review* (April 1993). Her commentary on the Zoe Baird "nannygate" controversy, "Uncle Sam Exploits Moms, Too" appeared in the *Philadelphia Inquirer* in February 1993.

Professor Woodhouse participated in the Law & Society Annual Meeting in Chicago in May 1993, where she presented her research on the Supreme Court's theories of family at a panel titled "Children as Property." From June 10-13 she attended the International Society of Family Law, North American Conference, where she presented a paper on "The Child's Voice in Restructuring the Family," and chaired panels on "Parent Custody Issues" and "Theories of Family Relations."

In January, Professor Woodhouse was elected to the executive Committee of the Family Law Section of the Association of American Law Schools. She was also selected co-reporter for the United States on Family Law for the 14th International Conference of Comparative Law to be held in Athens, Greece in 1994. Here on campus, she has been active in developing the St. Mary's Respite Center for HIV Affected Families.

Alumni Briefs

'34

S. SAMUEL ARSHT is retired from the firm of Morris, Nichols, Arsht and Tunnell. The University of Delaware, where Arsht actively enjoys classes in subjects such as the Philosophy of Mathematics, awarded him an honorary LL.D. in 1991. In 1992, Arsht was awarded both the First State Distinguished Service Award by the Delaware State Bar Association and the Alumni Award of Merit by the Penn Law Alumni Society.

JAMES R. CAIOLA, senior partner at Norristown's Caiola Caiola & Gowen, developed and organized a program that provides free legal counsel for the low-income elderly. He recruited eleven attorneys to volunteer their time at eleven senior citizen centers throughout Montgomery County (*The Legal Intelligencer*, 12/17/92).

'35

J. PENNINGTON STRAUS has been elected treasurer of the Jenkins Memorial Law Library (*The Legal Intelligencer*, 2/26/93).

'37

EDWARD I. CUTLER has been re-appointed by the Governor to a four-year term as commissioner of Uniform State Laws in Florida. Cutler, a senior member of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, has served as one of three commissioners since 1974 (*St. Petersburg Times*, 5/11/92).

'38

SYLVAN M. COHEN, President and CEO of Pennsylvania Real Estate Investment Trusts (PREIT), participated in "A Presentation on the Real Estate Investment Trust Industry: Performance-Developments-Outlook." The program was sponsored by the National Association of Real Estate Investment Trusts (NAREIT) and was designed to present highlights of the PREIT portfolio and basic operating policies. Cohen is chair of Cohen, Shapiro, Polisher, Shiekman and Cohen.

'39

HON. ROXANA C. ARSHT, the first woman judge appointed in Delaware, has retired from the bench of the Family Court of Delaware. Arsht was awarded the Medal of Distinction by the University of Delaware in 1989 and received the Alumni Award of Merit from the Penn Law Alumni Society in 1992.

'47

ROBERT M. LANDIS, a former chair and present member of the American Bar Association's Standing Committee on Federal Judicial Improvements, has been appointed chair of the ABA's Task Force on Judicial Removal. The Task Force has been established to review, revise, and amend all of the existing policies of the ABA on federal judicial discipline and impeachment. Landis is a past chair of Dechert Price & Rhoads.

'48

JAMES C. BOWEN, former partner at Bucks County's Power, Bowen & Valimont, has decided to retire from active litigation. At age 68, Bowen will continue to serve

his clients in areas such as wills, estate planning, and deeds.

'51

HON. HAROLD BERGER, former Philadelphia Common Pleas Court Judge, has been appointed chair of the National Alternate Dispute Resolution Committee of the Federal Bar Association. Berger has received a Special American Bar Association International Law Award and a Pennsylvania Conference of State Trial Judges Special Service Award.

CHRISTOPHER BRANDA, JR., a professor at Temple University School of Law and director of its Graduate Tax Program, presented "Selected Recent Developments in Corporate Tax" at the Philadelphia Tax Conference with fellow Temple professor, Alice G. Abreu (*Temple Esquire*, winter 1992).

HAROLD CRAMER, CEO and chair of Graduate Health System, has been re-elected president of the Jenkins Memorial Law Library (*The Legal Intelligencer*, 2/26/93).

LOUIS C. PULVERMACHER recently received note for his pro bono representation of the poor. Pulvermacher, a sole practitioner, was one of the five most active pro bono volunteers in Manhattan federal court last year. Pulvermacher, who has served as a trustee of the Federal Bar Council since 1970, accepts pro bono cases, including lost causes, to help unlog the courts and give poor people needed representation (*New York Law Journal*, 1/7/93).

'54

HON. SAMUEL M. LEHRER, a Philadelphia Common Pleas Court Judge, has published *Lehrer's Philadelphia Motion Court Opinions*, designed to assist trial attorneys and legal researchers by affording them access to decisions of the trial bench that are not found in the official reports (*The Legal Intelligencer*, 12/11/92).

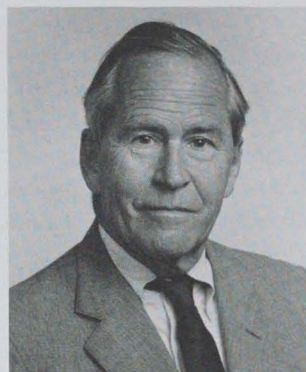
STANFORD SHMUKLER, a sole practitioner in Philadelphia, has been awarded the Justice Thurgood Marshall award by the Philadelphia Bar Association's Criminal Justice Section. The award was presented in recognition of Shmukler's more than thirty years of service to the legal profession, the criminal bar, and the community (*The Legal Intelligencer*, 1/8/93).

'55

DAVID J. KAUFMAN has been selected by the Abington Memorial Hospital Board of Trustees as its new chair. Kaufman has been a member of the Board for fourteen years, serving as vice-chair since 1988. He has also served as chair of the Professional Affairs Committee and vice-chair of the Executive Committee, receiving the Frobese Award from Abington's medical staff in 1986 for his service to the hospital. Kaufman is a senior partner and chair of the estates department at the firm of Wolf, Block, Schorr and Solis-Cohen.

'56

HARRIS OMINSKY, a partner in Blank, Rome, Comisky & McCauley and co-chair of its real estate department, has authored the following recent articles: "Mortgages: In the Presence of Mine Enemies," *Real News Newsletter of The Real Property Section of The Allegheny County Bar Association*, Vol. 14, No. 3, August 1992; "Contingency Clauses Can Be Costly," *Pennsylvania Law Journal*, March 22, 1993; "When Taxes Exceed the Property Value," *Philadelphia Business Journal*, March 15-21, 1993; and "Suddenly Last Summer," *American College of Real Estate Lawyers Newsletter, ACREL News*, Vol. 11, No. 2, February 1993, which discusses environmental liability coverage under standard insurance policies.



Henry T.
Reath '48

From World War II's Battle of the Bulge to the battle over the Pennsylvania judiciary, Henry T. Reath fights for freedom and democracy. A Philadelphia native, he first attended school at Chestnut Hill Academy, graduated from St. Paul's in Concord, NH, and went to Princeton University. In 1942, he entered World War II as a Field Artillery Officer, returning with three battle citations and the Bronze Star Medal for Bravery in Action. Next, he graduated from Penn Law in 1948. Reath chose trial work, and soon earned partnership with Duane, Morris & Heckscher.

Reath's fight for justice continued in the states. Two of his great enthusiasms are judicial reform and First Amendment rights. Reath is a longtime advocate of a merit system judiciary for Pennsylvania. "The key to a free and democratic society is a judiciary unentangled by the political process." He was chief organizer and co-Chairman of Good Judges For Philadelphia. He co-chaired the Committee to Support the Governor's Judicial Appointments, and is a member of the Governor's Commission on Judicial Reform. On the Commission, Reath defends the belief that for "a truly independent court system to fulfill its obligations, it must be financially independent, and not under the political or financial thumb of the other two branches of government over whom it has significant responsibility."

Reath's passion for protecting First Amendment rights has had good results before the Supreme Court. He argued for the right of parents and students to receive public funds to supplement their secular education. See *Meek v. Pittenger*, 421 U.S. 349 (1975) and *Sloan v. Lemon*, 413 U.S. 825 (1973). He returned to the Supreme Court to defend the free speech rights of students in *Board of Trustees of the SUNY v. Fox*, 492 U.S. 469 (1989).

Reath also handles prisoners' rights cases, and currently represents three prisoners serving life sentences in one of Pennsylvania's maximum security facilities. His involvement ensures full representation of their personal liberty interests. While handling all of these responsibilities, Reath is also a member of the Board of the NAACP Legal Defense and Educational Fund, Inc.

Henry Reath spends his life tirelessly advocating and defending freedom and democracy. He vigorously continues to define and protect the ideals on which this country is founded.

—Michael Rosenberg '95



*William H.
Brown, III '55*

William H. Brown, III enjoys a full and distinguished career in civil rights. After graduating in 1955, Brown performed pro bono work for the NAACP and for indigent clients while working for a small firm. In the 1960s, he challenged segregation laws and sought enforcement of Title VII of the Civil Rights Act of 1964, litigating sit-in and employment cases. In 1968, President Johnson appointed him Chairman of the Equal Employment Opportunity Commission. During his tenure, the Commission tested the law's definitions of discrimination while challenging discriminating employers nationwide.

Today, Brown has come full circle, gaining satisfaction in his corporate practice with Schnader, Harrison, Segal & Lewis, representing corporate clients who, seeking to improve employee relations, actually take his recommendations to heart. He remains involved in numerous civil rights organizations, such as the NAACP Legal Defense and Education Fund, the Public Interest Law Center of Philadelphia, and the Lawyers' Committee for Civil Rights Under Law, which he currently co-chairs. Brown derives great personal fulfillment from protecting the right to vote, as well as guaranteeing rights in housing and education.

Brown indicates that the social environment has changed and great strides have been achieved since his early involvement in civil rights. He recalls his exclusion from the Navy on the basis of race, and being one of the only Black students at the Law School, and contrasts the increase of minorities in law school and the profession today. But Brown is quick to qualify these successes, emphasizing the continuing inequalities that face women and minorities, particularly glass ceilings in industry, the profession, and government.

Brown stresses the critical importance of the legal community remaining at the forefront, working to remove all forms of discrimination. Brown believes that the strongest weapons against bigotry are best articulated by the legal community, and that the legal community has an obligation to represent those less fortunate. For students, Penn's pro bono program is a good start, and for established lawyers, it is essential to serve "as mentors, role models, and sponsors in helping those coming behind us" to be aware of the work that must be done. Brown's involvement in civil rights has spanned five decades, and while the landscape of civil rights issues has changed, Brown's dedication has remained focused on the cause.

—Jeffrey B. Ulin '95

PROFESSOR ALAN MILES RUBEN, a member of the faculty of Cleveland-Marshall College of Law at Cleveland State University, has been awarded a Fulbright scholarship following his nomination by the Council for International Exchange of Scholars to lecture in the People's Republic of China during the 1993-94 academic year. While in China, Ruben will lecture on business law and enterprise regulation in a market economy.

'57

STEPHEN I. RICHMAN, a partner in Ceisler Richman Smith of Washington, Pennsylvania, recently addressed Minesafe International, sponsored by the Australian Chamber of Mines and Energy and the Department of Minerals and Energy. The international conference met in Perth, Australia to review the safety and health concerns of the world mining industry. Richman discussed "Legal Aspects of Asthma in the Workplace," a topic also addressed in articles he has authored.

RICHARD M. ROSENBLEETH was appointed Pennsylvania State Chair of the American College of Trial Lawyers, an association committed to the improvement of the quality and integrity of the legal profession. Rosenbleeth is a partner in the firm of Blank, Rome, Comisky & McCauley and primarily practices complex commercial and corporate law.

'58

RONALD N. DIAMOND has relocated his law office to 7837 Old York Road, Elkins Park, Pa. Diamond concentrates his general practice in collections and other commercial areas such as real estate and negligence work.

'59

JOHN J. LOMBARD JR., of Morgan, Lewis & Bockius, was honored with the Treat Award for Excellence by the National College of Probate Judges (NCPJ). The award is in recognition of his significant contributions to the field of probate law (*The Legal Intelligencer*, 12/15/92).

HARRY K. SCHWARTZ is the director of the Center for Preservation Policy Studies at the National Trust for Historic Preservation in Washington, D.C.

'62

R. WAYNE CLEMENS, a Montgomery County attorney, volunteers his time at an area nursing home to provide free legal assistance to the elderly (*The Legal Intelligencer*, 12/17/92).

'63

JUDAH I. LABOVITZ, chair of the litigation department of Cohen, Shapiro, Polisher, Shiekman and Cohen, has been elected chair of the Executive Committee. Labovitz practices commercial and multi-district litigation, specializing in antitrust, securities, toxic tort, and lender liability. He

is also a member of the Board of the Institute for Law and Economics at the University of Pennsylvania.

GERALD M. LEVIN, has been elected to succeed the late Steven J. Ross as chair, CEO, and president of Time Warner Inc. (*The Reuter Business Report*, 1/21/93).

DAVID H. MARION, vice chair of Montgomery, McCracken, Walker & Rhoads and chair of its litigation department, has been elected president of the Lawyers' Club of Philadelphia. Marion will serve a two-year term as president of the club, which sponsors events offering attorneys and judges opportunities for social interaction.

MICHAEL J. ROTKO is the United States Attorney for the Eastern District of Pennsylvania, having taken office following Michael Baylson's '64 return to private practice. Prior to his appointment, Rotko served as Baylson's First Assistant (*The Legal Intelligencer*, 1/13/93).

'64

MICHAEL M. BAYLSON stepped down as United States Attorney for the Eastern District of Pennsylvania in January to rejoin the Philadelphia firm Duane, Morris & Heckscher as a partner in the trial department. Baylson left the firm in October 1988 to serve as U.S.

Attorney. Baylson's accomplishments during his four year tenure include filing the first U.S. cases for student loan defaults, creating the Financial Litigation Division, and prosecuting the first case to freeze assets in a Medicare fraud scheme.

'65

NEIL G. EPSTEIN, co-chair of Hanglely Connolly Epstein Chicco Foxman & Ewing, has been elected to serve on the firm's executive committee. Epstein concentrates his litigation practice in environmental law and general business cases.

WILLIAM H. EWING, shareholder in Hanglely Connolly Epstein Chicco Foxman & Ewing, was recently appointed co-chair of the Zoning and Land Use Committee of the Philadelphia Bar Association Real Property Section. Ewing's trial and appellate practice includes property rights and zoning cases.

'66

PHILIP L. COHAN, partner in the Washington, D.C. office of Piper & Marbury, has been admitted to the American College of Trial Lawyers as a Fellow.

WILLIAM T. HANGLEY, trial lawyer and founding member of Hanglely Connolly Epstein Chicco Foxman & Ewing, has been elected chair and chief executive officer of the firm. Hanglely will also serve on the firm's executive committee. He co-chairs the Federal Procedure Committee of the ABA Litigation Section and is a member of the section's Coordinating Committee on Civil Justice Reform.

RICHARD N. WEINER, a partner in the firm of Cohen, Shapiro, Polisher, Shiekman and Cohen, has been selected by the Philadelphia Bar Association as this year's recipient of the Fidelity Award, the Association's highest honor, for his outstanding commitment to the citizens of Philadelphia. In 1977, Weiner helped found, and has since chaired, the Senior Citizen Judicare Project, an organization that provides counseling and free legal assistance to low-income elderly Philadelphians.

'67

JON A. BAUGHMAN, past chair of the litigation department of Pepper, Hamilton & Scheetz, was elected chair of the Executive Committee. Baughman is a commercial litigator who represents several Delaware Valley-based Fortune 500 companies (*The Legal Intelligencer*, 12/23/92).

RONALD B. GLAZER, senior partner in the real estate department of Wolf, Block, Schorr, & Solis-Cohen, recently participated in a series of presentations explaining the new Pennsylva-

nia Real Estate Cooperative Act and the recently enacted amendments to the Pennsylvania Uniform Condominium Act. Glazer, who is listed in Best Lawyers in America, is currently working on a third edition of *Pennsylvania Condominium Law and Practice*.

JACOB P. HART, of Schnader, Harrison, Segal & Lewis, has been re-elected to the firm's executive committee for another three-year term. Hart represents management in all aspects of labor law and ERISA litigation as a member of Schnader's employment and labor law department and employee benefits group.

MICHAEL SKLAROFF, partner with Ballard Spahr Andrews & Ingersoll, chaired a seminar entitled "Leasing in the '90s" concerning the effect of market fluctuations and regulations on both landlords and tenants (*The Legal Intelligencer*, 12/14/92).

JONATHAN M. STEIN, general counsel at Community Legal services, has been awarded the annual Reginald Heber Smith Award of the National Legal Aid and Defender Association for lifetime achievements in providing legal services to the poor. Stein, a founding board member of the new Philadelphia Cultural Fund, recently danced in a performance of Stephen Koplowitz's "Fenestrations."

DENNIS R. SUPLEE, partner in the litigation department and chair of Schnader, Harrison, Segal & Lewis, has been elected a Fellow of the American College of Trial Lawyers. Suplee primarily represents Fortune 500 companies in commercial litigation, including cases involving environmental insurance coverage, international air rights, and product liability. Suplee has also co-authored two books: *The Deposition Handbook: Strategies, Tactics and Mechanics* and *Expert Witnesses: A Handbook for Litigators*.

'68

PETER M. BREITLING, partner in the Philadelphia firm Obermayer, Rebmann, Maxwell & Hippel, has been elected vice chairman of the Radnor Township Zoning Hearing Board for a three year term (*The Legal Intelligencer*, 2/11/93).

LAWRENCE J. FOX, a partner in Drinker Biddle & Reath, has been elected vice chair of the American Bar Association's Litigation Section. Fox will assume responsibilities for one year, effective in August.

DAVID I. GRUNFELD is the chair of the Philadelphia Bar Association's family law section for 1993.

BRUCE JOEL JACOBSON has been appointed deputy chief field counsel of the law department of the United States Postal Service's Atlanta field office. Jacobson practices employee relations law and labor law representing the United States Postal Service.

'69

CARL FELDBAUM, former chief of staff for Pennsylvania Senator Arlen Specter, will serve as president of the newly formed Biotechnology Industry Organization (BIO). BIO is the result of the merger of the Industrial Biotechnology Association and the Association of Biotechnology Companies (*Biotechnology Newswatch*, 2/15/93).

'70

RALPH N. TEETERS, a partner in Teeters & Harvey, has been elected a fellow of the American College of Trust and Estate Counsel (ACTEC) by the board of regents. ACTEC is an international association of 2,600 lawyers who have been recognized as outstanding practitioners in the field (*The Legal Intelligencer*, 2/3/93).

'71

K. W. JAMES ROCHOW, environmental lawyer and consultant in Washington, D.C., taught an international environmental law seminar at our Law School this past semester.



Jane
Lang '70

Jane Lang is an inspiration to all Penn students and alumni. A member of the class of 1970, she is one of the most prominent civil litigators in Washington, D.C. Attributing her own success to hard work and a healthy dose of luck, Lang encourages Penn Law students to take full advantage of their education and to use their good fortune to create a career where they can say "I did something that meant something to me."

Lang has been interested in civil rights litigation from the time she was a child. Law school at Penn convinced her that she could utilize her skills to pursue her interests, and after graduation she defended affirmative action policies. Subsequently, Lang served as general counsel of the U.S. Department of Housing and Urban Development and as a partner at Steptoe & Johnson. In 1986, she co-founded her own law firm, Sprenger and Lang, where she pursues exclusively plaintiffs work and class actions. "I wanted a more direct impact between my personal achievements and successes." Lang is very proud of her most recent case against Potomac Electric Power Company. "This case took an extraordinary amount of perseverance because Paul Sprenger and I were against a large respected firm. There were difficult issues, sophisticated evidence, and massive amounts of discovery."

In addition to her litigation work, Lang is the author of numerous articles in the fields of equal opportunity and housing law, and is a frequent speaker on these subjects. "Although I do not claim to understand the impact of racial discrimination, I have a greater appreciation for the needs of those who have suffered because I have experienced discrimination as a woman and a Jew." She strives to educate about discrimination, through her experience and knowledge, in order to give minorities a more equal opportunity in society. Lang also finds time to serve many charities, and is currently a member of the Law School's Board of Overseers.

Recently, the Washingtonian named Lang one of the fifty best lawyers in D.C. Her enthusiasm and endless pursuit of justice for others leave no room to question why.

—Tammara Flax '95

'72

NEIL I. LEVY, former partner at Melrod, Redman & Gartlan and head of the firm's litigation department, has joined the Washington, D.C. office of Kilpatrick & Cody as a partner. Levy is an Adjunct Professor of Law on Legal Ethics and an arbitrator with the American Arbitration Association's commercial panel.

E. ELLSWORTH McMEEN, III, senior partner in the New York firm LeBoeuf, Lamb, Leiby & MacRae, has recorded two video guitar lessons, "Irish Guitar Encores" and "Sacred Music for Fingerstyle Guitar," produced and distributed by Stefan Grossman's Guitar Workshop (P.O. Box 802, Sparta, New Jersey, 07871). McMeen's "In The Bleak Mid-winter" was recently aired during the National Public radio broadcast of "All Things Considered."

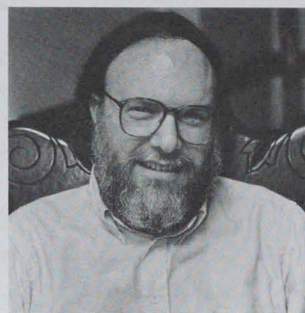
'73

KENNETH E. AARON, shareholder in the Philadelphia office of Buchanan Ingersoll and chair of the firm's creditors' rights and bankruptcy group, participated as a panelist discussing "Post-Confirmation Problems and Plan Modifications" at the Fifth Annual Western Pennsylvania Advanced Bankruptcy Symposium. The symposium, attended by over 100 practitioners, was sponsored by the Allegheny County Bar Association.

HON. MARSHALL J. BREGER, former chief lawyer for the Department of Labor, has been appointed a Senior Fellow at The Heritage Foundation, a Washington think tank. Breger will examine domestic and international labor regulations' effect on American business and economic growth.

ANDREW A. CADOT has been elected a Fellow of the Maine Bar Foundation. The Fellows program honors members of the Maine Bar who, after a minimum of ten years of practice, have distinguished themselves in the profession and have supported delivery of legal services to indigent citizens.

EDWARD S.G. DENNIS, JR. has been appointed by Pennsylvania State Attorney General Ernie Preate, Jr., '65 as special counsel to investigate allegations concerning members of the Pennsylvania Supreme Court. Dennis has previously served as Assistant United States Attorney General for the criminal division, United States Attorney for the Eastern District of Pennsylvania, and Chief of the Narcotic and Dangerous Drug Section of the U.S. Department of Justice; he is now a litigation partner with Morgan, Lewis & Bockius.



David Kairys '71
LL.M.

David Kairys has been blazing trails in the law for nearly 30 years. After a Fellowship in Community Law and Criminal Litigation at the Law School in the late 60s under the aegis of Anthony Amsterdam, Kairys formed a civil rights partnership and litigated influential cases through two decades. Most recently, yearning for a chance to hone his pedagogical skills and pen that book within him, he signed on as a Professor of Law at Temple University.

The pioneering spirit can be seen early in Kairys' career. By the time he received his LL.B. from Columbia in 1968, Kairys had founded and served as editor-in-chief of the Columbia Human Rights Law Review. Formed by a core group of visionary law students focused on civil rights and liberties, the journal now attracts pieces by foremost experts on human rights.

At the time of Kairys' arrival for LL.M. study in 1968, Penn was at the forefront of civil rights and poverty work. Amsterdam's reputation encouraged Kairys to accept one of a handful of Ford Foundation fellowships to study at Penn. The four fellows supervised 50 law students and litigated with the Philadelphia Public Defender, in a graduate law program recognized as a prototype for clinics in U.S. law schools.

The three-year program led Kairys to forge a civil rights practice with current Penn Law Senior Fellow David Rudovsky. Over the course of 20 years, they achieved significant victories against government misconduct and in areas of constitutional law such as free speech and race and sex discrimination. Particularly significant (and practically interminable) was the challenging defense of the "Camden 28" in the Draft Board Raid. And despite a tight calendar during those years, Kairys managed to squeeze in lecturing in Sociology at U.C. Santa Cruz while preparing to argue before the Supreme Court. Most recently, Kairys represented a Philadelphia area agent of the FBI in a first-ever suit against the agency involving discipline for racial harassment. Kairys hopes that his victory will change discriminatory conditions beyond the results already engendered by this landmark case.

Kairys enjoys wearing the Professor of Law hat. He teaches Constitutional Law, Political and Civil Rights, and seminars on Privacy and on Law, Science, and Technology. His career will take on a new dimension when his scholarly critique of current conservative Supreme Court Justices, With Liberty and Justice for Some, appears on bookshelves in May. Given that this man visited every U.S. state at least three times throughout the '70s and '80s, don't expect the book promotion tour to wear him out.

—Eric Besner '95



Nina Gordon Segre '74

KENNETH S. KAMLET has joined the environmental practice of Semmes, Bowen & Semmes. Kamlet, who specializes in environmental risk management, environmental policy analysis, hazardous waste regulation, wetlands, and real estate development, will divide his time between the firm's Baltimore and Washington, D. C. offices.

STEVEN R. WILLIAMS conducted a series of discussions designed to explain to employers the legal aspects of the Americans with Disabilities Act. Williams is a partner in the labor relations and employment law group of Mesirov Gelman Jaffe Cramer & Jamieson (*The Legal Intelligencer*, 12/17/92).

'74

IAN M. COMISKY, partner in the litigation department of the Philadelphia firm Blank, Rome, Comisky & McCauley, has been elected a member of the American Law Institute, a non-profit organization dedicated to clarifying and simplifying the law, securing better adminis-

tration of justice, and encouraging scholarly and scientific work. Comisky concentrates his practice in white collar criminal defense.

H. RONALD KLASKO, a partner with Dechert Price & Rhoads in Philadelphia, recently hosted a Chinese delegation of twenty-three business executives and six government officials seeking to develop joint venture or trading partners in the United States. Klasko, the chair of his firm's immigration law group and a member of the international law group, has hosted similar delegations in the past and recently visited China as a guest of its government.

DAVID B. PUDLIN has been elected president of the Philadelphia firm Hanglely Connolly Epstein Chicco Foxman & Ewing. Pudlin, who concentrates his practice in tax law and estate planning, has also been appointed chair of the large firm management committee of the Philadelphia Bar Association.

NINA GORDON SEGRE, a partner in Dechert Price and Rhoads, is the new chair of the Radcliffe College Fund Committee (RCFC). Segre also chairs the membership committee of the Philadelphia Harvard-Radcliffe Club and, with her husband, founded CollegeWorks, a program to prepare minority students for college.

BOOK REVIEWS

We are interested in starting a column reviewing books written by our talented alumni. If you are interested in serving as a reviewer, please contact Jo-Ann Verrier at (215) 898-7493 or write to the Editor, Penn Law Journal, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104-6204. Please indicate your specialty area of practice and any areas in which you'd be interested in reading.

'75

JOSEPH GOLDBERG, partner at Margolis, Edelstein & Scherlis and chair of the firm's civil rights/municipal liability department, served as a panelist for the Pennsylvania/New Jersey/Delaware Idea Exchange sponsored by the International Council of Shopping Centers (*The Legal Intelligencer*, 3/1/93).

MICHAEL HIRSCHFELD, tax partner in the New York office of Winston & Strawn, has been appointed a vice-chair of the ABA Tax Section's Committee on Government Submissions. Hirschfeld also recently chaired New York University's Fifteenth Annual Conference on Federal Taxation of Real Estate Transactions.

JAMES D. MORRIS, of the litigation department of Stradley, Ronon, Stevens & Young, authored "Discretionary Stay Litigation Respecting Environmental Matters in Bankruptcy," which he presented at the Pennsylvania Bar Institute's seminar on "Environmental

Issues in Bankruptcy" this past January. Morris is a partner in the firm's environmental law group.

'76

MARK A. KADZIELSKI, chair of the medical staff practice department at the Los Angeles office of Weissburg and Aronson, Inc., has been selected on the basis of peer evaluations for inclusion in the health law section of the 1993-94 edition of *The Best Lawyers in America*.

BRUCE S. KATCHER has been selected as the planner for the Pennsylvania Bar Institute's course on the new amendments to Pennsylvania's Air Pollution Control Act. The course will address new permitting requirements, source controls, expanded civil and criminal penalties, and EPA requirements affecting Pennsylvania. Katcher is a founding partner of Bala Cynwyd's Manko, Gold & Katcher, a firm specializing in environmental and land-use law.

JOHN B. KEARNEY, a partner in the Cherry Hill law firm of Kenney & Kearney, was appointed by Governor Jim Florio to serve on the New Jersey Commission to Deter Criminal Activity. The goal of the Commission is to raise public awareness and prevent criminal activity (*Retrospect*, 5/21/92).

KATHLEEN O'BRIEN, of Montgomery, McCracken, Walker & Rhoads, served as a panelist for "Networking for Success" this past January. The Philadelphia Bar Association's Committee on Women in the Profession sponsored the seminar.

MICHAEL T. SCOTT has been appointed chair of the litigation group in the Philadelphia office of Reed Smith Shaw & McClay. Scott successfully defended the constitutionality of PICA, the state authority created to provide assistance and financial oversight for the city of Philadelphia in a challenge brought by the city's labor unions last year.

HON. JEROME B. SIMANDLE, a United States magistrate in Camden for the past ten years, has been appointed to the position of United States District Court Judge. His work as magistrate established several procedures for the settlement of multi-party cases in the federal court system. Simandle will be New Jersey's youngest District Court Judge (*Courier-Post*, 6/9/92).

PENN ALUMNI CARD

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You will be notified of available discounts and uses of the card by mail.

Alumni may apply for a card by mail by sending a letter with name on University records, including first name, last name, and middle initial, school(s) and year(s) of graduation, social security number, date of birth, undergraduate major(s) or graduate and professional school major field of study, address used for University mailings, daytime telephone number, a color passport photo, a check or money order in the amount of \$20.00 payable to the Trustees of the University of Pennsylvania, and, for verification, a photocopy of your photo driver's license or passport, with photo and name showing together.

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*PENNcard Center
University of Pennsylvania
Suite 323 A
3401 Walnut Street
Philadelphia, PA 19104-6228*

*You can also apply in person;
call (215) 898-2646 for more information.*

'77

MARINA ANGEL, LL.M., professor of law at Temple University, served as visiting professor, Faculty of Law, at both the Queensland Institute of Technology in Brisbane, Australia and the Wollongong University in Wollongong, Australia. She gained media attention for her lectures on sexual harassment and battered women (*Temple Esquire*, winter 1992).

JASON M. SHARGEL has joined Klehr, Harrison, Harvey, Branzburg & Ellers as a partner. Shargel, formerly a partner with Wolf, Block, Schorr & Solis-Cohen, concentrates his practice in corporate and securities law (*The Legal Intelligencer*, 2/23/93).

GURUJODHA S. KHALSA, a civil litigator who handles business and personal injury cases, has become a black belt in kenpo karate. He holds seminars and teaches karate in Los Angeles.

'78

NANCY K. BARON-BAER has been elected to serve on Hanglely Connolly Epstein Chicco Foxman & Ewing's executive committee. Baron-Baer, an officer of Har Zion Temple and a member of the Board of Directors of Federation Day Care Services, concentrates her practice in real estate law.

MARVIN BENTON has recently been promoted to Associate Regional Counsel, Chief, Water Enforcement Section for the United States Environmental Protection Agency in Dallas, Texas. In this position, Benton manages a group of attorneys in the civil prosecution of federal water pollution laws in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

RICHARD J. GOLD, of Gold & Vilim, served as a faculty member for the Philadelphia Bar Institute's "What the Public Sector Needs to Know About the Americans With Disabilities Act," offered in February (*The Legal Intelligencer*, 2/9/93).

REGINALD GOVAN recently published an article "Framing Issues and Acquiring Codes: The Legislative Sojourn of the Civil Rights Act of 1991" in 41 *DePaul Law Review*, 1057.

HENRY R.F. GRIFFIN and PAMELA WINTLE announce the birth of their second child, Alice, on March 26, 1993.

'79

LILLIAN FERNANDEZ, director of international affairs at Pfizer, Inc., served as a member of the Electoral College in New York State this past December. Fernandez, an active participant in national and local Democratic Party politics, cast her vote for President Clinton and Vice-President Gore, whose campaign she supported from its early stages.

STEVEN H. HOBBS is now a full professor of law at Washington & Lee University School of Law in Lexington, Virginia.

LESTER W. MACKEY has joined the Suffolk office of Sherman, Samenga, Federman, Donovan & Sambur in Bay Shore, New York. Mackey concentrates his practice in the area of workers' compensation law.

M. KELLY TILLERY, has been appointed to the Special Committee on the Study of Trademark Counterfeiting Statutes of the Patent, Trademark and Copyright Law Section of the American Bar Association. Tillery specializes in intellectual property litigation and is senior partner in Leonard, Tillery & Davison.

'80

LORELI FRITZ COHN has been promoted to vice president-general counsel of Central Telephone Company, a subsidiary of Centel Corporation in Chicago, Illinois. Fritz Cohn and husband STEVEN COHN '79 announce the birth of their daughter, Julia Beth Cohn on October 19, 1992. They also have a six-year-old son, Benjamin.

JIM DOANE, an international attorney with Preston, Thorgrimson, Shidler, Gates & Ellis in Seattle, Washington, recently received note in *The Japan Times*. Doane, who practiced law with the Tokyo firm Nishi-Tanaka-Takahashi for three years, has represented American clients in Japan and Japanese clients in America and was recognized for his efforts to foster business ties between the two countries (*The Japan Times*, 3/9/93).

HENRY DRUKER, formerly a partner in the New York office of Gordon Capital, recently joined Jay Alix & Associates as a principal of the firm, specializing in turnaround and restructuring. Druker, a past managing director of investment banking at L.F. Rothschild, has significant experience in corporate financial planning (*PR Newswire*, 3/9/93).

BETH OLANOFF, a shareholder in Hangley Connolly Epstein Chicco Foxman & Ewing, has been elected to the Board of Directors of the Greater Philadelphia Women's Medical Fund.

ELIZABETH W. FOX has been elected partner with Hoyle, Morris & Kerr. Fox concentrates her practice in toxic tort, insurance, and general litigation (*The Legal Intelligencer*, 2/14/93).

'81

CATHERINE KESSEDJIAN, LL.M., announced the relocation of her offices in Paris, France. Kessedjian's firm, with four senior attorneys and their associates,



Jeffrey D. Lobach, '81

concentrates in several areas including immigration and nationality law, estate planning, corporate law, and civil and commercial court proceedings before national courts and the European Court of Justice.

JEFFREY D. LOBACH, a partner in the York, Pennsylvania firm of Barley, Snyder, Senft & Cohen, has been elected president of the York County Bar Association. At 36, Lobach is the youngest attorney to become the Association's President. He hopes to improve the image of the legal profession in his community by increasing the availability of legal services to the poor. Lobach's practice primarily consists of real estate, business, and banking law.

KYRA GOIDICH McGRATH has been promoted to assistant general manager-administration for Southeastern Pennsylvania Transportation Authority (SEPTA), the fourth largest public transportation system in the country.



Linda J. Sarazen '82

TIMOTHY MICHAEL TOY has become of counsel to the New York firm Mudge, Rose, Guthrie, Alexander & Ferdon. Toy, a resident of the firm's Maiden Lane office, practices in the areas of public utility finance, project and lease finance, and creditors' rights (*New York Law Journal*, 1/1/93).

'82

JAMES M. BECK has been elected a partner in the Philadelphia office of Pepper, Hamilton & Scheetz (*The Legal Intelligencer*, 2/9/93).

RENEE CHENAULT, Philadelphia's WCAU/Channel 10 news anchor, was the keynote speaker in Warminster at Log College Middle School's eighth annual health day (*Willow Grove Guide*, 4/22/92).

ROBERT D. FEDER, of the family law department of Schnader, Harrison, Segal & Lewis, edited and coauthored *Valuation Strategies in Divorce*, third edition, published by Wiley Law Publications. The book covers the valuation of all major assets in a divorce

including real estate, pensions, and closely-held businesses.

MARIAN A. KORNIOWICZ, LL.M., has joined the law firm of Lightman & Associates, P.C.

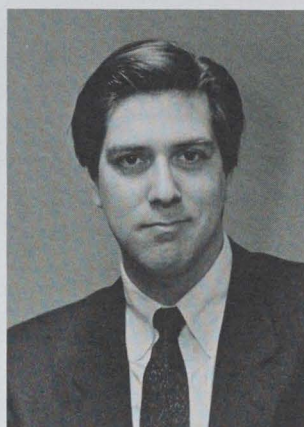
LINDA J. SARAZEN has become a partner in the Charlotte, North Carolina office of Petree Stockton. Sarazen concentrates her practice in corporate finance.

JANE SIEGEL, partner at the San Francisco firm Hanson, Bridgett, Marcus, Vlahos & Rudy, has been elected to the board of directors for Goodwill Industries of San Francisco, San Mateo & Marin Counties, Inc.

'83

LINDA M. HENRY married C. Robert Phillips II in Philadelphia on March 13, 1993 (at the height of the blizzard of '93!). Henry continues to work as a trial attorney for the United States Department of Labor.

HARRIET J. KOREN, LL.M., a member of Dilworth, Paxson, Kalish & Kauffman's corporate law department, has become a partner in the firm. Koren concentrates her practice in mergers, acquisitions, joint ventures (both domestic and international), and all phases of corporate counseling.



Clifford Boardman '86

Clifford Boardman, a 1986 graduate and Philadelphia native, once asked himself what he wanted to do with his law degree. Not wanting to spend his life "beating up the little guy," he decided to help those in a powerless position, and directed his career toward the progressive field of civil rights. Today, Boardman runs his own civil rights practice, and hopes that by "mixing people up and allowing them to be together, social barriers will be broken down."

Boardman's career as a civil rights attorney began with a brief stint in the litigation department of a large New York City law firm, after which he joined a boutique firm specializing in civil rights suits. About a year later, he moved to the Civil Rights Bureau of the New York Attorney General's office. He recently returned to Philadelphia and opened his own civil rights practice, representing only people who are victims of employment, housing, or public accommodation discrimination. His goal in opening his own firm is to lessen opportunities for discrimination by raising people's awareness of others different from themselves.

Boardman's cases have covered a wide range of civil rights violations, including actions against landowners for throwing persons out of their apartments solely because they are African American, a company for illegally reviewing a gay employee's drug prescriptions to see if he has AIDS, and an entire industry for segregating women into lower paying jobs. Presently, he is suing a township for enforcing a zoning ordinance that does not permit a home to be remodeled so that it is wheelchair accessible. When asked what his most satisfying accomplishment has been, Boardman speaks of getting people to pay attention to the problem of discrimination, because "every time you get people, especially judges, to be aware of this problem," it brings us one step closer to eliminating it.

Outside of his practice, Boardman has worked closely with various non-profit organizations committed to civil rights, and he is a member of both the Philadelphia Bar Association's Civil Rights Committee and the National Employment Lawyers Association. He also has recently become involved with Penn Law's Public Service Program. As for the future, Boardman would like to expand his work in the civil rights field through writing and speaking, but he believes that litigation is still the most effective way to make people aware of the problem of discrimination.

—R. Michael Meo '95

ROBERT A. MARCHMAN announced his promotion to Managing Director in New York Stock Exchange Inc.'s division of enforcement.

LISA M. SALAZAR has been elected senior attorney at Hoyle, Morris & Kerr. Salazar practices general litigation (*The Legal Intelligencer*, 2/17/93).

RICHARD SCHEMANT, of the corporate department of the New York office of Cadwalader, Wickersham & Taft, has been named partner (*New York Law Journal*, 1/6/93).

PAUL G. SHAPIRO, former Assistant U.S. Attorney for the District of New Jersey, has joined Cohen, Shapiro, Polisher, Shiekman and Cohen as counsel. A resident of the firm's Lawrenceville, New Jersey office, Shapiro concentrates his practice in general civil litigation as well as environmental and white collar criminal litigation.

THEODORE S. SMITH has been elevated to partnership at the Morristown, New Jersey firm Shanley & Fisher. Smith concentrates his practice in commercial litigation.

AMY E. WILKINSON has become a partner of Duane, Morris & Heckscher. Wilkinson practices in the administrative law department (*The Legal Intelligencer*, 2/24/93).

PAMELA HARPER WILSON, director of marketing and public affairs at the Philadelphia International Airport, has been named a director of the Atwater Kent Museum.

'84

DON EVERSLEY writes to tell us he is "enjoying life as a solo entertainment lawyer, philosophical malcontent, cultural anarchist, and working musician."

GREGG VANCE FALICK has opened a law firm in Albuquerque, New Mexico. Fallick, who serves as the New Mexico State Bar Young Lawyers Division Liaison to the Criminal Law Section, will continue to concentrate his practice in criminal defense and civil litigation.

PASQUALE D. GENTILE JR., a member of the Pittsburgh office of Reed Smith Shaw & McClay's business and finance group, has been elected a partner in the firm. He and his wife, Sandy '84, partner and co-founder of Mollica, Murray and Hogue, announce the birth of their first child, Pasquale Dante Gentile III, on March 18, 1993.

NANCY J. KNAUER, a visiting assistant professor of law at Temple University, co-authored a portfolio with Bonnie S. Brier, published by Tax Management Inc. and entitled Charitable Remainder Trusts and Pooled Income Funds (*Temple Esquire*, winter 1992).

HELP WANTED

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LISA DEMET MARTIN has become a partner in the St. Louis office of Bryan Cave, where she is a member of the firm's litigation department, practicing commercial litigation (*National Law Journal*, 2/1/93).

THOMAS K. PASCH, who practices mergers and acquisitions, general corporate law, corporate finance, and securities law at Hoyle, Morris & Kerr, has been elected senior attorney (*The Legal Intelligencer*, 2/17/93).

RONALD P. SCHILLER, trial lawyer in the Philadelphia office of Piper & Marbury, has been elected a partner in the firm. Schiller concentrates his practice in insurance coverage litigation in environmental, blood products, AIDS, and hearing loss coverage.

'85

GERALD T. HARRINGTON became an associate with the Rhode Island law firm of McGovern Noel & Benik. Harrington focuses on banking, public finance, and governmental relations.

HENRY S. HOBERMAN has been elected to partnership in the Washington, D.C. office of Baker & Hostetler. Hoberman concentrates his practice in First Amendment and civil litigation and is also experienced in criminal law.

GARY A. MILLER, of Hanglely Connolly Epstein Chicco Foxman & Ewing, has become a shareholder of the firm. Miller's practice focuses on corporate law, particularly securities and commercial transactions.

STEVEN L. SMITH of Cozen & O'Connor was elected to membership in the firm (*The Legal Intelligencer*, 11/24/92).

'86

STEVEN C. BAKER was named the assistant commissioner for the Department of Aviation by Atlanta Mayor Maynard Jackson (*Atlanta Daily World*, 5/24/92).

STEPHENIE FOSTER became a partner at San Francisco's Steefel, Levitt, & Weiss. Foster practices complex commercial litigation and is a past president of the San Francisco Women Lawyers Alliance (*The Recorder*, 12/8/92).

DR. EDWARD B. SHILS, LL.M. '90, is the founder and emeritus director of the Wharton Entrepreneurial Center (Snider Center). Shils is the George W. Taylor Emeritus Professor of Entrepreneurial Studies at the University of Pennsylvania and had a professorship in arbitration and alternative dispute resolution established in his name at the Penn Law School in 1991.

KENNETH WILLMAN left Sullivan & Cromwell last spring to join Goldman, Sachs & Co. Willman is currently working in Goldman's London office and would be happy to hear from any classmates passing through London. In October, Willman and his wife Rosemary welcomed their first child, Kenneth Frazier.

'87

DOROTHY TYNE ATTWOOD has joined the chair's group of Cozen & O'Connor in the firm's Philadelphia office (*The Legal Intelligencer*, 12/16/92).

EVAN J. COHEN, an associate with the New York City firm of Milbank, Tweed, Hadley and McCloy, was married to Tammy A. Weiss on June 9, 1991. The couple now announces the birth of their daughter, Samantha Lynn Cohen, on March 2, 1993.

KENNETH C. GOLD has been elected to partnership in the Detroit office of Honigman Miller Schwartz and Cohen.

MICHAEL A. SMERCONISH announced his resignation as regional administrator for the Department of Housing and Urban Development. Smerconish will join the Philadelphia firm Beasley, Casey, Colleran, Erbstein, Thistle & Kline as a trial lawyer (*The Legal Intelligencer*, 2/4/93).

FRANK N. TOBOLSKY, of Frank N. Tobolsky, P.C., announced his firm's presentation of "Buying Foreclosure Properties: Investment Opportunities for the '90s" this past February. The seminar was held in conjunction with Temple University's Institute for Continuing Studies.

'88

LEO E. STRINE JR. has left Skadden, Arps, Slate, Meagher & Flom to become counsel to Governor Thomas R. Carper of Delaware.

'89

DAVID ABRAHAM is an associate professor at the University of Miami School of Law.

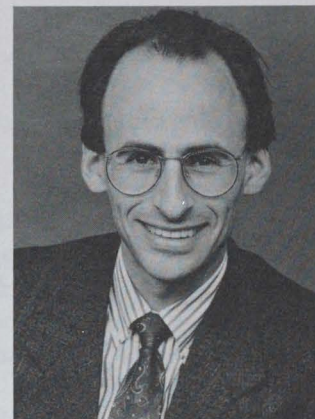
LAURA ALDIR-HERNANDEZ, formerly a litigation associate with Dechert Price & Rhoads, has joined the Federal Court Division of the Defender Association of Philadelphia as an assistant federal public defender.

LESLIE KYMAN COOPER married Bennett Evan Cooper, a fellow associate at Brown & Bain in Phoenix, Arizona, on November 28, 1992.

ALAN J. OMINSKY, M.D., trial attorney with Bernstein, Silver & Gardner and chair of the Medico-Legal Committee of the Philadelphia Bar Association, recently appeared on WPVI-TV's "Perspectives" to discuss medical malpractice.

'90

PAUL BONI, an associate in the environmental law and land use department of Cohen, Shapiro, Polisher, Shiekman and Cohen, was a featured speaker at a recent symposium on vacant lots and open space. The symposium, sponsored by The Pennsylvania Environ-



Marc L. Frohman '91



Alison Velez Lane '90

mental Council's Green Agenda for Philadelphia, was presented to over one hundred community leaders this past March.

CHRISTINE CZARNECKI CIARROCCHI, an associate of Reed Smith Shaw & McClay, has been elected to the Board of Trustees of the St. Joseph's University Law Alumni Chapter. Ciarrocchi is a labor and employment litigator.

ALISON VELEZ LANE has been named Area Director of Baltimore's Dollars for Scholars program. The Dollars for Scholars program is sponsored by the Citizen's Scholarship Foundation of America, Inc. (CSFA), a national, non-profit organization that aids students in furthering their education through encouragement and financial support. Baltimore will be the first large city to have Dollars for Scholars chapters located in different communities throughout the city. In her new position, Lane will create and develop these volunteer-operated scholarship foundations throughout Baltimore.

THOMAS N. O'NEILL III, of Shearman & Sterling, is the author of "Thai Copyright Law, Economic Development and International Trade," which was published in the *New York University Journal of International Law & Politics* symposium volume, "Asia in the Twenty-First Century." O'Neill wrote the article while in Bangkok as the Law School's 1990-91 Gowen Fellow and Visiting Research Fellow at the Thailand Development Research Institute.

ARLINE L. BAYO SANTIAGO has joined the Philadelphia firm Montgomery, McCracken, Walker & Rhoads as an associate in the litigation department.

'91

IRENE A. CIROLLA joined the Morristown-based law firm of Riker, Lanzig, Scherer, Hyland & Perretti as an associate.

KERIN BISCHOFF CLAPP and PATRICIA PROCTOR have joined Drinker Biddle & Reath as associates. Both concentrate their practices in litigation. Prior to joining the firm, Bischoff Clapp clerked for HON. NORMA L. SHAPIRO '51, United States District Judge for the Eastern District of Pennsylvania, and Proctor clerked for HON. STEWART DALZELL '69, United States District Judge for the Eastern District of Pennsylvania.

MARC L. FROHMAN became an associate with law firm of Manko, Gold & Katcher in Bala Cynwyd. Manko, Gold & Katcher specializes in environmental law.

**Our thanks to Lesley Waters, LL.M., for her informative '91 LL.M. Class newsletter. Some updates:*

Family additions:

HEE CHAN PARK and wife Kyunghwa are proud new parents of a son, William. LAURENCE JUMA, currently teaching part-time at the University of Nairobi, married on his return home from Penn and now has a baby daughter. PETER CHURCHMAN and wife Pam are expecting another baby; Churchman practices labor law and teaches part-time at the law school in Dunedin, New Zealand.

Marriages and Engagements:

ELSA DIVINAGRACIA married C. MARK WILSON last August and now resides in the Philippines, working in developmental law as a legal consultant for Philippine Business for Social Progress. NICLAS DAHLBERG will be married in Sweden this spring. RAINER KRAUSE, also engaged to be married, is working at Lebuhn & Puchta in Germany.

In the United States:

MARLA LUZZI is the Programs Coordinator at Penn's School of Engineering. STEVE TAYLOR is an in-house attorney for Federal Express in Memphis. MARGARET EGLER is an attorney with the Federal Communications Commission in Washington, D.C. MITSUO MATSUNAGA passed the New York Bar exam and now studies as a visiting researcher at Harvard Law School and works at the Federal Reserve Bank of Boston analyzing the anti-competitive effects of bank mergers.

In Australia:

MICHELLE WRIGHT, who had been working with Covington & Burling in Washington, D.C., is now with Freehill Hollingdale & Page in Sydney, Australia. GARY MEYERS is a senior lecturer (assistant professor) at the Murdoch University Law School, Perth, Western Australia; wife LINDA JUREVIC is a lecturer at Murdoch University Law School. LESLEY WATERS practices intellectual property law, primarily trademarks law, at the Sydney office of Baker & McKenzie; husband MARK ROSENBERG is an in-house attorney at Ampol Limited, an Australian oil company, concentrating in franchising law, environmental law, and antitrust.

Elsewhere Abroad:

MARCO MILENI passed the New York Bar exam and returned to Milan to work at Baker & MacKenzie. AGNES PERESZTEGI enrolled in a program in Human Rights at McGill University in Montreal, Canada. JUAN BERISSO is now practicing in Buenos Aires after working at Pepper, Hamilton & Scheetz in Philadelphia. EUSEBIO PUJOL is working Barcelona with Jausas & Terricabras. LUIZ CARLOS WATANABE has returned to Brazil. STELLA MEI-HSIANG WU returned to Taiwan after a six month stint in Germany. TATSU KATAYAMA was working in Sydney with Allen Allen and Hemsley, and returned to Tokyo early in 1993.

'92

LILLIAN E. BENEDICT is an associate with Wolf, Block, Schorr & Solis-Cohen.

BART E. CASSIDY has joined the Bala Cynwyd firm Manko, Gold & Katcher as an associate.

MICHAEL D. JONES has joined Montgomery, McCracken, Walker & Rhoads as an associate in the employment law department; Stephen J. Levy has joined its litigation department as an associate.

STEFANIE LEMPP and ERIC H. SIEGEL have both joined Hoyle, Morris & Kerr as associates (*The Legal Intelligencer*, 12/1/92).

BERNARD SOLNIK has joined Seyfarth, Shaw, Fairweather & Geraldson in New York City, where he will practice commercial litigation. Prior to joining Seyfarth, Solnik played with a London rock band that is currently negotiating a major record deal. He has declined to tour with the band, but is giving the group legal advice. Solnik, who is doing some work with other entertainment lawyers in New York, also plays with "The Nick Pablo Thang" band on occasion but, he explains, his "main gig is law."

DEBRA L. STEINER, an associate with the Philadelphia firm Abrahams, Loewenstein, Bushman & Kauffman, P.C., has been admitted to the practice of law in Pennsylvania and New Jersey. Steiner specializes in civil litigation.

Schnader, Harrison, Segal & Lewis announces that the following members of the Class of '92 have joined its Philadelphia office:

RAQUEL N. GUZMAN has joined the real estate department; CONSTANCE A. KOSSALLY is in the litigation department; DAVID M. LAZARUS is a member of the business department; and TERESA VALLS is a new addition to the family law department.

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IN MEMORIAM

'27

LOUIS LIPSCHITZ
Philadelphia, PA
April 1, 1993
Mr. Lipschitz made it a point to attend as many alumni functions as possible. He always left his name tag on at the end of the evening, noting that in that way he would be sure to convince his family that he'd been at the Law School. Until his death, Mr. Lipschitz continued to supervise Penn Law students through the Public Service Program.

'32

HON. ALEXANDER F. BARBIERI
Philadelphia, PA
January 9, 1993

PHILIP WERNER
Wyncote, PA
October 10, 1992

'35

MAURICE S. WILLIAMS
Houston, TX
November 6, 1992

'36

HON. EDWIN S. MALMED
Palm Beach, FL
February 2, 1993

'37

JAMES A. BURNS
Philadelphia, PA
February 20, 1993

PETER A. GENTILCORE
Uniontown, PA
March 3, 1993

'38

ROBERT N. FERRER
Villanova, PA
February 6, 1993

'39

LEO T. CONNOR
Philadelphia, PA
November 28, 1993

'40

EDWARD J. MINGEY, JR.
Villanova, PA
December 12, 1993

'41

WESLEY R. FRYSZTACKI
Moorestown, NJ
March 3, 1993

'42

JOHN A. KENNEY
Wynnewood, PA
October 24, 1992

'48

ROBERT J. SPIEGEL
Bala Cynwyd, PA
February 11, 1993

'49

HON. C. L. QUINLAN, JR.
February 19, 1993

'50

LEONARD LEVIN
Havertown, PA
April 26, 1993

VINCENT D. McMULLIN

Mendham, NJ
November 9, 1992

'52

JOHN G. BARTOL
Carefree, AZ
November 10, 1992

DAVID M. PINDAR

Belmar, NJ
February 6, 1993

BENJAMIN H. READ

Washington, D.C.
March 18, 1993

CLARENCE P. REBERKENNY

Cherry Hill, NJ
November 1, 1992

'64

EDUARD F. VON WETTBERG, III
Wilmington, DE
January 10, 1993

'66

STEPHEN M. COURTLAND
Charlotte, NC
February 10, 1993

SAMUEL GOMEZ, ESQUIRE
Philadelphia, PA
April 17, 1993
Mr. Gomez, a respected and effective immigration lawyer practicing at Community Legal Services in Philadelphia, supervised Penn Law students through the Public Service Program and in externships and also taught an immigration course with Professor Gerald Neuman. In eulogy, Judith Bernstein-Baker, Director of the Public Service Program, noted: "The members of the Penn Law community grieving with us today, including graduates, are a testament to Sam's contribution in inspiring the next generation of lawyers to continue to respond to the social injustices of our times. The seeds of compassion and understanding Sam planted will continue to grow."

Errata

The Editor and Law School apologize for the following typographical errors in the last edition:

William C. Bullitt '71 graciously corrected our misspelling of his name.

Kenneth Rosenberg '72 wondered if people might not think that he'd been practicing law unlicensed for seven years; we incorrectly listed him as a member of the Class of '79 in our last edition.

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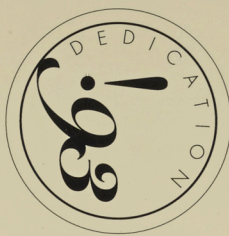
Gilbert F. Casellas '77

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