

# Penn Law Journal

UNIVERSITY OF PENNSYLVANIA

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## *Leadership Through Law*



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University of Pennsylvania  
Law School  
3400 Chestnut Street  
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EDITOR

*Lee Gaillard*

DESIGN

*Professional Creative Services*

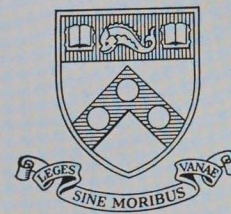
PHOTOGRAPHY CREDITS

*Greg Benson*

*Tommy Leonardi*

ARTICLES

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Editor  
Penn Law Journal  
University of Pennsylvania Law School  
3400 Chestnut Street, Philadelphia, PA 19104-6204.

Telephone (215) 898.1516 • Fax (215) 573.2020.

Editor: E-mail [tgaillar@law.upenn.edu](mailto:tgaillar@law.upenn.edu)

Law School website: [www.law.upenn.edu](http://www.law.upenn.edu).

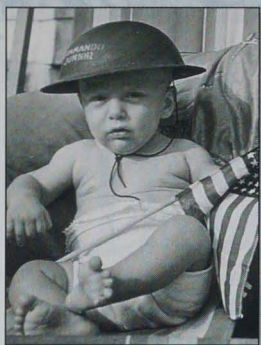
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# Penn Law Journal

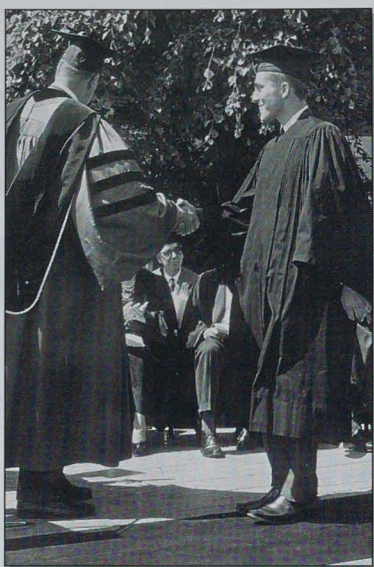
UNIVERSITY OF PENNSYLVANIA

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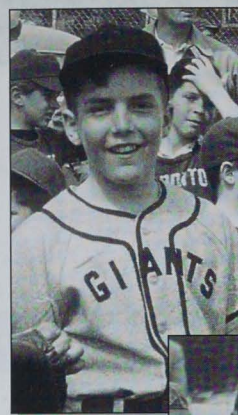
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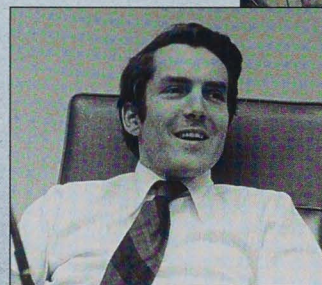
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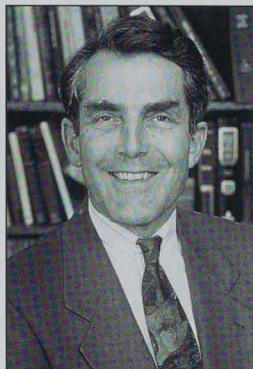
*Dreaming of Becoming Dean of The Leadership Law School*



*Massachusetts Undersecretary of Administration*



# A Message from the Dean



## Thoughts on Graduating from “Leadership School”

For the past ten years, I have been a student. I have not registered for a single class. I have not paid a cent in tuition. I was never issued a locker or a seating assignment. Nonetheless, I have received a priceless education.

My teachers have been the faculty, staff, students, and alumni of this extraordinary institution.

From the faculty, I have learned invaluable lessons about balancing intensity of focus with expansiveness of view, analytical precision with openness to nuance, ruthless honesty with collegiality. In faculty workshops, I have received a graduate education in the legal applications of philosophy, economics, history, and sociology. Books and articles authored by my colleagues have introduced me to the most amazing array of subjects: legal transitions in post-colonial Hong Kong and post-communist Hungary; medieval rat trials, nineteenth-century bigamy prosecutions, and twentieth-century impeachments; “self-preemption,” “incommensurability,” and “supererogatory duties”; line-item vetoes, the Fairness Doctrine, the abuse excuse; legal rights from conception to death — and almost everything in between.

From the Law School’s administrative and support staff, I have learned about institutional loyalty. I have learned about the importance of listening as much as talking, providing feedback as much as defining expectations, cheerleading as much as questioning, and, most of all, trusting as much as overseeing.

From the students, I have learned to question all my generation’s cherished assumptions about law and legal education. With every new entering class and every graduation ceremony, I have been reminded of the power of ideas and dreams, the necessity of binding ambition to principle and power to compassion, of the challenge of toughening the mind without hardening the heart.

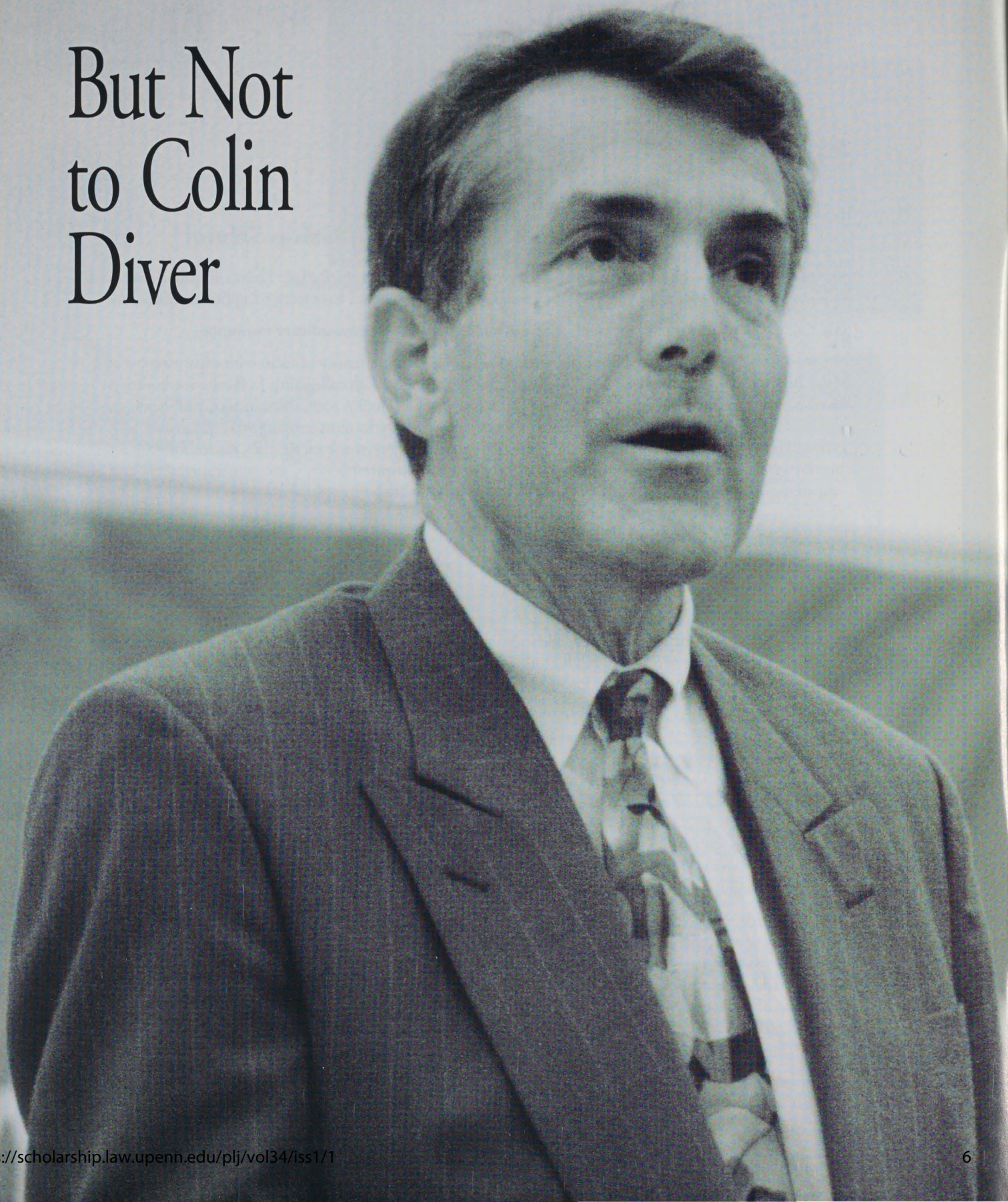
From the graduates of Penn Law School, I have learned countless lessons in leadership. From Henry Silverman ’64, CEO of Cendant, I learned not only how to build a successful enterprise with focus and driving commitment, but also how to rebuild such an enterprise with unwavering integrity and courage. From Charlie Heimbold ’60, CEO of Bristol-Myers-Squibb, I learned invaluable lessons about how to lead by example, by listening intently, and by quiet persuasiveness. From Paul Levy ’72, Principal of Joseph, Littlejohn & Levy, I learned about the almost limitless potential of enthusiasm, coupled with determination and clear-headed judgment. From Harold Kohn, David Berger, Sylvan Cohen, Lippy Redman, Steve Cozen, John Harkins, and so many others who built successful law firms, I have learned that an insistent commitment to excellence can bridge the gulf between the “business” and the “profession” of law.

It is not accidental, or simply instrumental, that I chose “leadership” as the theme for our strategic plan. Being Dean of the Penn Law School means going to leadership school. It has meant encountering instances of leadership every day for the past ten years — whether it be a faculty member’s pioneering research, a student’s transformative public service, a staff member’s administrative entrepreneurship, or a graduate’s leadership of a practice group, a law firm, or a Fortune 500 company. Penn’s genius has been to instill those qualities of mind and heart that produce, in uncommon quantities, leaders.

So, I approach the end of my deanship with a head full of knowledge and a soul full of lessons. I will relocate my office down the hallway. But my Penn education will continue.

# Say Farewell to the Diver Decade . . .

But Not  
to Colin  
Diver



**After ten years** at the helm of Penn Law, Colin S. Diver has announced his resignation from the deanship, effective June 30, and his return to active teaching and research as a member of the Law faculty.

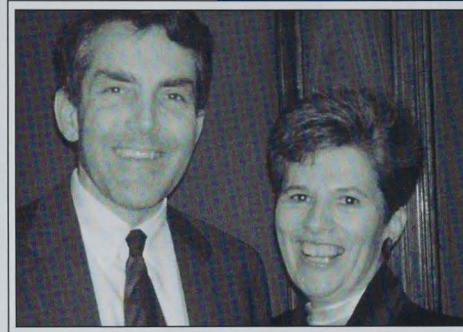
The Diver years have been ones of solid achievement on three key fronts: the faculty, the physical plant, and the educational program.

Dean Diver has nurtured and attracted to Penn Law a scholarly faculty of world renown, especially in the areas of legal theory, public law, and business law. The physical plant has been enhanced by the building of Tanenbaum Hall and the restoration of Silverman Hall, the School's original, monumental building.

The educational program has received equal attention. Clinical education added new programs in Advanced Civil Practice and Legislation. A summer introductory course now eases the transition for foreign-trained students in the LL.M. program, which has doubled its enrollment from 35 to 70. Penn Law's public service program, requiring 70 hours of approved public-service work for graduation, has become a national model.

One of Diver's major goals, the cultivation of an "interprofessional" approach to education under the banner of the Leadership Law School, has been shaped by a series of multidisciplinary programs that include the newly created Institute for Law and Philosophy. In years to come, Diver says, he hopes to see these gains solidified and expanded.

For seven years following his graduation *magna cum laude* from Harvard Law School in 1968, Diver, a native Bostonian, held administrative posts, first as Special Counsel to Boston Mayor Kevin White, then in the Massachusetts state departments of Consumer Affairs and Administration and Finance. His life during this period was held up to remarkable public scrutiny in *Common Ground*, J. Anthony Lukas's Pulitzer Prize-winning study of three families of very different social backgrounds involved in the Boston school desegregation crisis.



## DIVERSE DIVERS

Colin Diver's interdisciplinary involvements are nowhere reflected more clearly than in his family.

Colin and wife Joan, who helped put him through Harvard Law, have been married for 33 years. "She's been through it all and is more important to me than anybody else on the face of the earth."

One-time executive director of the Hyams Trust, a Boston charitable foundation, Joan took up spiritual healing following two disk surgery operations on her back. "She turned to Eastern traditions as a way of seeking relief — acupuncture, acupressure, yoga, meditation, getting in touch with the spirit and energy and consciousness that they say flows around and through us. I'm a law professor and she's a spiritual healer — we've learned a lot from each other."

The Divers' elder son, Brad, and his wife, Heidi, are struggling visual artists who live in Germantown. Younger son Ned is finishing up course work at Penn Law in one of the School's prized joint programs, on track to a combined J.D./Ph.D. in philosophy.

Diver came to Penn in 1989 from Boston University, where he had served as a professor of law, associate dean, and, finally, dean of the law school. During a stint as visiting professor at Penn Law in 1983, he had come to know and respect many of the faculty and staff. In the following years, he followed the fortunes of the School and became impressed by the achievements of Dean Robert Mundheim, especially in faculty appointments and fundraising.

“It looked to me as though the School’s trajectory was in the right direction,” recalls Diver, “but that there were still things that were broken and needed to

be fixed. I always liked fixing things. I had been something of an amateur restorer and renovator of old houses, a frustrated architect. I had gotten very interested in my academic writing and research in the architecture of organizations, how they function, what makes them live and breathe.”

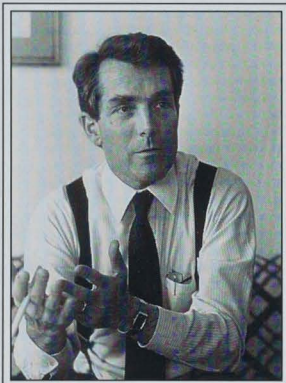
At the top of the list for renovation at Penn Law, he placed stabilizing and strengthening a faculty that had once been regarded as “a farm team for the top-tier schools” and revitalizing the school’s infrastructure — the physical plant, the library, the services, the technology. He also recognized the value and necessity of marketing, “to use a word that was at that time less acceptable in education.”

The job also held an allure for Diver on a very personal level. “Most people say the most important reason to do a job is what you can accomplish or what

you can do for others,” he explains, “but, what makes a job fun and exciting and satisfying is what you learn, and if you are learning, having a good time, you’re going to do the job well. And serve others well.”

During his first five years — “the guns and butter phase of my deanship” — Diver concentrated on rebuilding much of the physical plant (the guns) and on convincing the faculty that he was totally committed to academic excellence (the butter). Thus, even as the price tag on Tanenbaum Hall, a project initiated by Mundheim, rose to \$28 million, he undertook an aggressive faculty recruiting and support campaign. “I needed to give the school and the world the sense that if you were a top scholar,” he explains, “this was not just a place to start your

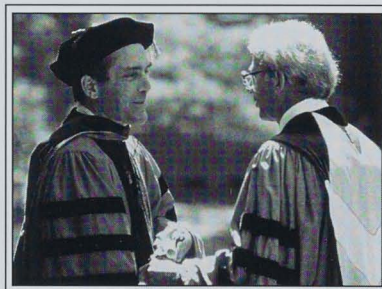
**Nicole Tanenbaum  
Hall Opens**



**Diver Joins  
Penn Law as**

**Dean and  
Bernard G. Segal  
Professor of Law**

L E A D E R S H I P



**Receives Honorary  
Doctor of Laws Degree,  
Amherst College**



P H Y S I C A L  
I M P R O V E M E N T

D I V E R D E C A D E

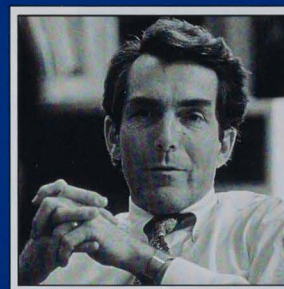




# COLIN ON COLIN

career, but a place to conclude your career.” During his tenure, the number of standing faculty has risen from 28 to 37, the number of endowed chairs from 11 to 17.

Those first five years also coincided with the University’s comprehensive campaign, launched within months of Diver’s arrival. Its five-year goal of \$1 billion included a Law School share pegged at \$45 million. Diver had to shift into high fundraising gear from the start. Though \$20 million was already in hand through Mundheim’s efforts, much of it was slated for the Tanenbaum construction. But by the end of the campaign, Penn Law had pulled in \$62 million, surpassing its goal by almost 40 percent.



Colin Diver is remarkably candid in assessing his own strengths and weaknesses as a leader. “As an academic, I’d been much more interested in the rational or hard side of the law and hadn’t focused on the people side of it. I’ve always been a control freak, and during ten years of being dean I’ve tried to become a lapsed control freak. I think I have a better sense of how to delegate, how to be confident about empowering the people who work with you, respecting and honoring the different styles they bring to the table. That doesn’t come as naturally to me as it does to some people.

“I’m basically a forward-oriented person. I’m always thinking about the next thing, I’m very impatient, I’m hyperactive and have difficulty just sitting down and pondering things. I benefited from those qualities because they’ve driven me to accomplish a lot in a job like this.

“I’m also very competitive – I don’t like to lose, whether in competition for faculty or students or on the tennis court. That, too, has a plus and a minus side to it; it pushes me to push the school, try to make it always better, but at the same time it can sometimes make me insufficiently appreciative of the importance of things that don’t fit into my game plan.

“In terms of my own personal growth, I’ve gotten an enormous satisfaction out of what I’ve learned at a practical level about how to think strategically about an organization, trying to assess its strengths and weaknesses candidly, what pulls and pushes on it and the directions in which to tweak it.

“In terms of what I’ve ‘accomplished’ – as opposed to what I’ve learned – my main source of satisfaction is seeing among the faculty and the staff and the students, and certainly among the alumni, a degree of confidence and ambition that I just didn’t see ten years ago.”

**CAMPAIGN  
FOR  
PENN LAW NETS  
\$62 MILLION**

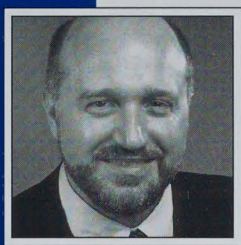
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**P U B L I C  
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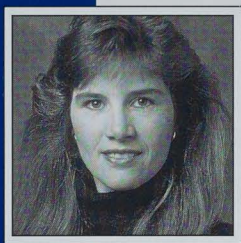
# SEARCH COMMITTEE

The 11-member search committee assembled to find Diver's successor is in full swing. The Penn Law contingent includes faculty members Robert Gorman, Heidi Hurd, Edward Rock, and Jacques deLisle, as well as Daniel Garodnick, a second-year law student, and first-year student Stephanie Littlefield.

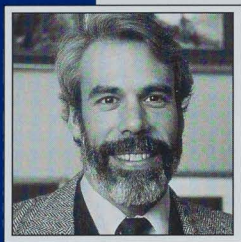
University President Judith Rodin has appointed four members from the non-law faculty: Richard Herring (chairman) and Georgette Poindexter from Wharton; Samuel Preston, dean of SAS; and Martin Fishbein, an Annenberg professor. Paul Levy, Penn Law '72, and a member of the School's Board of Overseers and one of the School's major benefactors, represents the alumni.



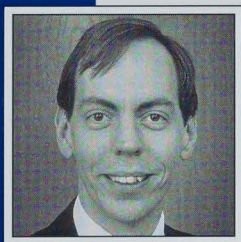
Richard Herring



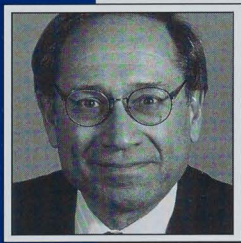
Heidi Hurd



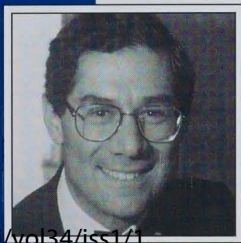
Edward Rock



Jacques deLisle



Robert Gorman

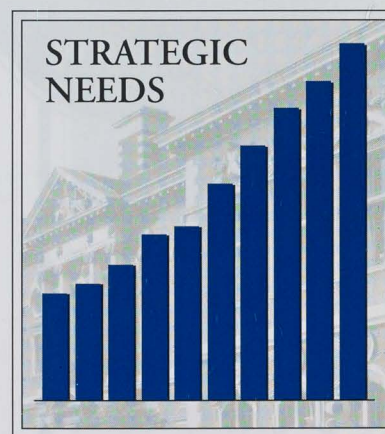


Paul S. Levy '72

The second phase of Diver's deanship was dominated by the development of a strategic plan for the School, a vision with a distinctive focus setting it apart from its competition. To capture this vision, Diver coined the phrase "The Leadership Law School."

From the beginning, Diver aimed to make the School more consciously interdisciplinary, an approach he sees as the key to a modern legal education. Ten of his 14 faculty appointments have formal academic backgrounds in economics, history, philosophy, or sociology. With significant assistance from Michael Fitts during his stint as associate dean, the roads leading to this goal were incorporated into the strategic plan in detail, and a wide range of new interdisciplinary programs sprouted. (See the Fall 1997 and Spring 1998 issues of the *Journal* for a fuller outline of the strategic plan and new cross-school programs.)

## INTERDISCIPLINARY



Strategic Plan developed for Leadership Law School

Today, Diver sees the School exhibiting an especially vibrant intellectual life. "We have a very strong teaching faculty – that's been a tradition here – and an extremely enthusiastic body of well-adjusted, smart, ambitious students who are a pleasure to teach, a pleasure for employers to hire. There's a feeling of community and collegiality rare among competitive law schools."

Furthermore, with the completion of Tanenbaum Hall in 1993 and the restoration of Silverman Hall begun this year, the physical plant ranks with any in the country, says Diver. And last but not least, "I have to say Penn Law has the best administrative staff of any law school in the world – in student support areas, in computer technology, the media area, the library – you name it."

One of Diver's universally recognized strengths is fundraising, one of the "people skills" he has worked to develop over the years (see sidebar, p. 7).

During his decade, the Law School has received in excess of \$100 million in gifts and pledges.

Fundraising is a product of enthusiasm and hard work, he emphasizes, "but it doesn't require the solution of intricate, complicated, intellectual problems, which is one of the reasons many academics don't like it or why, if they do like it, they lose interest after a while.

"You're going out to people who already have some significant connection to you and some degree of enthusiasm for what you're up to, and you're trying to convince them that what you're doing is worth supporting. So the first thing you have to do is convince yourself, and if you are improving the organization, doing things that are tangible and measurable, then you are already part way there."

After relinquishing the deanship, Diver expects to take a breather during which he will try to catch up on the literature in his chosen field of administrative law, which he has been forced to neglect for the past decade. Then he will return to teaching, which, he says, will force him to come to grips with the important contemporary issues.

When the dust has fully settled, he hopes to take an active hand in bringing the interdisciplinary goals of the strategic plan to fruition: "We now have as good a group of public law scholars on this faculty as you'll find in American legal education, plus people who teach at Wharton and other departments around campus. I'm hoping I can see my way clear to bringing these different components together into an institutional form that will magnify the glory of the law school."

**NEW  
INTERDISCIPLINARY  
PROGRAMS IN  
BUSINESS, HEALTH,  
PHILOSOPHY, AND  
PUBLIC POLICY**



**Henry R. Silverman  
gives \$15 million, largest  
gift ever to a law school**



**Diver returns to teaching and research**

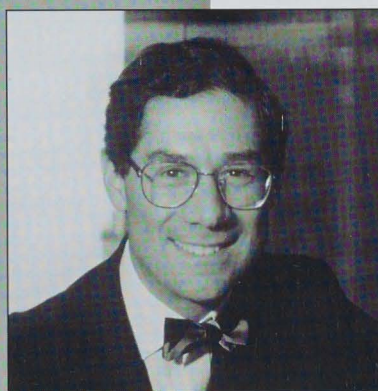
**BUILDING  
FACULTY**

**D I V E R D E C A D E**

P A U L

If you want a company doctor, Paul Levy is your man. Not a doctor *in* a company, but a doctor *of* companies.

A founder and managing general partner of Joseph Littlejohn & Levy, the New York turnaround fund, Levy explains that “we manage pools of equity for large private pension funds and endowments for private institutions. Our investment niche is focused on underperforming companies that need balance sheet fixes or operational improvements; then we recruit great managers and build the businesses. We’re not really a leveraged buyout house, but we’re in the same category.” JLL is currently building its third fund, with \$1 billion in equity.



**PAUL S. LEVY**

*Penn Law '72  
Managing General Partner,  
Joseph Littlejohn & Levy,  
New York; Chairman and  
Chief Executive Officer,  
Lancer Industries, Inc.*

# Healing Broken Corporations

Levy grew up in New York, where he attended the Bronx High School of Science. He did his undergraduate work at Lehigh University, graduating *summa cum laude* and Phi Beta Kappa, before attending Penn Law. He began his legal career at Stroock & Stroock & Lavan, New York, before leaving to go into business. Along the way he served as CEO of Yves Saint

## S. L E V Y

Laurent and a managing director at Drexel Burnham Lambert, in charge of the restructuring group. He and former partners Peter Joseph and Angus C. Littlejohn, Jr., C '73, formed JLL in 1988.

The firm's major success – “our signature deal” – was Republic Health Corp., a chain of hospitals which, restructured and renamed OrNda Healthcorp, became the third largest chain in the country. The approach was typical: JLL closed six underperforming hospitals, hired new management, then expanded rapidly. Between the 1991 acquisition and 1997, revenues at OrNda increased from \$450 million to over \$3 billion.

Other JLL high points include the formation of Freedom Chemical Co., based near Philadelphia, through acquisition of smaller specialty chemical companies. Freedom was sold last year to BF Goodrich for \$375 million. “We’ve also been very active in the automotive industry,” adds Levy. “We control the world’s largest automotive and truck wheel suppliers, Hayes Lemmerz International, with \$2 billion in sales.” In the broadcast industry, JLL recently sold a group of 19 radio stations in the Northeast corridor to SFX Broadcasting. Lancer Industries, which Levy runs directly as CEO, controls Fairfield Manufacturing Co., a maker of gears and planetary gear assemblies which transmit extra power in agricultural machinery, military trucks, and a variety of off-road vehicles that face difficult or muddy terrain.

Still, for Levy the heart of the matter isn't simply the building of empires or successful businesses: “The most personally rewarding aspect of the job has been working with young people in the office over the years, helping them grow, watching them mature in professional experience. I think about it all the time.”

Levy is on the Board of Overseers of the Law School and a member of the University search committee charged with choosing a successor to departing Dean Diver. He also recently gave \$2 million for the renovation of Sharswood Hall, formerly the south reading room of Biddle Library in Silverman Hall. Sharswood Hall will be renamed the Paul and Karen Levy Conference Center, which will include spaces for lectures and receptions, as well as a full-service kitchen.

“I spent many an hour there as law student from 1969 to '72,” recalls Levy. “I’ve always considered the building to be a fabulous place, a place that evokes ‘the law,’ so when Colin [Diver] showed me Sharswood and I saw its condition, I said OK. My wife and I enjoy giving, and we’re constantly challenged how to do that well. It’s easy to write a check but much harder to make a difference.”

Paul and Karen, a graduate of Brown University and NYU law school, have been

married for 21 years. They met at Stroock & Stroock & Lavan. She moved on to Paul Weiss Rifkin Wharton & Garrison but left the practice of law after the birth of their first daughter, Rebecca, now 17. A second daughter, Charlotte, is 15. “We all work hard at home,” says Levy, “and Karen and I have tried to get the kids on the right path. We’re a close-knit family. I try to make the 6:09 for dinner every night, and I’ve done pretty well over the years. The family comes ahead of business and social life.”

An important addition to Levy’s spiritual life has been his study of the Torah during the past five years. “Neither my wife nor I grew up in a religious home. We’ve met for an hour a week with a rabbi, and we’re pushing our way through a variety of Jewish texts, the Torah and others. It’s both intellectually stimulating and spiritually satisfying. But we have a long way to go to understand what it’s all about.”

Levy has gone a long way in many directions. He’ll probably make this trip just as successfully. ■

## Keeping the Chickens Healthy & Wealthy

Saul Fox broke into the leveraged buyout game before it even had a name. Working at the Los Angeles law firm of Latham & Watkins in the late Seventies and early Eighties, he specialized in business and tax law and became involved in the firm's management. "They have an unusual structure and were growing rapidly," says Fox, "so I got the opportunity to do things at a young age that I would have had to wait 20 years for at an older, more established Eastern firm.

"I was structuring leveraged deals that were novel at the time, so that got me an introduction to Kohlberg Kravis Roberts & Co. Although I'd been practicing only five years, KKR made an offer I couldn't refuse. It was one of the most difficult decisions in my life because I loved Latham & Watkins and practicing law."



**SAUL A. FOX**

*Penn Law '78  
Chief Executive Officer,  
Fox Paine & Company,  
Foster City, California*

He joined KKR in San Francisco in 1984 and became a general partner in 1990. But in 1996 he struck out on his own, forming Fox Capital, Inc., a private investment company. The next year, with partner Dexter Paine, he set up Fox Paine & Company to pursue his special interest – investing in companies generally "out of favor" with much of the investment community.

## A. F O X C O F F E E

Looking back, he remembers that Paine was the banker “who lent me money to do my first deal at KKR,” buying Motel 6 in 1985, then a down-at-the-heels lodging chain – “nothing reinvested in sheets and towels, and no telephones” – for \$800 million. Fox sold Motel 6 for \$2.5 billion five years later, by which time it had become the largest budget lodging enterprise in the country. “You’ve heard the commercials?” asks Fox. “I hired Tom Bodet. There’s the power of advertising for you. I feel good about not just the dollars, but more people at work, creating a healthy, vibrant company that’s playing a role in society.”

Another major deal that Fox put together at KKR involved the purchase of American Reinsurance Co. from Aetna Life and Casualty in 1992 for \$1.4 billion. “In less than four years we took a company that wrote about \$900 million in premiums to writing \$2 billion, and it’s grown in other ways” says Fox. “When we sold it, we created 50 millionaires for management, because every employee in the company had stock – I saw to that – and they all kept their jobs because the buyer wanted the company for their experience. We sold it for – you just reverse the figures – \$4.1 billion. At the same time, we made it a more important contributory company and still maintained a great relation with Aetna,” which subsequently became a major investor in Fox Paine.

It might seem reasonable to trace his influences back to starry-eyed visions arising from the *Wall Street Journal*. Instead, Fox credits an obscure (and now defunct) experimental high school in Philadelphia, the Miquon Upper School.

“Thank God for Miquon. I was pretty much a wild kid; I was contemptuous of schooling [in the Cheltenham School District of suburban Philadelphia]. But for the experience of Miquon Upper, I wouldn’t have gone to college. I decided at the last moment, and Temple was nice enough to take me.”

He started at Temple as a film major, then switched to computer science. After his third year he took a year off to volunteer in Israel during the Yom Kippur War of 1973. “I filled in for those sent off to fight. I worked as a cowboy at a kibbutz, one of the few that raised beef; then I came back to make up lost courses so I could to graduate with my class,” which he did – *summa cum laude*.

Both Temple undergrad (1975) and Penn Law (1978) were “fantastic” experiences. But though he had spent an “interesting” summer working at Wolf, Block, Schorr and Solis-Cohen while at Penn, “based on that experience I didn’t want to practice law in Philadelphia or New York, so I spent lots of my third year in law school not attending classes but traveling to about 20 cities, looking at their cultural and business climates.” He chose the West Coast and was offered a job at Latham & Watkins.

Fox Paine is off and running. Between August 1997 and March 1998, they put in place a capital fund of \$500 million, mostly from institutions that had invested in deals the two partners had put together. Last fall, in their first two transactions, they created the largest telecommunications company in Alaska.

First, they bought all the rural lines in Alaska from PTI Communications for \$400 million, then paid \$300 million for Anchorage Telephone Utility, a phone company owned by the city of Anchorage. The resulting company, Alaska Communications Systems, Inc., controls 80 percent of all telephone lines in Alaska and 65 percent of the cellular market, and forms the largest Internet provider (Alaska boasts the highest per capita use of Internet services in the country). They have installed a management team led by Charles E. Robinson, former chairman and CEO of Pacific Telecom, and they plan to use the new company to expand into the lower United States.

Fox and his wife, Susie Carol Abram, live in Woodside, California, with their five children. “The most personally rewarding aspect of my life, though it may sound corny, is working with my children,” he says. “This weekend I was designing a building for my seven-year-old, a haunted house for school.”

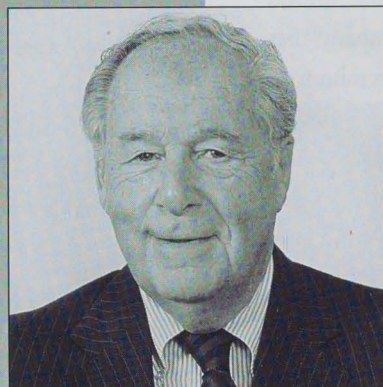
His greatest professional reward, he adds, also includes the human side. “Hopefully, at the end of the day the companies I’m involved in are healthier and wealthier – more important, doing something better in the world than before. And people along the way can prosper from that.”

So far, quite a few people have. ■

## LESTER

Lester Kabacoff was something of a latecomer to New Orleans – not arriving until 1942. But now he’s become so much part of the fabric of the city that it’s hard to imagine either without the other. To a remarkable extent, today’s New Orleans cityscape has been influenced by his efforts over the past half century.

# The Spirit of the Big Easy



**LESTER E. KABACOFF**

*College '34, Penn Law '37  
Managing Partner,  
International Rivercenter  
New Orleans*

The Royal Orleans and Royal Sonesta hotels, the 1984 World’s Fair, the New Orleans Convention Center, revitalization of the French Quarter, the International Rivercenter complex (where he lives and keeps his office) – all exist, directly or indirectly, because of the determination of the man affectionately and almost universally known as “Kabby.”



## E. K A B A C O F F

Son of a Russian immigrant who lost virtually everything in the Depression, Kabacoff was born in Brooklyn and grew up in East Orange, N.J. He attended Penn on an undergraduate sports scholarship, majored in political science, became captain of the tennis team, and supported himself by washing dishes in the Sigma Alpha Nu fraternity house, working odd jobs – and playing tennis.

Kabacoff has called tennis, which he has played since the age of 12, “the single strongest influence in my life,” and his approach to the game is something of an external mirror to the competitive drive that lies beneath his easy congeniality: he was U.S. Junior Indoor Tennis Doubles champion in 1931, State of Louisiana Tennis 70 Champion in both singles and doubles in 1983, and he was inducted into the Louisiana Tennis Hall of Fame in 1994.

Kabacoff did not have New Orleans in mind when he graduated from Penn Law in 1937 (again on scholarship, though this time not in sports). He joined the Wall Street law firm of Garey, Desvernine and Kissam, and then, while serving with the army during World War II, attended Officers’ Candidate School at Mississippi State College at Starkville. The army assigned him to the Port of Embarkation in New Orleans, where he spent the war. His first major accomplishment, soon after he arrived, was to work out a deal to prevent potential dock strikes that could have tied the war effort in knots.

The lower-key atmosphere of New Orleans soon won his affection (as did Gloria Simmons, whom he met in 1944 and who later became his wife). After two post-war years of hectic transfers and train commuting around New York, he moved to New Orleans permanently in 1947.

Kabacoff made his mark first as executive assistant to Edgar B. Stern, Sr., a New Orleans developer and civic kingpin, and participated in establishing the city’s first television station, WDSU-TV, in 1948. After Stern’s death in 1959, Kabacoff ultimately struck out on his own. Over the next three decades he produced a series of deals which transformed New Orleans on both a physical and a spiritual level.

A master dealmaker, he is best known for his trademark friendly persuasion, combined with relentlessness and unfettered optimism. As an early associate once noted, “Mr. Stern wants to do something tomorrow, I want to do something today, and Kabby wants to do it yesterday.”

During the 1970s, Kabacoff assisted in assembling the financing and political backing which would result in the building of a convention center adjacent to the river front. The center has since gone through a series of expansions and serves as keystone to the city’s tourism industry.

Nevertheless, it’s the International Rivercenter – with its cruise ship terminal, New Orleans Hilton hotel, première shopping, eating and living area, and state-

of-the-art tennis facilities – that may be Kabacoff’s grandest and most enduring monument, one that stands as a bustling, upscale yet approachable solution to blight, fragmentation, and underutilization.

He brought this complex deal to fruition in the 1970s on a 24-acre warren of tiny overlapping or conflicting publicly and privately owned land parcels, railroad tracks, crumbling docks, and streets that existed only on paper. In the process, he stitched together unlikely civic and business alliances, overcame vested political interests, and applied bulldog determination to a project which most observers considered an impossible dream. Today, an aquarium, a river-front street car, as well as excursion paddlewheelers have been added to the mix.

Through it all, Kabacoff has kept his commitment to his family rock-solid. Still married to Gloria, he has provided both his son/law partner, Pres ( a New Orleans developer in his own right), and daughter, Margot, with a share in each of his real estate ventures.

As for Penn Law, in 1996 he donated \$500,000 for the renovation of the Biddle Library’s former central reading room in Silverman Hall, to be renamed the Lester Kabacoff Reading Room. He is also one of the few men around who has played tennis with two Penn Law deans (Robert Mundheim and Colin Diver) as well as former University President Sheldon Hackney.

# CRISIS MANAGEMENT



“The most important point is that one comes away with a staggering realization of how important **‘truthfulness’** is in our economic system and how vulnerable that system is to fraud.”

by

**H E N R Y R. S I L V E R M A N**

*President*

*and*

*CEO,*

*Cendant*

*Corporation*

It is always a pleasure for me to return to Penn, and over the years, as I continually pass milestones in my professional career, I am always struck by how many of the analytical skills and how many decision-making tools that I use today had their genesis in my time here in this very building. These years are very formative, much more than I realized and much more than many of you students here will realize. So, I appreciate the opportunity that Colin extended to me to come here today to address you and offer some real world context to some of the lessons that all of us learned in this building and at Wharton and on this campus.

I am the Chairman, President, and CEO of Cendant Corporation, the largest company in the world solely devoted to providing services to businesses and consumers. Our name is not well known to consumers. They know us by our more than twenty well-known brand names, which are our most valuable assets.

In lodging, we franchise hotels, licensing our brand names and reservation and marketing services to independent hotel owners with brands like Days Inn, Ramada, Super 8, TraveLodge and Howard Johnson. In real estate brokerage, we franchise independent real estate brokers to operate under the Century 21, Coldwell Banker, and ERA flags. In rental car, we license the Avis name in 169 countries around the world. In tax preparation, consumers know us as Jackson-Hewitt. We operate a timeshare resort exchange program under the name RCI. Plus, we offer our services to corporations in fleet management and relocation.

Together these businesses generate more than \$1 billion a year in free cash flow. But until recently, few people had heard of us. Our specialty had always been anonymity. So, we expected it to take quite a little time for the market to get to know Cendant, the product of the merger of my own company, HFS, Inc., and a direct marketing company named CUC International. When that merger closed in December of 1997, I had no idea how quickly we would become very well known and I had no idea how much it would cost.

If any of those of you in the room have followed Cendant in the business press recently, you know we are sort of the Monica Lewinsky of *The Wall Street Journal*. In fact, I think it was the Starr report that took our Audit Committee report off the best seller list. But as of this year we discovered that our partner in our merger of equals (the company I mentioned, CUC International) had engaged in fraud. Officers of that company had systematically worked for five years to deceive their investors and to conceal that their business model was flawed. Large portions of the company simply weren't there.

In April, we knew the problem was bad, that roughly \$180 million of the prior year's earnings were made up, created with the stroke of a pen or actually the keystroke of a computer. After five and a half months and millions of dollars of forensic audits and investigations, we now know that the problem was much deeper. The fraud was five years in duration and reached the point that in 1997 over 60% of CUC's net income was never there.

Today I would like to share some observations with you, drawing from my unfortunate recent experience as a victim of the largest fraud ever in corporate America. The first and most important point is that one comes away with a staggering realization of how important "truthfulness" is in our economic system and how vulnerable that system is to fraud. The system is built on a presumption of honesty, of respect for the rule of law, and of a common shared assumption that institutions of stature and credibility will tell the truth.

Now, all of you in the audience are probably saying, "Wait a minute. Was this guy born yesterday?" Every day thousands of people in the financial community spend all of their waking hours challenging managements, questioning assumptions on growth and financial performance. That's true, and I spend much of my time on these sorts of questions as well. But, some things we all take for granted.

We expect the numbers in financial statements certified by a Big Five accounting firm to be true. Where we are cautious is making sure the numbers aren't misconstrued. We expect management to be aggressive in projecting growth, but we don't expect them to lie about the base from which they are growing. We expect optimism regarding the return on capital that users should expect, but we don't expect the capital to be fictitious fraud, outright lies, deliberate attempts to conceal. These are very difficult to detect, especially when they are not subject to external verification.

Our entire economy operates on a basis of a national honor code, an examination hall where maybe one out of ten testing rooms contains a proctor, and he or she is overworked and underpaid. Bald, flat-out fictions and lies: really, these are alien concepts in our financial systems. I learned how alien this concept was firsthand in the aftermath of our initial accounting revelations in April.

# CRISIS MANAGEMENT

Now, let me just try to paint the picture for you. Imagine that you're the CEO of what was then the 48th largest company in America with a \$33 billion market capitalization. You just finished a conference call with over 400 investors to explain that the resignations of three members of senior management are not adverse for the company, and that in fact, you are going to meet or exceed your first quarter earnings projections. An hour later your CFO calls you and says, "Are you sitting down? We've got a problem." That was actually the beginning of this nightmare.

Since then, over and over again the media, investors, friends and colleagues have asked me, "Well, how aggressive was this company's accounting? Was it somewhat aggressive? Really aggressive? Difficult-to-defend accounting? Much too clever accounting?" Each shareholder, for example, assumed that CUC had started with the truth and then stretched. They might have used amortization lives that were perhaps 10% too long or perhaps 10% of the expenses that were charged against reserves really were operating expenses.

I literally had shouting matches with some of our investors trying to make them understand that we were talking about pure fiction. Revenues from no one. Expenses that were put in a drawer and never taken out.

After a while, each conversation would hit the same pause and the other person's face would wince or go blank while he or she struggled past the concept that these financial statements weren't based on stretching the truth – they simply reflected the acts of persons who totally abandoned any pretense of anchoring their actions in our system of morals or ethical and legal codes. Economists and political scientists, some of whom teach here, have written that the critical components of economic development are legal and economic regimes founded on the rule of law and institutions that are free of corruption. Today we are the living testimony to the truth of this thesis.

I spent my entire life in business primarily doing transactions. Luckily, I have made a lot of money for myself and for my partners. And people ask me, "Well, of all

S I L V E R M A N H A L L

people how could this happen to you?" In my 30 years of doing transactions I have gained a tremendous number of deeply practical insights. And the answer to that question I just posed is that in the end you must rely on the truthfulness of the people you are dealing with. In the end it's a question of character. And we did diligence on character.

For example, I talked to some of America's most respected investors. I talked to CUC's business partners. I talked to their bankers, their lawyers, their auditors, and their major shareholders because I knew that diligence, like the rest of our financial system, is based upon the honesty of the participants. You ask a lot of questions, you have a duty to ask a lot of questions, but that doesn't protect you from a lie. Only the character of the person across the table from you protects you from that.

When you think about it, our economy is based on trust. Our financial system is based on trust. In fact, our whole corporate governance system in this country is based on trust. And I know the full impact of what happens when that trust is betrayed. People ask me today, "Well, okay, what keeps you going? What keeps your head in the game? You're still in the Forbes 400. Why don't you sell your stake in Cendant and put this brain damage behind you?" Well, that's tempting. But, why do I stick with this? The answer is pretty simple. Integrity.

I've been dragged into forced attendance at an astounding betrayal of confidence and subversion of our financial system. I'm angry because I believe in that system and I believe deeply in the obligation of managers under that system. I have obligations to the shareholders who have invested with us, to the employees who put their careers in my hands, to the customers who have relied upon us and our company, and really to the free enterprise system and the institution of capitalism that I have been part of and have so well benefited from throughout my career in business.

All of those groups have suffered from this fraud, and I am left with the obligation of restoring at least the confidence and hopefully the wealth of all of those people. Frankly, that's not the legacy that I wanted to leave, but I have spent all of my life building a reputation as a man who you could trust, someone with whom you could do business. So now I have to clean up the mess left by immoral persons who abused that trust and abused the trust of all of our economic and financial institutions. People ask me today, "Okay, what's the hardest thing now for you to do?" and frankly it's the same thing. It's trusting people. It's like getting back up on the horse that threw you. To do business in America you have to make leaps of faith and assume that most people are honorable and decent. I must admit that after six months, my first inclination now is the opposite. But I quickly realized how impractical that was.

You can't order a polygraph on every counter party. You can't commission a forensic audit on all of our business partners, nor would they countenance such an invasion of their privacy. In the end, our society must continue to be based on trust and the efforts of all of us to uphold the integrity of our institutions, and that effort will probably be the hallmark of this phase of my career as a manager.

Happily, I am blessed in this effort by some wise decisions that I and my colleagues made as we built HFS, the company that now serves as the foundation of the majority of Cendant's operations and management. HFS's economic model was the product of all of my years in business, all of the things that I learned in thirty years of building companies. I am proud of this franchise and, in particular, six integral aspects of this model.

The first is to build recurring revenues. Over 80% of our revenues are recurring based on ongoing multi-year relationships with the same customers. You get to know them, they get to know you. You have a relationship. You develop trust, you develop mutual loyalty. You don't have to recreate or reinvent your company every year or even every quarter. When things blew up at Cendant, the strength of these relationships, the stability of this revenue model, gave us a resilience that few other companies could benefit from in similar circumstances.

## CRISIS MANAGEMENT

The second is to minimize economic risk. We built HFS to participate in three things. The overall level of aggregate economic activity (not corporate profitability within that cycle), the benefits of services that enhance the revenues or lower the costs to clients, and the demographic trends of baby boomers driving a huge shift in demand patterns over time. None of these things are exposed to the business cycle that so much affects the profits of corporate America and so much causes those profits to vary dramatically. This again gives us stability to withstand hard times.

**“When things go wrong,** *only a career lived with rigorous attention to the demands of ethical, legal behavior will save you and all those that depend upon you.*”

The third is to maintain financial strength. The paramount goal of HFS was to achieve investment grade status for our debt and keep it. When we reached it, I breathed a huge sigh of relief. Of course, except for our finance subsidiaries we don't have to be investment grade, but this status means that we have high financial strength and liquidity, and these are resources that are really critical to the survival of a company in hard times –

and it was this financial strength that brought Cendant through its time of troubles. Our creditworthiness was never in question, and lenders moved quickly to replenish our funds when needed last May.

The fourth is to maximize cash flow. Our model sought businesses that could grow by leveraging intangibles, like brand names or economic purchasing power, and technology, such as reservation systems and data bases. None of these require capital investment to grow. Both are high-margin. Because I knew that stock prices come and go (although I have to admit I didn't know how far they could go), but cash will always be your friend. With cash, you can always restore your value over time, and I assume any of you in this audience who are our shareholders today are relying on this cash flow and our intentions to use it over time to repurchase our own stock.

The fifth is to develop the best management – and this is really the hardest part because I don't know that I have any special genius here, yet we have been blessed by some of the hardest working, most productive partners any CEO could have. Fortunately, my formula has been to incent my managers with equal amounts of equity, opportunity, and trust. Equity so that they reap the rewards of their effort, opportunity so that they won't be frustrated in those efforts, and trust. Which leads me to the sixth point.

The last is to build an organization that fosters candor, openness, and trust. At HFS and now in Cendant, no employee

ever has to fear delivering bad news. How do you foster that environment? Confidence. People must trust the integrity of that institution to note that its values go deeper than just making its earnings every quarter. I have always, I believe, conveyed to my managers that I will reward them most for communicating quickly, accurately, and completely all relevant information.

In my companies, we have always had a cult of communication. All of my managers are taught that they can never, never over-communicate. That asset hopefully embodies my character, which was molded in this school. Our managers in our company allowed us to make it through the challenges of the last few months.

As you know, the title of my lecture was "Crisis Management." I have become somewhat of a student of crisis management and management integrity since last April, and I have found that those topics are inextricably linked. All of the crisis management texts tell you the same thing. Tell the truth, tell it all, and tell it now. Communicate quickly and fully. Move to take immediate action to alleviate the problems. Restore confidence in the integrity of the institution in crisis. In our case, the problem was compounded by the fact that we weren't responding to an external event. This wasn't like cyanide in Tylenol or an oil tanker running aground in Alaska. Our crisis was precisely a challenge to the integrity of our company.

I would like to conclude with a quote from the AICPA's committee of sponsoring organizations. The AICPA wrote, "Ethical behavior and management integrity are a product of the corporate culture. Official policies specify what management wants to happen; corporate cultures determine what actually happens and which rules are obeyed, bent, or ignored; top management, starting with the CEO, plays the key role in determining the corporate culture. The CEO usually is the predominant personality in an organization and individually sets its ethical tone."

Several people have asked me if I had any investment advice for them following all the things that have happened to us. I suggested to them that they avoid companies with young, inexperienced managers who have not spent time in an older, well established company with strong ethical controls and culture. A business magazine recently wrote regarding another analogous situation, "Just as children have no conception of death, young managers have no conception of risk."

As our students leave Penn to advise or join the managements of young entrepreneurial companies, I would urge you to remember how dangerous a place any institution can be without a strong ethical compass installed by experienced senior management. If there is one thing I am most proud of and if there is one thing that I believe helped us the most in surviving our crisis, it was the integrity of our managers and the trust

that they had that I and the entire institution would support them in rejecting lies, rejecting falsehood and in doing the right thing. If I have contributed to that culture and that belief, then I am proud. Maintaining that culture will always be a hallmark of our business model.

So, if I can leave you with a single lesson from my experience, I believe it would be the following: in every action you take, in every decision you reach, in the example you provide consciously or unconsciously, you are either a) putting integrity in the bank or b) running up a debt that will crush you when it becomes due. You cannot possibly conceive of how circumstances will twist the outcomes of your actions and decisions when things go wrong. Each decision will produce utterly unintended consequences. The stakes are very high.

When things go wrong, only a career lived with rigorous attention to the demands of ethical, legal behavior will save you and all those that depend upon you. You can't buy sleep. Fortunately, I learned that here many years ago. My years here taught me the legal canons that underlie all of our institutions and helped me develop the ethical code I have now tried to perfect in my business career for thirty years. I am proud to support Penn in helping lay the same critical foundation for our students' careers, and I thank you very much for inviting me here to share these thoughts with you this afternoon.

*We present the third installment of a brief history of the Law School as it approaches the year 2000 – the 150th anniversary of its founding and the 10th anniversary of Silverman Hall. Virtually all material here is taken whole-cloth from the history compiled by Mark Frazier Lloyd, director of the University's Archives and Records Center, and placed along the walls of the Goat in 1993 under the direction of graphic designers Mayer & Myers. Lloyd was assisted by Adam Jonathan Heft '97 and abetted by contributions from Jonathan S. Bennett, James M. Duffin, Carol Weener, and Theresa R. Snyder.*

*Uncredited images are from the collections of the University Archives and Records Center of the University of Pennsylvania.*



# Snippets of History

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## **Summary:**

James Wilson – signer of the Declaration of Independence, framer of the U.S. Constitution and Associate Justice of the U.S. Supreme Court – delivered a series of lectures at the University in 1790-91. However, no law degree was granted by Penn then or during the first half of the 19th century. Instead, apprenticeship reigned as the proper method of preparation for a legal career.

But by mid-century, the call for academic legal education led to the choice of George Sharswood as Professor of Law in 1850, signaling the University's commitment to a school of law. For close to 40 years, under Sharswood and succeeding deans Elihu Spencer Miller and Edward Coppée Mitchell, the model of a proprietary school – where practicing lawyers gave lectures under the aegis of the University and were paid directly by students – held sway. Understandably, pressure for greater academic rigor had been increasing.

## **Part III: The Emergence of the Modern Law School**

In 1888 the University and the Law School (still officially the Department of Law) introduced two fundamental reforms. The course leading to the Bachelor of Laws degree was extended from two to three years, and the Biddle Law Library opened to legal scholars. The first required the University to put the Law faculty on salary and to take full responsibility for the School's financial affairs. The second required the Dean to hire a librarian and establish a substantial fund for book acquisition.

The faculty, however, still dominated by practicing attorneys, insisted that the Law School be located near the courts. From 1889 through 1895, the School rented space in an office building at Broad and Chestnut Streets; in 1895 it moved to Congress Hall and the old criminal court buildings adjacent to Independence Hall, at 6th and Chestnut Streets.

But in that same year, the University's new Provost, Charles Custis Harrison (1844-1929), announced that the Law School should be located in "a building upon the University grounds" in West Philadelphia and that the Dean must be "an administrative officer who can give his whole time and attention to the students, as do the Deans of the other Departments of the University."

## **William Draper Lewis and National Trends in Legal Education**

Provost Harrison appointed William Draper Lewis (1867-1949) Dean of the Law School in July, 1896. Lewis had graduated from Haverford College in 1888 and enrolled in the Law School's Class of 1891, the first to follow the three-year curriculum. Penn awarded him both a doctorate in economics and a bachelor of laws. He then lectured on economics at Haverford and legal history at Penn. In Lewis, the Provost had found a man who would teach law as a full-time profession, not as a part-time avocation.

Harrison and Lewis were in step with their time. In 1893 the American Bar Association established the Section of Legal Education and Admissions to the Bar, which three years later set a minimum standard of a high school diploma and two years of legal education for admission to the bar. In 1897 the period of study was lengthened to three years. In 1900 the Association of American Law Schools came into being, with Penn as one of 25 charter members. Lewis was prominent from the start.

At the time Lewis accepted the Dean's post, admission was open to virtually all who had received "the common branches of an English education"; student attendance was voluntary; and one-third of all matriculants failed courses. In 1897 Lewis imposed an entrance examination designed to be at least as stiff as that in use at the College and required that all students attend at least 80 percent of their classes.

## Dean Lewis on the Status of Women



March 4, 1908

Mr. Paul Hetzel,  
Greenville, Ill.

Dear Sir:-

I have received your letter ... in regard to the status of women in this Department and at the Bar. A young woman has an equal advantage with a young man in this Department. A woman's advantages after graduation depend entirely upon the part of country to which she goes. ...

As Dean of a Law School I am always glad to see a few women of the right kind in the Law School as I believe their influence is beneficial. In a large Eastern city, such as Philadelphia, I believe that the fact that a member of the Bar is a woman renders it almost impossible for her to succeed in the active practice of the profession. ...

# Snippets of History



*William Draper Lewis*

But from the first, Lewis's strongest arguments were aimed at requiring a full undergraduate degree as a prerequisite for admission to the School. By 1905 he had convinced the faculty to establish a minimum age of 20 for admission, with the aim that the student's time between 18 and 20 be spent in college. Finally, in April 1914, as he prepared to leave the deanship, the faculty voted that "a degree of Bachelor of Arts or an equivalent degree, from an approved University or College, shall be required for admission to the Law School." Driven by Lewis, Penn had established itself as one of the most selective law schools in the country.

## Full-time Faculty, Committed to Research and Teaching

Lewis saw law as an "intellectual" profession; therefore, he set out to hire new faculty who would devote their whole time to the School. His progress was slow, but by 1900 four of the now 17 faculty members were engaged full-time. In that same year, the School conducted 52 hours of instruction each week, nearly triple the 18 hours offered ten years earlier.

In the 1870s the Harvard Law School popularized teaching the common law through analysis of appellate court decisions – the case method. Combined with question-and-answer Socratic technique, it rapidly became the preferred style of teaching among the leaders of American legal education.

The case method was introduced at Penn in 1887-88 by Professor Algernon Sydney Biddle (1847-1891) in his course on Torts.

### ERRATUM

Our sincere thanks to The Hon. Morris S. Arnold, U.S. Court of Appeals, Eighth Circuit, for his corrections to a photo caption accompanying the Fall 1998 excerpt of "Snippets." The subject of the portrait was Dean Edward Coppée Mitchell, not George Sharswood, and the class depicted represented a lecture rather than a moot court. Our apologies.

## Dean Lewis on the Obligations Attendant on a Faculty Appointment

Though Biddle taught it for only a few years before his death, it was taken up by his best student, George Wharton Pepper. Not fully accepted at Penn until later, the case method, with its emphasis on training and legal process, became the methodology of choice during the Lewis era.

### The Biddle Law Library

Founded in 1886 by the family of George Biddle (1843-1886), its collections stood at just over 10,000 volumes in 1896. Lewis recognized that the reputation and future success of the Law School would rest in large part on the quality of the Library. He hired Margaret Center Klingelsmith (1859-1931) as Librarian (the first woman law librarian in the country), and together they invested every available resource in it. By the close of Lewis's deanship it had grown to nearly 55,000 volumes – the second largest university-affiliated law library in the country.

### The Law School Building

On the 21st and 22nd of February 1900, the University of Pennsylvania and distinguished jurists from across the county gathered to dedicate a new Law School building celebrated as “the most completely beautiful and beautifully complete building ever designed for the sole purpose of housing a school of law.” The Philadelphia firm of Cope and Stewardson designed the building in a style it called “English classic of the time of William and Mary.” The exterior of red brick and Indiana limestone incorporated shields and medallions bearing the names of great figures in the history of Anglo-American common law.

In the interior, the first floor contained “a great hall ... [and] ... wide marble staircase ... executive offices ... seven lecture halls ... practice court and prothonotary's office ... [and] debating hall”; the second floor included “two great reading rooms, the graduate reading room and the bookstack, besides rooms for the professors and librarians.” The lighting, heating, ventilation, plumbing, and drainage systems were considered “of the very best character.”

The building cost \$373,500, with the family of Thomas McKean (1842-1898) providing \$115,000. Lewis was greatly assisted by Provost Harrison, under whose leadership the Penn campus expanded more rapidly than at any previous time. The Law School building, standing at the northeast edge of that enlarged campus, served more than any other landmark as the University's flagship, conveying the sense not only of a robust redefinition of legal education, but also of the extension of higher education to every aspect of human endeavor.



June 10, 1904

Francis H. Bohlen, Esq.

Paris, France

My dear Frank:—

I have just received word from the Provost that he has formally communicated with you notifying you of your nomination as Assistant Professor of Law. ...

I understand that the resolution of the Board of Trustees carried with it the proviso that you would devote your time to the service of the University and that you would not have an office outside of the building of the Law Department. ... I have found by experience that the man who does not live in and about the building during the day does not get a hold on the student body or on the other resident members of the Faculty. I believe that the Law Department will go only provided we can secure four or five men, who as far as their working life goes, are intimately acquainted with each other and who completely identify themselves with the life of the Department. ...

# The Diver Gala

Lights flashed and the band played on at the April 13 gala event celebrating the University of Pennsylvania Law School and honoring Colin S. Diver's decade of extraordinary service as Dean of the renowned institution. Over 700 guests gathered to toast and roast the dean and enjoy fun and frolic presented by mummies, jugglers, magicians, opera singers and the all-star cast of the Diver Hearings led by President Judith Rodin and Judge Louis H. Pollak. The entire Law School community of faculty and staff, students and alumni, friends, family and university officials rose to the spectacular occasion.

On behalf of the Law School's Board of Overseers and over 90 donors, Charles A. Heimbold, Jr., L '60 and Paul S. Levy L '72 presented President Rodin with a check for \$3,354,000 to establish the Colin S. Diver Distinguished Chair in Leadership. The Board's philanthropic leadership, inspired by Dean Diver's highest priority to increase the number of endowed chairs, commemorates his outstanding achievements as Dean.

President Judith Rodin commended Dean Diver for his vision and his accomplishments – “an idealism grounded in reality” – as Dean and as a university leader. Her announcement that Colin Diver will become the first holder of the Charles A. Heimbold, Jr., Chair in Law and Economics prompted a standing ovation from the audience. She concluded with: “Colin, I know that Charlie is proud that you will be the Hiembold Professor, but I want you – and all of our guests here this evening – to know how proud the University of Pennsylvania is that you will remain on our faculty.”



## Colin S. Diver Distinguished Chair in Leadership

### Committee

CHARLES A. HEIMBOLD, JR. <i>Honorary Chair</i>	SYLVAN M. COHEN STEPHEN A. COZEN MYLES H. TANENBAUM GLEN A. TOBIAS ROBERT I. TOLL
PAUL S. LEVY <i>Chair</i>	

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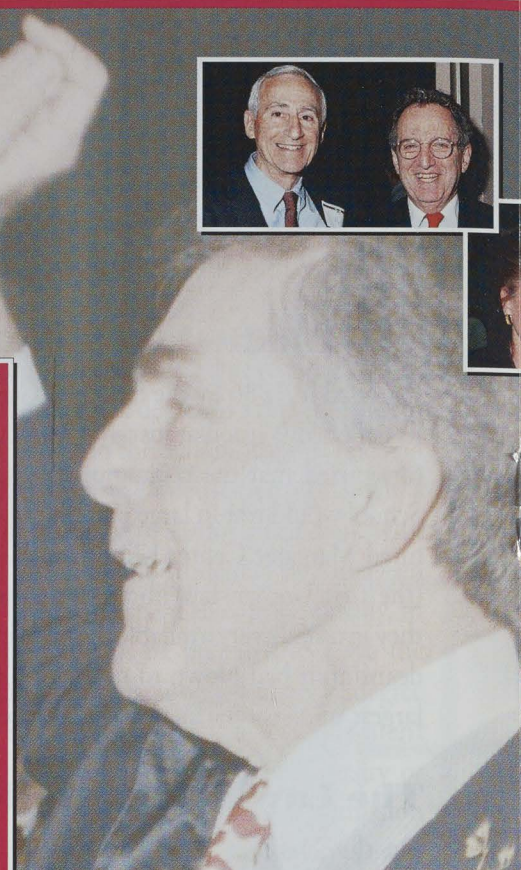
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CHARLES A. AND MONIKA HEIMBOLD, JR.	MYLES H. TANENBAUM

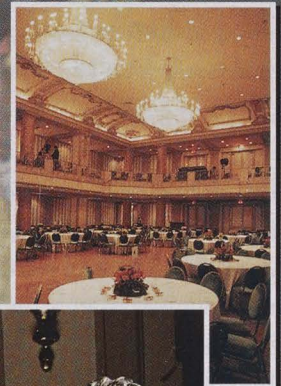
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# Champion of Privacy

"I'm definitely on the energetic side, and I think that's one of my teaching strengths," says Anita Allen-Castellitto, an expert in legal philosophy and privacy law who joined the Penn Law faculty this year after 11 years at Georgetown Law School.

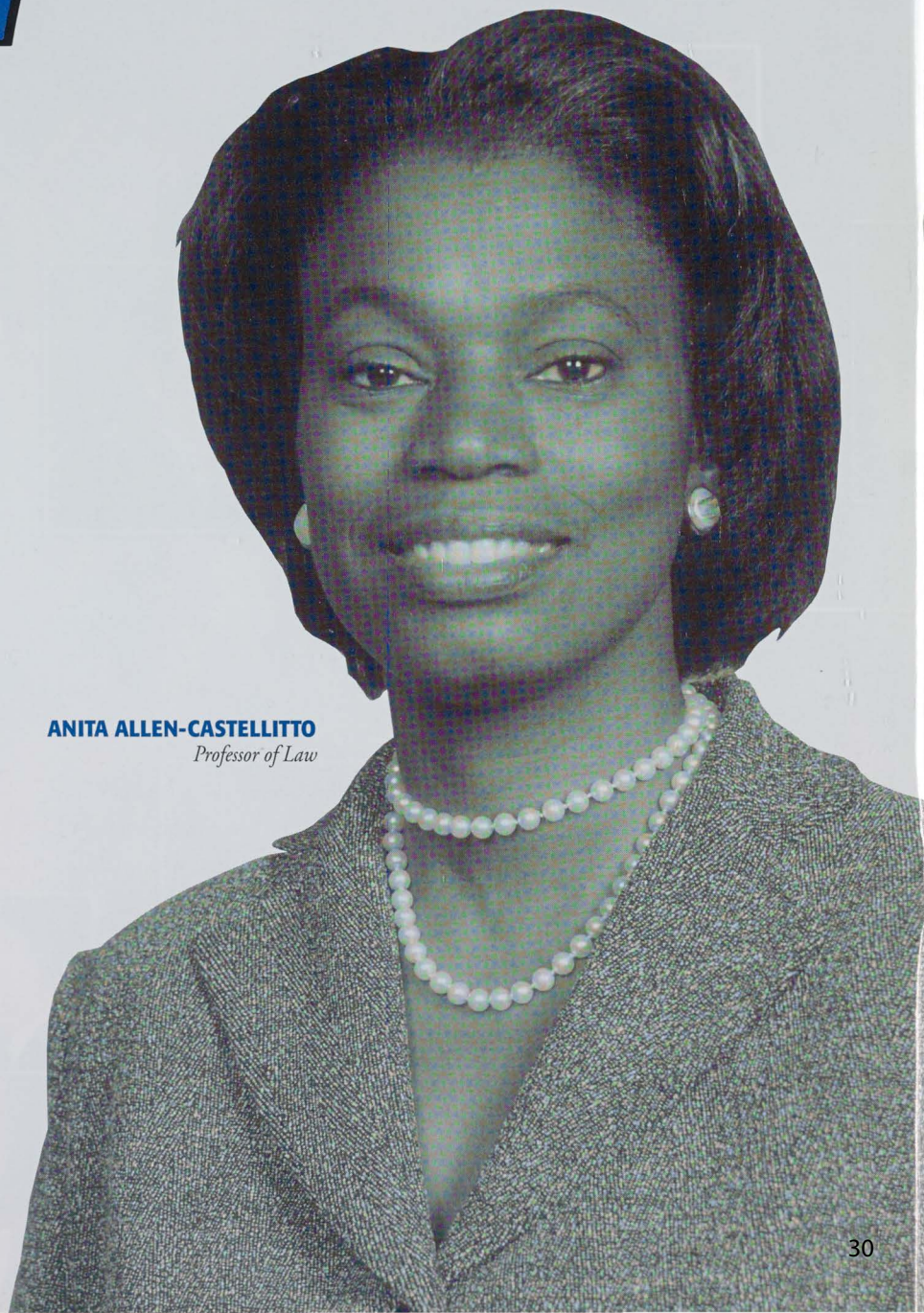
One of six children, "I was a military brat. My father was a career army NCO, and most of my early childhood years I lived everywhere from Ft. McClellan, Alabama, to Ft. Worden, Washington, to Schofield Barracks in Hawaii. I think my military upbringing gave me a natural comfort level with people of all backgrounds."

Her interest in philosophy started in her teenage years. "It began with religion and the search for answers to hard questions about the nature of God and moral responsibility," she recalls. She read the works of theologians and philosophers like Kierkegaard, who discussed religion, then moved on to existentialists, who opposed traditional religion. While still a teenager, she came to realize that nearly all great fiction and poetry writers, from Dostoevsky to Wallace Stevens, deal with the basic questions of philosophy – "obligation, war, knowledge, life, death, meaning, value, truth."

At New College, a small experimental college in Florida, she wrote her senior thesis on modern philosopher Rudolph Carnap. An empiricist and logical positivist, Carnap argued that religion and

ethics lack propositional meaning. Later, she went on to take her Ph.D. in philosophy at the University of Michigan, where several prominent ethicists were attempting to establish a rational basis for ethics.

While teaching social and political philosophy at Carnegie Mellon, she realized that she had burrowed deeply into abstractions. "I didn't read magazines or papers or watch TV. I felt cut off from the world and undereducated, despite the Ph.D." Her answer was to attend Harvard Law School (1981-84) for an education that pertained to institutional realities. After Harvard she worked briefly for the New York law firm of Cravath, Swaine and Moore. "But I quickly discovered that my real passion lay in teaching and thinking about law."



**ANITA ALLEN-CASTELLITTO**

*Professor of Law*

## ANITA ALLEN-CASTELLITTO

Allen-Castellitto sees herself as an optimist, sobered by personal disappointments as an African-American. In “The Half-Life of Integration,” an essay included in *Reassessing the Sixties: Debating the Political and Cultural Legacy*, edited by Stephen Macedo (W.W. Norton & Co., 1997), she recalls the trials of being in one of the first classes to integrate Baker High School in Columbus, Georgia, from which she was graduated in 1970 – ten years after Newt Gingrich. Her personal, impassioned writing delivers a lament for the lost Sixties promise of true (as opposed to token or legal) social and racial integration.

Elsewhere, in *African-American Philosophers: 17 Conversations* (Routledge, 1998), she tells editor George Yancy that “race is a social construct... I don’t think that race is real.” Allen-Castellitto celebrates cultural pride but opposes any conception of race that becomes an excuse for prejudice and compulsory segregation.

During her first semester in the Philadelphia area, she also lectured as the first Harold Reuschlein Visiting Chair at Villanova Law School, where her husband, Paul V. Castellitto, taught a course on white collar crime. They live on the Main Line, in Haverford, with their two children, Adam, 7, and Ophelia, 2.

“He’s been practicing in white collar crime for about 12 years and welcomed a chance to teach,” she explains. “He’s discovered just how hard academic work can be. It takes a lot of patience and the courage of your convictions.”

Allen-Castellitto comes to Penn Law following two years as associate dean for research and scholarship at Georgetown.

“That made me appreciate how law schools, while first and foremost centers for acquisition of legal knowledge and research, are also workplaces for non-academic professionals and staff. It is vitally important for law school deans to focus on human resource and leadership issues for all their employees.”

In community work, she chaired the board of the Planned Parenthood affiliate in Washington, D.C.

Her relationship with Penn goes back to 1989, when she came as a visiting professor in the Women’s Studies and Philosophy departments. Over the years she discussed the possibility of joining either the Philosophy Department or the Law School: “The basic enabling fact was that my husband was finally prepared to leave Washington.” A major Penn plus for the congenial and collegial Allen is the close-knit University campus. At Georgetown, she had to trek eight miles across town to the main campus. “Here I can walk two blocks across campus and meet with colleagues in other disciplines.”

One of her major interests today is the law of privacy. “When I started thinking about privacy a dozen years ago, the first thing that would come to a lawyer’s mind would be abortion. But now a lawyer might as easily associate privacy with e-mail issues, search and seizure, genetic testing, or gay rights.”

Her 1988 book, *Uneasy Access: Privacy for Women in a Free Society* (Rowman & Littlefield), covers such women’s privacy issues as reproductive health, privacy in the

home, sexual harassment, and laws against prostitution. She examines the distinction between traditional ideas of privacy – seclusion, solitude, and anonymity (the right to go unnoticed) – and the “decisional” privacy involved in choosing abortion or contraception. Allen-Castellitto writes both clearly and carefully, avoiding dragging the reader into semantic *cul de sacs*.

Ten years after the book’s publication, Allen-Castellitto says that her “sense of the value of privacy remains unchanged. But the innovations in information and computer technology suggest a need for new thinking in light of the ‘easy’ access norm that has overtaken American culture.”

As an example, she recalls a conference she attended last October on wearable computers – devices that attach to the body in the form of fanny packs, vests, and shoes. “Some technologists are already walking around wearing glasses with a little video screen attached so they can, while talking to you, call up the Web and find out who you are, where you work, where you live. They can even send videos of you to remote locations.”

Allen-Castellitto stresses that privacy is but one of her many interests: “I’m interested in the philosophy of law and in law and literature, topics that I write and teach about, and also in race policy and bioethics.” Her unflagging energy has found a good home on Penn’s interdisciplinary campus.

# Ditching Democracy



**EDWARD RUBIN**  
Professor of Law

If any single trait links particular members of the Penn Law faculty, it's their easy way with controversial positions. Edward Rubin, newly arrived from Berkeley, fits in nicely with this tradition. His research for a book in preparation argues that the terms we use to describe the modern political and legal system are inherited from the middle ages and, therefore, are essentially outmoded.

"We're talking about terms like *rights*, *power*, *democracy*, *legitimacy*, *law*," explains Rubin. "They had specific and richly developed meanings when they evolved. I conclude that today they are connected with social nostalgia and that they describe nothing in the modern state. So we constantly condemn what we have as 'illegal' or 'illegitimate' or 'violations of rights' because we're observing the lack of fit between these respected terms and reality."

Though he admits that ditching "democracy" may not make him highly popular, he feels that our real commitments today are to such concepts as security, prosperity, and liberty.

Rubin, a native New Yorker who went through the public school system and on to undergraduate work at Princeton, returned to New York as an inner-city teacher ("a job at which I was absolutely awful because the kids were so much tougher than I was") when Congress dropped the draft deferment for graduate programs in 1968.

A year later, he became a curriculum planner during the school district's move to decentralization, which provided innovative programs directly to the new locally-controlled districts. One of his projects was building an ethnic-studies museum, owned and operated by one of the decentralized districts, in an abandoned movie theater in the South Bronx.

But the New York City financial crisis of 1975 brought his program to "crashing halt" as first the city and then the foundations backing innovative efforts withdrew their support. "So I needed a new career and applied to law school because I



## E D W A R D R U B I N

was too old to go to graduate school," which could take up to seven years on a Ph.D. track. He wound up at Yale Law School, where he conducted research on education policy under John Simon.

After clerking for The Hon. Jon O. Newman in the Court of Appeals for the Second Circuit ("an amazing man, a living refutation of legal realism – principled, conscientious, and, interestingly, one of the most rational people I've ever met"), he moved back to New York as an entertainment lawyer with Paul Weiss Rifkin Wharton and Garrison.

"I had what would be described by any outsider as *the* ideal law firm job," recalls Rubin. "I worked from 9 to 5 because the department head believed in running a humane department." His clients included the Cole Porter Trust (the repository of Porter's copyrights), Arthur Miller, and choreographer Elliott Feld (with whom he worked on another theater renovation, the 600-seat Joyce Theatre in lower Manhattan, devoted entirely to dance). "I had regular hours, very interesting clients, I was doing no harm, and the partner I worked for was a personal friend of mine – and I hated it. I hate working on other people's projects, a particular moral failure on my part."

For the past 16 years, Rubin has been doing his own work at Berkeley Law School, with detours into overseeing yet more renovation projects, chairing the university's grievance committee, and serving as associate law dean (1990-92). Along the way, his teaching interests shifted gradually from entertainment law to administrative and commercial law.

The last few years have been a highly productive period for Rubin, including the publication of two books and preliminary work on a third (described in the first paragraph).

*Judicial Policy Making and the Modern State* (Cambridge University Press, 1998), co-authored with Berkeley political scientist Malcolm M. Feeley, studies the way judges make public policy. "Most people who study the courts say either, 'That's wrong and I hate the results,' or 'That's wrong even though I like the results,'" states Rubin. "We conclude that it's a respectable and proper function for courts to engage in. The problem lies not in what they are doing, but the outdated principles they are supposedly violating – federal separation of powers and the rule of law. We try to show how they create new legal doctrines, such as the doctrine of prison conditions."

Rubin's most recent book, an edited volume titled *Minimizing Harm, a New Crime Policy for Modern America* (Westview Press, 1998), resulted from a crime policy project he directed at Berkeley. It takes a pragmatic look at crime policy in the United States, stressing the importance of proposing only what's politically possible, rather than what's optimal, in a society where public feeling about crime often overwhelms rationality.

The public is mainly concerned, says Rubin, with violent crime; therefore, it should be possible to convince them that long prison sentences for relatively minor offenders are uneconomical and that the public would be better served if money flowed to programs with the greatest proven potential for reducing levels of crime, such as drug rehabilitation and early-life crime prevention.

"If you put someone in prison for life after they've committed three serious offenses," he argues, "then it's true they won't commit any more offenses on the general citizenry, but you have three victims already and possibly 10 to 30 other victims of undocumented offenses. So if you can prevent only 10 percent of the people you run through a prevention program from becoming criminals, the crime-decreasing potential is enormous."

Rubin's wife, Ilene Moore, a family physician who also holds a law degree, has joined Temple University as director of student health. They live with their two pre-schoolers, Juliette and Alexander, in a "wonderful old Victorian house" in Fort Washington. Rubin has two older children by a previous marriage: Gregory, a freshman at Santa Cruz, and Timothy, who will be entering college this fall. Says Rubin, "There's an appeal to coming back to the Northeast where I grew up and being a short train ride from my home town."

Penn Law also provides a ready-made group of colleagues for Rubin in the areas of administrative law and public governance, including outgoing Dean Colin Diver, Michael Fitts, Susan Sturm, Matthew Adler, Kim Scheppele, Seth Kreimer, Frank Goodman, Edwin Baker, Howard Lesnick, and Stephen Burbank. For his commercial law interests, he can touch base with Associate Dean Charles Mooney and Curtis Reitz, as well as Jason Johnson, Edward Rock, and fellow newcomer David Skeel in closely related business and economic fields.

For controversy, he can check in with just about anyone at the Law School.

# Looking for the Poetry in Corporate Law

Its new faculty members bring to Penn Law some odd coincidences. David Skeel, like Anita Allen-Castellitto, was a military brat. Like Allen, he attended high school in Georgia. And both are fans of poet Wallace Stevens. There are differences, of course (including gender). Skeel's expertise lies in corporate and bankruptcy law – at the opposite end of the spectrum from Allen's interest in privacy law.

Born in Washington, D.C., Skeel was trundled with his family around the world by his Air Force father, growing up in places as scattered as Ann Arbor, Michigan, and the Philippines. He took his undergraduate degree from the University of North Carolina (1983) and his law degree from the University of Virginia (1987), where he edited the *Virginia Law Review*. After clerkship under Judge Walter Stapleton of the U.S. Third Circuit Court in Wilmington, Delaware, he practiced at Duane, Morris & Heckscher, working in reorganization and finance, before joining the faculty at Temple Law School in 1990.

Cheerful, outgoing, and as delighted as a hamster with fresh bedding, Skeel seems overjoyed with his new full professorship at Penn Law. This term he is teaching bankruptcy (as Commercial Credit II) and a corporate governance seminar and plans to add a corporate law course next year.

As he slowly stocks his nearly empty bookshelves, he talks about his love of teaching and the development of the law. His major current research project is a book on the history of bankruptcy law in the United States.

The few existing bankruptcy histories, he explains, note that there was no permanent bankruptcy law in the 19th century, only temporary measures (that would later be repealed) dealing with economic depressions. Skeel is more interested in why we now *do* have such laws on the books, and how they have expanded over time. “The first permanent bankruptcy law in this country was in 1898, and I’m making the argument that that law created a need for bankruptcy lawyers, and that once the bankruptcy bar developed, it has been responsible for what the law looks like now.”



**DAVID A.  
SKEEL, JR.**  
*Professor of Law*

## DAVID A. SKEEL, J. R.

Another theme of his work is the need to bring the academic study of corporate bankruptcy into line with that of corporate law. "When I started in the early Nineties, they were treated as distinct. It's still a little unusual for the same person to teach both."

The reasons for this split, argues Skeel, are largely historical. At the turn of the century, major law firms routinely participated in the issuance of securities, represented investment bankers, and also oversaw reorganizations. "The same major firms that represented J.P. Morgan also did bankruptcy, which was then called equity receivership and mostly involved railroads."

The major implement of change, he says, was the Chandler Act of 1938, a New Deal reform measure that "basically destroyed the elite corporate bankruptcy bar. It separated the practice of bankruptcy from the practice of corporate law." An academic split followed. Before the act, "everybody who wrote on corporate law also wrote on bankruptcy," but the two soon drifted apart. Now, bankruptcy is reconnecting to corporate law as, once again, major New York firms do both securities and bankruptcy.

Skeel's studies of corporate law include articles on the Delaware Supreme Court, "the *de facto* national corporate regulator," since Delaware is home to many major corporations. That court, he notes, almost always decides its opinions unanimously. In "The Unanimity Norm in Delaware Corporate Law" (*Virginia Law Review*, Feb. 1997), he suggests that the Delaware court sees itself as a moral arbiter in corporate law; therefore, he says, "it would be

a bit incongruous if you were always fighting among yourselves about the morally appropriate role of corporate law."

Skeel's wife, Sharon, is writing her own book, about Catherine Littlefield, a Philadelphia choreographer in the Thirties. "People find her study fascinating," says Skeel. "But when you talk about bankruptcy law, they tend not to find it fascinating – my family members do not read my work."

A poet on his own – less so now with growing children – Skeel has published in such respected literary magazines as *Boulevard* and also has written legal essays on poetry. "A few years ago I reviewed the poems of a friend, Lawrence Joseph, who teaches law at St. Johns. I connected Joseph's poems to the law and literature movement in the legal writings. Some people focus on the way the law is portrayed *in* literature. Another side says that legal documents have a literary component to them, anything from a brief to a trial. There's an argument that thinking about law in those ways advances our understanding of the law itself."

In his relaxed reading, Skeel constantly returns to poet Wallace Stevens, who in his time was eclipsed by T.S. Eliot and Ezra Pound as influences on American literature. "Now if you had to name one poet who is the primary influence, it's clearly Stevens. I've written a draft of an essay that just talks about the poetry of Robert Hass – no attempt to link it to the law in any way. I go through

periods when I think I ought to try to connect it all up somehow to bankruptcy and corporate law, and I go through other periods when I say, Why connect it up? It's nice to have a split personality."

As a scholar concerned with history, Skeel has come to love Philadelphia with its historical undertones. "Sharon is from the area; her family owns and operates a small bakery in Northeast Philadelphia. A real blessing to us in coming to Penn is that it doesn't require us to leave the Philadelphia area." He finds this especially important since their eldest son, Carter, turning six, just started kindergarten in the fall. Their other son, Stephen, is almost four. "One of the wonderful things about this profession is, I can spend a lot of time with them growing up. They're just reaching the age where they're more independent."

Skeel was drawn to Penn Law by its faculty, its excellent library, and other resources for scholarship. Plus, he says, "the students are wonderful – I fell in love with my class last year," when he was a visiting professor. The proximity of the Wharton School is also no small attraction in his field, especially considering Penn Law's emphasis on interdisciplinary study. "That's not something law schools typically are good at."

Anita Allen-Castellitto would probably agree with that, too. ■

# What's New Around Campus

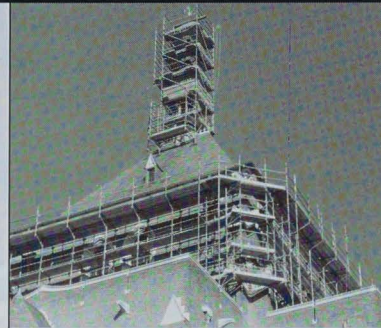
The Journal, Vol. 34, Iss. 1 (2014), Art. 1

# Changes

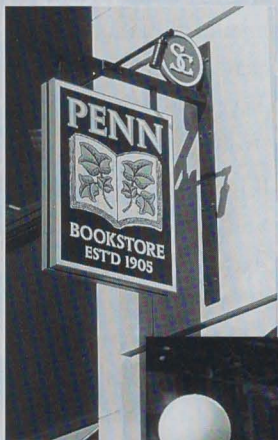
Most of the Law School's changes this year are not immediately obvious: a new dean in the wings, three new faculty members, and several additions to the staff. But across the University campus, the physical landscape is undergoing such a rapid overhaul that if you haven't visited Penn in the last couple of years, you might not recognize the place. Here, thanks to photographer Greg Benson, we document just a few of the most notable transformations.



What used to be blacktop across from the Annenberg Center, between 36th and 37th on Walnut Street, is now Sansom Common, a multi-use building built to house the enlarged Penn Bookstore, a conference center, a hotel, and numerous retail sites. It's a great place for scholars, coffee drinkers, and bon vivants. Not bad for small dogs either.



A tectonic shift is occurring behind College Hall with the construction of Perelman Quadrangle, linking Houston Hall, Irvine Auditorium, and College, Logan, and Williams

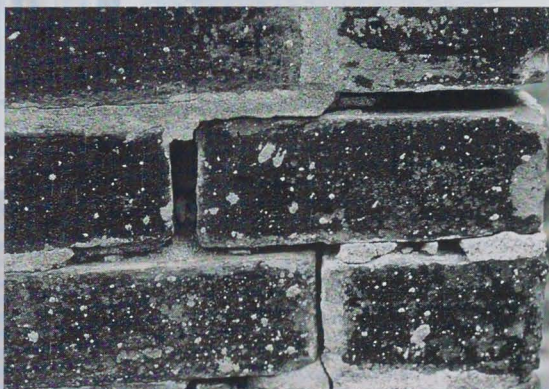


Halls around a landscaped site that will include an outdoor amphitheater. Irvine, here clothed in scaffolding, will include a redesigned performance hall, practice rooms, and spaces for student activities. Houston Hall, the nation's first student union, will reopen with a café, a reading room, a dining room, and a study lounge — as well as upgraded meeting rooms and auditorium on the second floor.

# Changes Changes



The physical plant isn't sleeping at the Law School, either. Silverman Hall, the School's original building, is in the early stages of the most extensive renovation since its construction in 1900. Outgoing Dean Colin Diver and benefactor Henry Silverman L '64 examine the inner spaces, which will be re-outfitted to return the building to its original glory. The exterior will undergo complete repointing, repainting, and restoration of the ironwork.



Penn's restaurants have never been better. Across from the Law School on Sansom Street, La Terrasse has reopened after over a decade in limbo. At

40th and Sansom, in the old quarters of the Maharaja restaurant, Fork & Chopstick presents Japanese, Korean, and Chinese food — prepared by a Moroccan kickboxer. (His buffet might be the best bargain in Philadelphia.)

Down the block, at 40th and Chestnut, sits Nan, opened by the city's premier Thai chef and featuring astounding food. Finally, for those in the fast-food lane, the campus's venerable food trucks have been moved to a series of small plazas, like this one beside the Gimbel Gym.



NEW NEW NEW NEW NEW NEW NEW NEW NEW

# STAFF MEMBERS



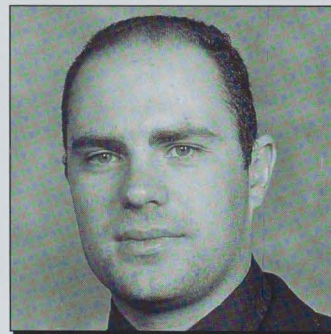
◀ **Jane Bloomfield** comes to us from the Colorado School of Mines, one of the nation's foremost engineering schools, to take over the position of Assistant Dean for Development and Alumni Relations. In her 12 years at Colorado Mines, she worked in communications, corporate and foundation relations, annual giving, and major gifts. As executive director of individual giving for the past four years, she greatly increased the number and amount of major endowment gifts from alumni and friends.

Jane took her B.A. in philosophy and religion from the University of Southern California and studied religion at the graduate level at U.S.C. and the Berkeley Theological Union. She has also been a high school teacher and an educational consultant.

**Lee Gaillard** (*not pictured*) has joined the Law School as Director of Communications working directly with the Assistant Dean for Development and Alumni Relations, Jane Bloomfield, to provide support through all media for reaching the Law School's various publics. Lee will work closely with the Dean and the faculty, recruiting and admissions, and career planning and placement to capture and transmit our strong message for our external audiences.

With him he brings experience in the Marine Corps, several years in publishing as assistant promotion manager of TIME-LIFE International in New York, and many years in private secondary education in Greece and the United States – as teacher, department head, and academic dean.

Lee holds A.B. and M.A. degrees in English and American literature from Yale University and Middlebury College, respectively. His freelance writing has included product marketing for a major manufacturer of semiconductor assembly equipment – as well as articles that have appeared in publications ranging from *The Philadelphia Inquirer* to *Submarine Review*, *AIR & SPACE*, *Education Week*, and *Twentieth Century Literature*.



◀ **Pablo G. Molina** joins the Law School as Director of Information Technology Services. A native of Spain, he has both a bachelor's degree and an M.B.A. from Saint Louis University and has worked half of his 15 professional

years in Europe – mainly, Spain, Portugal, and France – and the other half in the United States. He directed information systems for the St. Louis Zoological Park, and before coming to Penn Law served as director of information services at Washington University School of Law in St. Louis, where he designed their new building's technology systems.

Pablo is developing a strategic technology plan, accelerating the implementation of new technologies – including the recently introduced graphical e-mail – and assisting with the technology design of our renovated facilities. His hobbies are chess, squash, French, and Spanish conversation and literature, he notes. "Anybody interested in these activities, please stop by my office in Tanenbaum 309 and teach me something."



## Alyssa Marks,

Admissions Officer in Admissions and Financial Aid, serves as office manager, coordinates support staff, and represents the Law School at recruitment and other events. She also supervises the application process.



Alyssa moved across campus from Penn's Graduate School of Education after obtaining her M.S. in admissions procedures for higher education. A native of Dallas, she did her undergraduate work at the University of Texas. In addition to her graduate studies, during the past five years she worked at the Wharton School and at Georgetown University.



**BENCHMARKING:**

# How the Rest of the (Academic) World Sees Us

Last December, the Law School was put under the academic microscope. As part of the University's Agenda for Excellence, President Rodin appointed a distinguished five-member External Review Committee to review the School's academic program and strategic plan as it compared theory and goals to practice, and the School's structure and programs to those of top-ranking sister institutions.

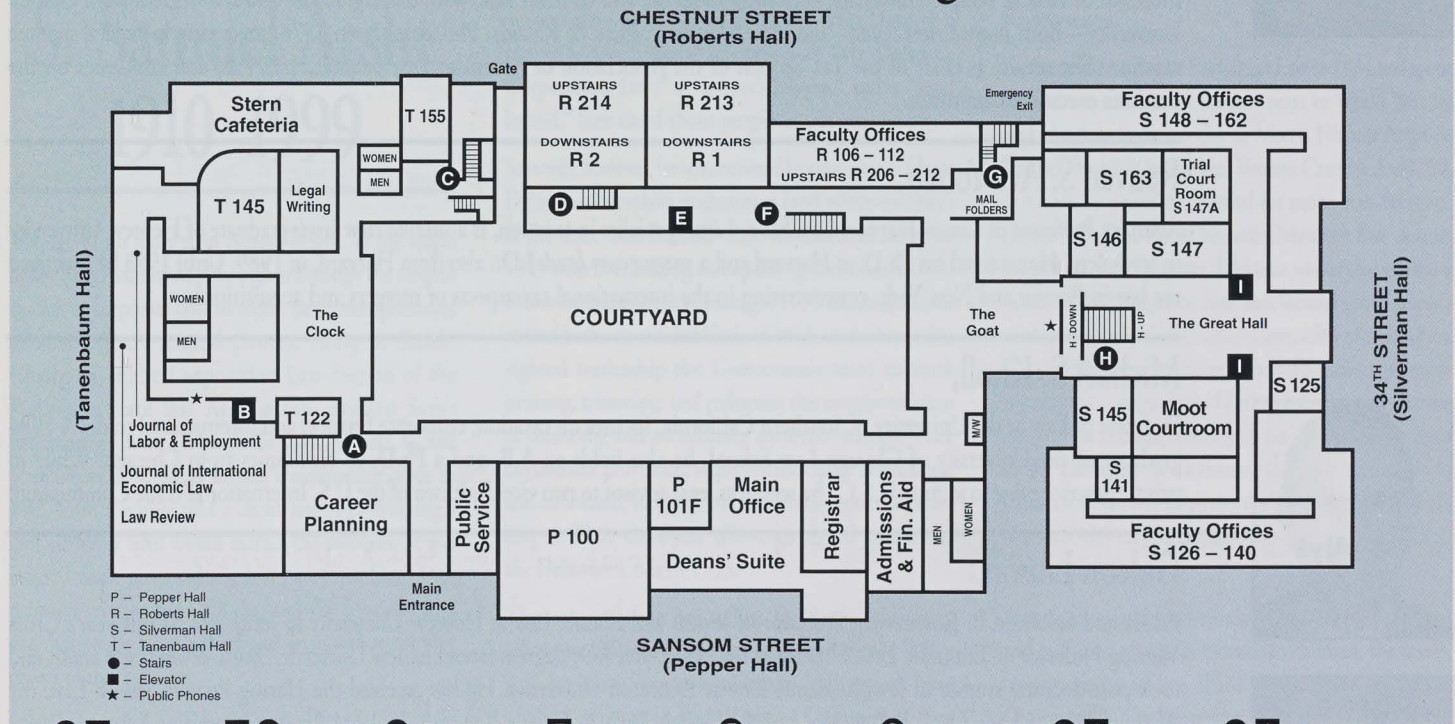
In the process, the committee examined the School's strategic plan, its detailed Self-Study Report assessing its own strengths and weaknesses, and the development and reward mechanisms in place for its faculty. Committee members also spoke directly with heads of programs and institutes, with faculty members, and with students.

Chaired by Anthony T. Kronman, Dean of Yale Law School, the committee also included Robert C. Clark, Dean of Harvard Law School; Robert E. Scott, Dean of the University of Virginia Law School; The Hon. Harry T. Edwards, Chief Judge, United States Court of Appeals, District of Columbia Circuit; and Nancy L. Ross, professor in M.I.T.'s Department of Economics.

Along with helpful suggestions, emerging from their report were findings that the "Law School remains among the best in the country." Committee members were "impressed by the School's continuing and distinctively strong commitment to public service," sensed a strong spirit, and felt that in its faculty Penn Law possesses "an extremely talented group with many truly distinguished scholars and a strong sense of collegiality." They applauded the School's interdisciplinary initiatives, particularly given the strengths offered by other schools on campus and buttressed by "an especially nourishing 'culture' of cross-disciplinary work at the University of Pennsylvania."

Dean Diver will be handing over leadership of a law school that is "alive and flourishing," already preparing its students for the complex national and global legal challenges that loom in the twenty-first century.

## How You Can Find Us When Visiting the Law School



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|---|---|--|--|---|--|---|---|
| <p><b>A B</b></p> <p><b>UPSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Biddle Library</li> <li>• Classroom T 253</li> <li>• 2nd Floor Rooms T 200 – T 299</li> <li>• 3rd Floor Rooms T 300 – T 399</li> <li>• 4th Floor Rooms T 400 – T 499</li> <li>• 5th Floor Rooms T 500 – T 599</li> </ul> | <p><b>B C</b></p> <p><b>DOWNSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom R 1</li> <li>• Classroom R 2</li> <li>• Lockers</li> </ul> | <p><b>D</b></p> <p><b>UPSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom R 213</li> <li>• Classroom R 214</li> </ul> <p><b>DOWNSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom R 1</li> <li>• Classroom R 2</li> <li>• Lockers</li> </ul> | <p><b>E</b></p> <p><b>UPSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom R 213</li> <li>• Classroom R 214</li> </ul> <p><b>DOWNSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom R 1</li> <li>• Classroom R 2</li> <li>• Lockers</li> </ul> | <p><b>F</b></p> <p><b>DOWNSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom R 1</li> <li>• Classroom R 2</li> <li>• Lockers</li> </ul> | <p><b>G</b></p> <p><b>UPSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Faculty Offices R 206 – 212</li> <li>• Classroom R 213</li> </ul> | <p><b>H I</b></p> <p><b>UPSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classrooms 240 A&amp;B</li> <li>• Classroom SM 29</li> <li>• Journal of Constitutional Law</li> <li>• Institute of Law &amp; Economics</li> <li>• Alumni and Development Offices</li> <li>• Restrooms</li> </ul> | <p><b>H I</b></p> <p><b>DOWNSTAIRS:</b></p> <ul style="list-style-type: none"> <li>• Classroom S 29</li> <li>• Classroom S 46</li> <li>• Clinics/Clinical Faculty</li> <li>• Penn Legal Assistance Office</li> <li>• The Gittis Center</li> <li>• Copy Center</li> <li>• Student Group Offices</li> <li>• Student Lounge</li> <li>• Restrooms</li> <li>• Public Phones</li> </ul> |
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# Taking the Lead in Public Service

Since inception of the Public Service Program in 1992, more than 2,000 students have performed more than 175,000 hours of community service work, making it the largest such program at any law school in the country.

Susan Feathers, the Program's new director and a graduate of Northeastern Law School, comes to us from Yale Law School, where she was Director of Public Service Counseling and Programming. She received a B.A. and M.A. from Penn in 1983, attending as a Benjamin Franklin Scholar and

graduating Phi Beta Kappa. She also serves as co-director of the Philadelphia Urban Law Students Program and on the board of the Consumer Bankruptcy Clinic and Philadelphia Volunteers for the Indigent.

Beyond the School's 70-hour mandatory *pro bono* requirement, Public Service initiatives include interdisciplinary collaborations with the Wharton School, the Medical School, and the School of Social Work. The Program recently hired four legal services practitioners to oversee its student-initiated clinics: the Custody and Support Assistance Clinic, Penn Advocates, the Unemployment Compensation Clinic, and the Guild Food Stamp Clinic.



## Visiting Professors *This year's visiting professors come mostly from the area of business, with a special emphasis on tax law.*

### Alice G. Abreu,

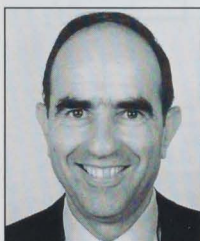
Professor of Law at Temple University, concentrates on tax and contract law. With undergraduate and law degrees from Cornell University – both *magna cum laude* – she joined Dechert, Price & Rhoads, Philadelphia, in 1978, practicing in federal income taxation. She served as chair of the Tax Section of the Association of American Law Schools, 1997-98, and continues on the Section's executive committee.

### Reuven S. Avi-Yonah,

Assistant Professor of Law at Harvard Law School and specialist in taxation, is a *summa cum laude* graduate of Hebrew University in Jerusalem. He received his Ph.D. at Harvard and a *magna cum laude* J.D., also from Harvard, in 1989. Until 1993 he practiced tax law in Boston and New York, concentrating in the international tax aspects of mergers and acquisitions.

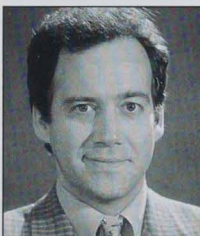
### Michael S. Knoll,

Professor of Law at the University of Southern California, focuses on taxation, corporate finance, and international trade. A 1984 graduate of the University of Chicago Law School, he also holds an A.B. and a Ph.D. in economics from Chicago. While in private practice prior to joining U.S.C., he served as legal advisor to two vice chairmen of the U.S. International Trade Commission.



### Gideon Libson,

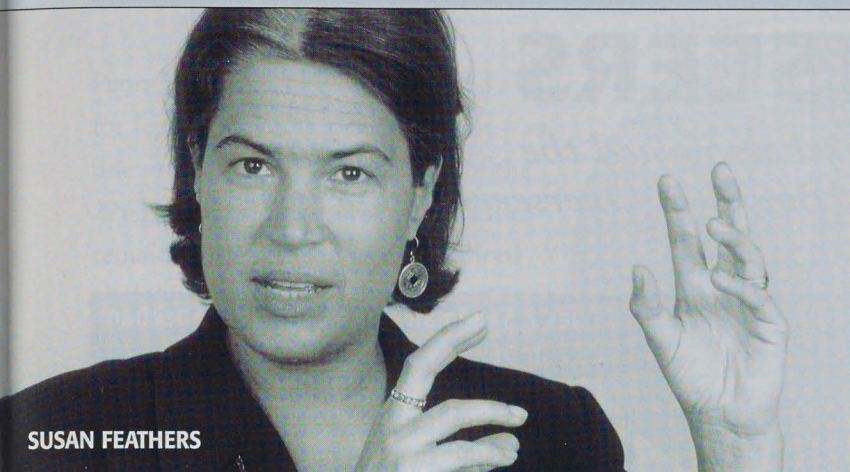
Frieda and Solomon B. Rosenzweig Professor of Jewish and Islamic Law at Hebrew University in Jerusalem, is this year's Gruss Visiting Professor of Talmudic Law. He earned his LL.M. and J.D. degrees from Hebrew University, both *summa cum laude*, and took post-doctoral studies in Jewish-Islamic Law at Princeton University. He has received the Herzog Prize in Jewish Law, the Warburg Prize, a Lady Davis Fellowship, and the Goitein Prize in Geniza Research. In 1994-95, he was visiting fellow at Penn's Annenberg Research Institute Center for Judaic Studies.



### Emerson Tiller,

Assistant Professor of Business, Politics and the Law at the University of Texas, Austin, has also taught at the University of California, Berkeley, School of Business and served as John M. Olin Faculty Scholar at Yale Law School, 1997-98. He received his B.A. and J.D. degrees from Indiana University and a Ph.D. from Berkeley in 1994. He is the founding editor of the journal *Business and Politics*.





SUSAN FEATHERS

Public Service has also established the Edward V. Sparer Fellowship Program, through which Penn Law students are awarded \$4,500 to perform 10 weeks of work at legal services organizations in Pennsylvania and to write a research paper. In addition, the Public Interest Scholars Program provides tuition reimbursement to incoming law students who have demonstrated a commitment to public service.

The Program has attracted more than 20 new sponsors from such national organizations as the Children's Defense Fund, the HIV Law Project, and the National Voting Rights Institute. The Public Service Advisory Board, comprised of prominent practitioners and bar leaders, effectively links the Law School, graduates, students, and the public service bar. Joining the Board for 1999-2000 are Nan Aaron, President of the Alliance for Justice, and Larry Fox, Managing Partner of Drinkle, Biddle and Reath.



## S. Samuel Arsht 1910-1999

Though of no more than average height, in the world of law Sam Arsht strode like a giant through the tangled thicket of corporate law. To many, he seemed possessed of almost preternatural powers. Craig B. Smith, Chairman of the Corporation Law Section of the Delaware State Bar Association, praised Sam's penetrating vision: "Where others saw barriers, he saw possibilities. Like an alchemist transforming dross to gold, from a statute that a client saw as prohibiting a desired result Sam would extract the solution. It was magic." Such powers derived in part from Sam's own recursive relationship with the law, which was for him simultaneously a consuming passion as well as the very object of that passion.

Mentor to many, Sam had the same effect on people. One lawyer, having compared him to Segovia conducting a master class, remembered later in his career how, when faced with puzzling cases, he would ask himself what Sam would have done. At such times, he said, Sam's "voice is there, like a father's, and all that he taught me. It is an enduring foundation on which my career has been built. I am deeply grateful." So are many, many others.

Sam Arsht died on March 3, 1999. Although some may not recall Sam's presidency of the Wilmington Child Guidance Center, his membership on the Rockwood Museum's Advisory Commission, or his trusteeship of the Children's Hospital, these involvements are nevertheless emblematic of Sam Arsht. Despite a statewide and national reputation as "Mr. Delaware Corporation Law," a "lawyer's lawyer," and a "legal legend," Sam cared about people, about community.

Sam will, however, be remembered by present and future Delaware lawmakers as chairman (and editor-in-chief) of the three-man Revised Code Commission tasked in 1949 with overhauling and updating the entire body of Delaware statutory law. Facing a 1935 Delaware Code rooted in the outmoded Code of 1915, under Sam's far-sighted leadership the Commission went to work pruning, trimming, and reshaping this conglomeration of confusing and occasionally irrelevant statutes. They cut obsolete provisions, improved the clarity of language, and annotated, indexed, and cross-referenced the entire corpus. Their three-year effort was signed into law as the Delaware Code of 1953.

That was only the beginning, for Sam's continuing efforts would bring him national prominence. More than ten years later, as head of the drafting task force of the Corporation Law Revision Committee, Sam would lead two other lawyers in a sweeping modernization of Delaware's General Corporation Law. To enable corporation lawyers around the country to feel part of the process, the task force shared early drafts and solicited reactions. The product of their efforts, in which Sam played a major role, was the revised 1967 Delaware General Corporation Law statute. As a direct result of this legislation, Delaware has become, more

than ever, the first-choice domicile of record for major U.S. corporations. With corporate franchise taxes today contributing almost 20 percent of the state's revenues, one prominent lawyer recently emphasized that "Sam Arsht's contribution to [Delaware's] prosperity cannot be overstated."

Sam received his degree from Penn Law in 1934 and spent his entire career (except for two years in World War II) with the firm known today as Morris Nichols Arsht & Tunnell. In 1940 he wedded Roxana Cannon Arsht '39, to whom he would be married for more than 58 years. (In 1971 Roxana would become Delaware's first woman judge, and their daughter Adrienne would also pursue a career in law.) Together, Sam and Roxana gave tirelessly of themselves to philanthropic causes, a few of which have been noted above. In addition, their \$2-million gift made possible the construction of Arsht Hall, the center for the Academy of Lifelong Learning, at the Wilmington campus of the University of Delaware, and their recent gift to Christiana Care will help erect the Wilmington Hospital's new same-day surgery center—to be named after Roxana, who survives Sam.

Sam is gone—and yet is omnipresent. Beyond museums and hospitals, his legacy extends to children, the needy, lawyers, major clients (Ford Motor Company, Allis-Chalmers, Phillips Petroleum, to name a few), the State of Delaware, and the entire world of corporation law. Thus we come full circle, for with his comprehensive outlook, Sam never lost sight of what was most important: "Sam taught me that corporation law is about people," Craig Smith notes—each manager, each employee, each shareholder, each customer.

Think how many will miss him.

by Lee Gaillard

NEW NEW NEW NEW **NEW** NEW NEW NEW NEW



# OVERSEERS

*Five new members joined the Law School's Board of Overseers for 1998-99.*

**John K. Castle,**

**Elizabeth J. Coleman**  
L '74,

**Stephen A. Cozen**  
W '61, L '64,

**James J. Sandman**  
L '76,

**Robert C. Sheehan**  
L '69,

father of William Sherman Castle L '99, is chairman and CEO of Castle Harlan, Inc., an investment fund recently involved in the chemical sector, one that had previously acquired Ethan Allen Interiors, Delaware Management Co., and Morton's of Chicago steakhouses. Avid sailor and horseman, he purchased the former Kennedy compound in Palm Beach, Florida.

national director of the Civil Rights Division of the Anti-Defamation League and a graduate of Swarthmore College, served previously as chief executive officer and chairman of Maidenform Worldwide, Inc. Founder and director of the Senior Citizens Law Project of the Atlanta Aid Society, she chairs the national Women's Law Center and is board president of the Atlanta Legal Aid Society.

founder and chairman of Philadelphia-based law firm Cozen and O'Connor, is a noted appellate advocate and a lecturer for the Philadelphia Bar Association's continuing Legal Education Program. He serves on the boards of both the Law School's Institute for Law and Economics and the Public Interest Law Center of Philadelphia.

managing partner of Arnold & Porter, Washington, D.C., and *summa cum laude* graduate of Boston College, is co-chair of the Law Practice Management Section of the District of Columbia Bar and serves on the Bar's Task Force on Sexual Orientation and the Legal Workplace.

executive partner of Skadden, Arps, Slate, Meagher & Flom, joined Skadden, Arps in 1969 and later founded its Financial Institutions Mergers and Acquisitions Group. In 1974, he served as special counsel to U.S. Representative Elizabeth Holtzman in connection with the House impeachment inquiry of President Nixon.

## SEGAL, ROBERTS, AND SHILS LECTURES

This year's Irving R. Segal Lectureship in Trial Advocacy was delivered by **Martin Lipton**, a partner and co-founder of Wachtell, Lipton, Rosen & Katz, New York, and a world leader in mergers and acquisitions practice. Lipton, a graduate of the Wharton School and the New York University School of Law, is credited with the invention the "poison pill" defense to hostile takeovers, which was the subject of his lecture on October 21. He is also a key conceptualizer of the corporate governance movement and a leader in the effort to make independent directors more effective. ♦ **Cass R.**

**Sunstein**, Karl N. Llewellyn Professor of Jurisprudence at the University of Chicago Law School and a leading constitutional theorist, spoke on "Impeaching the President" at the Owen J. Roberts Memorial Lecture, delivered last November 10. Sunstein, who received A.B. and J.D. degrees from Harvard University, served in the Office of Legal Counsel for the U.S. Department of Justice before joining the Chicago faculty in 1981. He is founder and director of the Chicago Law School's Center on Civil Justice and co-director of its Center for the Study of Constitutionalism in Eastern Europe. ♦ **The Hon. Helen E. Freedman** spoke on "The Use of Alternative Dispute Resolution in Public Disputes and Mass Torts" at December's Edward B. Shils Lecture in Arbitration and Alternative Dispute Resolution. Freedman, an associate justice with the Appellate Term Supreme Court, First Department, New York Supreme Court, is recognized for her scholarship and creativity in resolving complex civil litigation, particularly mass tort disputes dealing with asbestos and silicone breast implants. A 1963 graduate of Smith College, she took her J.D. from New York University.

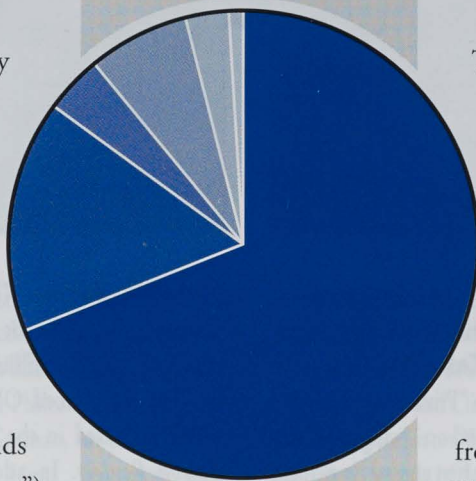
## LEADERS' DAY

*Playing its role in Penn Law's vision to be recognized as the Leadership Law School, the Career Planning and Placement Office organized Leaders' Day for all first-year and LL.M. students. The program took place on January 7 in cities all over the country, including Los Angeles, Chicago, New York, Boston, Baltimore, Richmond, and Miami.*

*The purpose was to allow students to experience first-hand the day-to-day life of a Penn Law leader. Students visited partners and associates at law firms, observed judges on the bench, met with presidents of corporations and investment banks, and attended hearings with public-interest practitioners. Forty-seven alumni served as hosts for 51 students.*

PLACEMENT UPDATE PLACEMENT UPDATE PLACEMENT UPDATE PLACEMENT UPDATE

Penn Law's class of '98 has decided solidly for legal practice as a career choice – as one might expect – with 71.6% of the 226 graduates joining law firms. Of the remainder, 19.2% are serving judicial clerkships (a figure which Jo-Ann M. Verrier, Assistant Dean for Career Planning and Placement, calls “good news”), and 2.8% have chosen public interest work (a number which Verrier finds “less good, but about the national average”). Under five percent of the class have accepted corporate positions – including both practicing lawyer and non-practicing positions – one percent have opted for government work, and under one percent for jobs in higher education.



- LAW FIRMS 71.6%
- JUDICIAL CLERKSHIPS 19.2%
- PUBLIC INTEREST 2.8%
- CORPORATE < 5%
- GOVERNMENT 1%
- HIGHER EDUCATION < 1%

Three graduates have taken employment outside the continental United States – one each in Abu Dhabi, Jerusalem, and Puerto Rico. Only two graduates were unemployed as of the last report, and Career Planning has received no word from five others.

The percentage of graduates finding employment in New York dropped slightly, from 40% in 1997 to 38% in 1998, while the Philadelphia area held steady at just over 20%. The South Atlantic states, where 13.3% of the class found work, ranked next, with the remaining regions claiming under 10% each. The median starting salary for all employment stands at \$80,000.

CAPTURING PENN LAW'S

# LIVING HISTORY

The Legal Oral History Project is an effort by a team of students, faculty, and staff to record first-person narratives of graduates. Biddle Law Library Director Elizabeth Kelly explains that “the tangible experience of what this Law School was, as well as the texture of many of its distinguished teachers and students, is largely hidden from the present student body and even the younger faculty. We have a chance to capture in accessible form – videotape – some of that experience. We must seize this opportunity.” The project, which began during the spring semester, is intended to continue through the 1999-2000 academic year under the joint coordination of Professor Sally Gordon and Reference Librarian Edwin Greenlee. The first four student participants were Courtney Myers, Dara Rosenthal, Catharine Krieps, and Scott White.

The students were trained in the theory and practice of oral history, which included reviewing tapes produced by similar projects and practice interviews of the Law School's most complete (and vocal) embodiment of oral history, Emeritus Professor Leo Levin.

Each student then selected a distinguished graduate or member of the Penn Law community to interview. Working with the Career Planning and Alumni Relations offices, the students were able to pick subjects whose accomplishments they admire and from whom they believe they can learn.

The oral history interview is intended to place the narrator in the context of both career and legal education. Each one- to two-hour interview is videotaped and photographed under the supervision of Gates Rhodes and Brady Ajay of Biddle Library Media Technology Services.

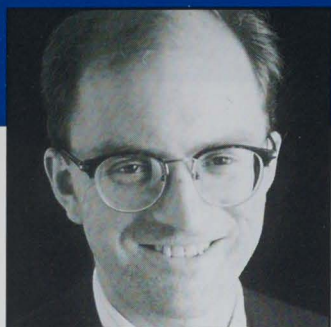
Following the interview, each student transcribes the videotapes and prepares a biographical article for publication in the *Journal*. The videotape, transcript, article, and other biographical information will be archived at Biddle Law Library.



*Left to Right*  
 (Back Row):  
 Ed Greenlee, Courtney Myers,  
 Elizabeth Kelly, Dara Rosenthal,  
 Brady Ajay.  
 (Front Row):  
 Derek Davis, Catherine Krieps,  
 Leo Levin, Sally Gordon,  
 Scott White.

As student participant Courtney Myers puts it, “Graduates of the Law School are pieces of Penn's past. Each has a unique story and experience to share. It is only in reconnecting with those pieces that we can have a firm foundation on which to continue our success.”

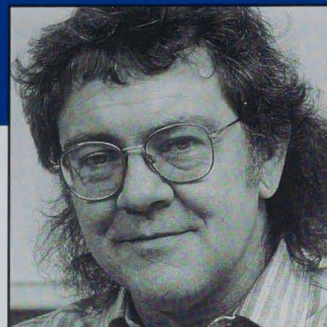
Levin, who has been associated with Penn for six decades, adds that the project has “enormous” value to the Law School: “The history, by portraying a sense of motion, of change, opens our eyes to the fact that things don't have to be as they are.”



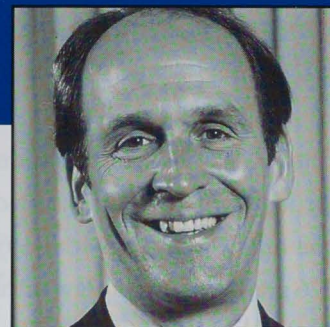
**Matthew Adler**, Professor of Law, with Seth Kreimer co-authored “New York, Printz and Yeskey: The New Etiquette of Federalism,” forthcoming in the *Supreme Court Review*. He also wrote “A Comment on Tushnet,” scheduled for publication in the *University of Pennsylvania Journal of Constitutional Law*. He is currently preparing articles on cost-benefit analysis, expressive theories of law, and incommensurability, not to mention co-organizing symposia on cost-benefit analysis as well as on the intersection of rights and rules.



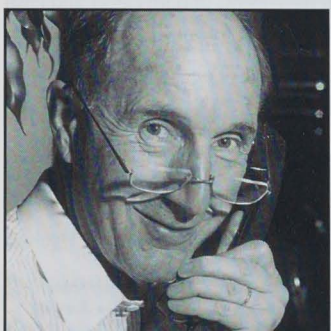
At the second International Symposium on Wearable Computers, **Anita Allen-Castellitto**, Professor of Law, spoke on “Privacy and Wearable Computers” and on “Lying to Protect Privacy” at the first annual Reuschlein Lecture at Villanova University Law School, following these with a presentation at the November 1998 American Corporate Counsel Association Meeting on “Redefining Privacy.” “Affirmative Action in Europe?” was her topic at the European Union Conference on Combating Racial Discrimination, held in Innsbruck, Austria. Related speeches include her addresses on “Affirmative Action” and “Integration” to the American Philosophical Association and the American Society for Political and Legal Philosophy, respectively. With Milton Regan, she co-edited *Debating Democracy’s Discontent*, a collection of essays on political science and philosophy (Oxford University Press, 1998).



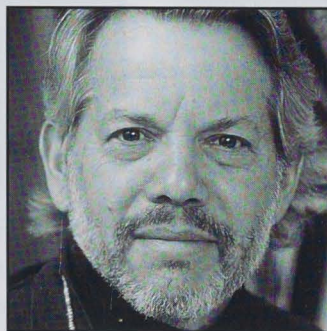
**C. Edwin Baker**, Nicholas F. Gallicchio Professor of Law, addressed the issue of media reform in “Two Misplaced Objections,” which appeared in the May 1998 *Boston Review*. In addition, he presented the faculty workshop “Campaign Expenditures and Free Speech” at New York Law School and made a panel presentation on “Corruption and Campaign Reform” at the Conference on Political Corruption in Market Democracies at the University of Connecticut Law School. Last October, he lectured on “Market Threats to Press Freedom” and participated in panel discussions at the 15th annual Symposium on American Values, held at Angelo State University in San Angelo, Texas. He also presented “Implications for Law and Media of Rival Visions of Electoral Campaigns” at a Conference on Mediated Politics, held at Penn’s Annenberg School of Communications.



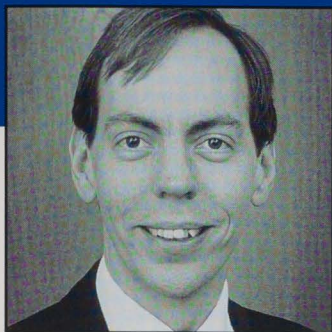
**Stephen B. Burbank**, David Berger Professor for the Administration of Justice, participated in the Department of State’s study group convened to advise the U.S. delegation to the Hague Conference on Private International Law in connection with their attempt to draft a treaty on recognition and enforcement of judgments. Having served as a class actions panelist at New York University, he delivered his paper “Jurisdiction to Adjudicate: End of the Century or Beginning of the Millennium?” at the International Association of Procedural Law’s first meeting held in the United States. Burbank also spoke on “Architecture of Judicial Independence” at a symposium held during the University of Southern California’s centennial celebration in November. Here at Penn, he is a member of the Standing Committee on Conflict of Interest and also chairs the Law School’s Building, Budget, and Planning Committee.



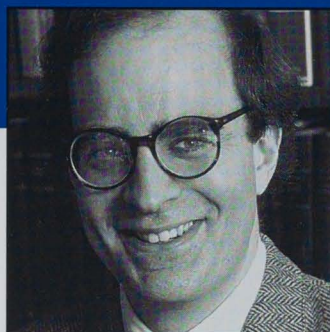
Recently elected to the Frankfurt Academy of Arts and Sciences, **Friedrich Kubler**, Professor of Law, gave an inaugural lecture on “Transnational Aspects of the Conflict between Freedom of Expression and the Regulation of Racist Hate Speech.” First presented at the Annual Symposium of the Raymond Foundation, his paper on “Shareholder Value and the German Corporate System” is now in print, as is his article on the future of employee codetermination on corporate boards in Europe. Kubler has also published the fifth (completely revised) edition of his comprehensive textbook on *German Corporate Law*. Continuing to serve as a member of the German Interstate Broadcasting Commission and as the legal expert of the Board of the Hessian Public Broadcasting Entity, he has also been elected to the newly created European Shadow Financial Regulatory Committee.



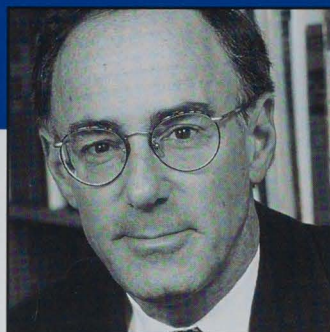
**Alan M. Lerner**, Practice Associate Professor of Law, has written “Law & Lawyering in the Workplace: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solvers,” scheduled for Vol. 32, No. 1 of the *Akron Law Review*. “Legal Interviewing,” a video workshop and book co-authored with clinical psychologist Algrund Hermann, has been accepted for publication by the National Institute for Trial Advocacy.



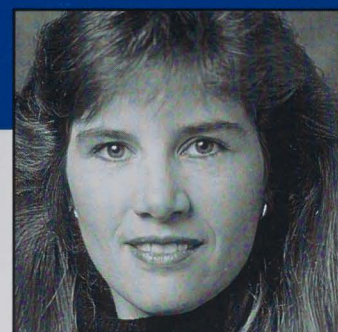
Before the Institute for Advanced Studies at United Nations University in Tokyo, **Jacques deLisle**, Assistant Professor of Law, presented a paper on the aims and effects of United States efforts to promote the rule of law, democracy, and markets in China and the former Soviet Bloc, as well as speaking on similar topics to Penn alumni gatherings in New York. He presented a paper on "The P.R.C.'s Population and Family Planning Policies: Legal Issues and Social Consequences in the Mainland and the United States" at the Conference on Social Changes Across the Taiwan Straits: The Issue of the Family in Taiwan. He served as U.S. rapporteur on "Mixed Legal Systems and Systems in Transition" at the 15th International Congress of Comparative Law in Bristol, England, and also addressed the Council on Foreign Relations on legal aspects of post-reversion Hong Kong-P.R.C. relations.



While on leave in the spring of 1998 to study medieval Italian theories of property, **William Ewald**, Professor of Law and Philosophy, delivered a paper, in German, on the relations between legal history and comparative law at the Regensburg conference on European legal history. In Goettingen, he spoke on related topics, and in Pittsburgh, on David Hilbert and the discovery of modern logic. The papers from these conferences will be published in their respective proceedings. Returning to Penn last July, Ewald ran a new, intensive summer program for LL.M.s. and in January presented a paper at the AALS on the foundations of comparative law.



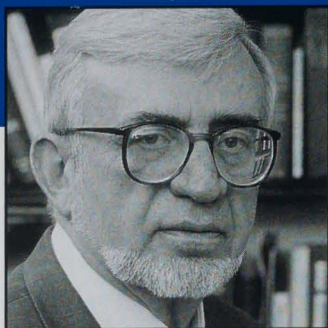
At the 24th National Conference on Professional Responsibility held in Montreal, **Douglas Frenkel**, Practice Professor of Law and Clinical Director, served as a panelist on "Ethics: Beyond the Rules," a study of decisionmaking in large firm litigation practice. He also spoke on "Refining Students' Moral Intuitions" at the AALS Workshop on Professional Responsibility in Washington, D.C., last October.



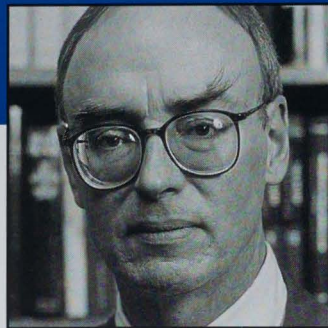
**Heidi Hurd**, co-director (with Michael Moore) of the new Institute for Law and Philosophy, organized the Institute's inaugural Roundtables on "Tort Theory" and "Supererogation" last fall. Having spent May and June in Germany at the University of Erlangen-Nürnberg teaching "American Tort Law: Theory and Practice," she addressed the Liberty Fund Conference on "Preemptive Action" in San Diego and presented a paper on "Duties Beyond the Call of Duty" at a University of Maryland Law School faculty workshop. At another Liberty Fund Conference in Charleston, she spoke on "The Rise of the Modern State: The Political Theory of de Jouvenal" and presented "Liberalism By Default" at a University of Virginia Law School faculty workshop. Her "Duties Beyond the Call of Duty" is forthcoming in the *Annual Review of Law and Ethics*; "Is It Negligent Not to Assume the Worst of Others?" will appear in the *Journal of Philosophy and Public Affairs*; "Defending Ourselves" is scheduled for the *Notre Dame Law Review* symposium on the work of Kent Greenawalt. In progress is work on "Conflicts of Rights" as well as an expanded version of "Liberalism By Default."



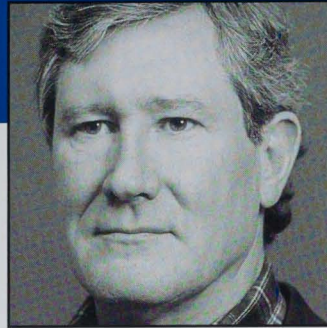
**Regina Austin '73**, William A. Schnader Professor of Law, spent the fall semester as a visiting professor at Brooklyn Law School. In September, at the Rockefeller Foundation's Next Generation Leadership program in Racine, Wisconsin, she led a discussion on environmental justice and the Shintech case. She later presented her "Money Paper" at a legal studies seminar at Brooklyn, as well as a feminist legal theory seminar at Columbia Law School. Closer to home, at a Villanova University Law School symposium in honor of Mary Joe Frug, Austin also delivered a paper titled "The 'Soul Food' Example: Assuring a Legacy of Tradition and Capital Accumulation."



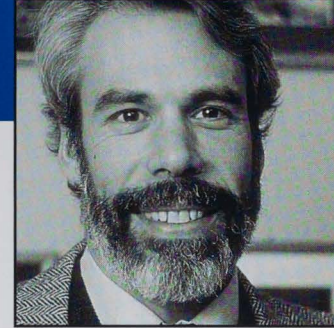
**Howard Lesnick**, Jefferson B. Fordham Professor of Law, presented his response to the question “Can Professionalism Take Account of a Lawyer’s Religious Concerns?” at last December’s Fordham University School of Law conference on Rediscovering the Role of Religion in the Lives of Lawyers and Those They Represent.



**Bruce H. Mann**, Professor of Law and History, was elected to the board of the American Society for Legal History and now serves on its publications committee even as he maintains his membership on the advisory council of the McNeil Center for Early American Studies. He delivered a paper on “Stop-Loss Capitalism: The Ex Ante and the Ex Post of Debtor Protection in America” at a business history seminar at Harvard’s Graduate School of Business Administration and served as panel commentator on debtors, creditors, and bankrupts in Victorian Anglo-America at the American Society for Legal History meeting in Seattle last October. His essay “The Multiple Constitutions of Constitutional History” appeared in *Law and History Review* in 1998.



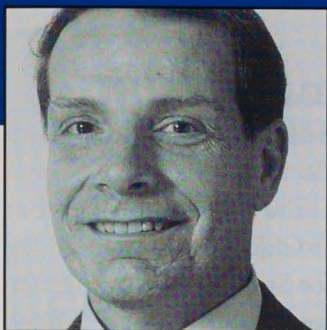
**Charles W. Mooney, Jr.**, Associate Dean for Academic Affairs and Professor of Law, spoke last June at the annual Western District of Washington bankruptcy symposium at Sun Mountain. Then, during the annual meeting of the American Bar Association in Toronto, he spoke on UCC Article 9 and on the International Institute for the Unification of Private Law (UNIDROIT) draft Convention on International Interests in Mobile Equipment. Featured Bankruptcy and Reorganization speaker at the annual meeting of the Oklahoma Bar Association at Tulsa, Mooney also served as a panelist at the annual ALI-ABA Emerging Uniform Commercial Code program. A member of the Secretary of State’s Advisory Committee for Private International Law, he represented the Department of State as position coordinator at the delegation to the first meeting of governmental experts for the UNIDROIT Mobile Equipment convention in Rome. Throughout 1998, he served as co-reporter for the committee drafting revisions to UCC Article 9, which received final approval of the ALI and NCCUSL. He and Dean Colin S. Diver completed the Law School’s Self-Study Report prepared in connection with the visit of the External Review Committee in December.



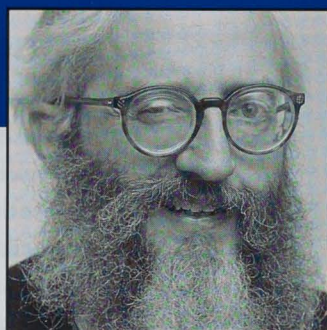
**Edward B. Rock**, Professor of Law, is now co-director of the Institute for Law and Economics, with Michael Wachter. He presented papers on “Mandatory Disclosure as Credible Commitment” at New York University Law School and on “Collective Bargaining over Asset Restructuring” at the fall 1998 Labor Law Roundtable sponsored by the Institute. In *Employees’ Role in Corporate Governance*, the Brookings Institution will publish Rock and Wachter’s analysis of the role of employees in corporate governance: “Tailored Claims and Governance: The Fit Between Employees and Shareholders.” Rock and Wachter are currently working on their fifth joint article, an analysis of minority oppression in close corporations.



**Kim Lane Scheppelle**, Professor of Law, was elected Treasurer of the Law and Society Association and is serving this year as Senior Visiting Scholar at the National Constitution Center in Philadelphia.



In recognition of his outstanding public service, **Louis S. Rulli**, Practice Associate Professor of Law, received the 1998 Mary Philbrook Award from Rutgers University School of Law. He debated the Chief Counsel of the Washington Legal Foundation on the "Ethics and Constitutionality of IOLTA" before the Pittsburgh Federalist Society and participated by invitation in the American Bar Association's "Think Tank" meeting held in Philadelphia to examine issues of race and ethnicity and their impact upon the justice system. As guest lecturer in the Law and Social Policy Program at Bryn Mawr's Graduate School of Social Work, he addressed the subject of the social functions of law. Returning to the advisory board of the Independence Foundation's Public Service Fellowship Program, he assisted in its recent selection of Public Service Fellows.



On leave this year and working at King & Spalding in Washington, D.C., **David J. Shakow**, Professor of Law, wrote "Taxing Nothings: Intangibles on the Internet," a comment on a paper by Charles McLure, to appear in the *Tax Law Review*. With Reed Shuldiner, he presented their co-authored paper, "A Comprehensive Wealth Tax," at the Tax Law Review Symposium in October.



At the annual conference on Law and Society, **Barbara Bennett Woodhouse**, Professor of Law, presented "The Newsboy: Cultural Icon of the Child Saving Movement" and appeared on panels studying the trend toward charging children as adults in criminal cases. She was a guest expert on Comcast Sports Network, discussing the legal rights of teenage gymnast Dominique Moceanu, her comments later being featured on NPR's "All Things Considered." Current writing projects include a Soros Foundation study on "Families in an Open Society" and another study, in association with scholars at Oxford, comparing family law developments in the United Kingdom and the United States. Continuing her work with the Joint State Task Force on Adoption, Woodhouse is drafting legislation promoting adoption of children with special needs. She serves on a Philadelphia Bar Association subcommittee on Gender Fairness in the Family Courts and participated in drafting an amicus brief in the case of *In re: Cornilous*, a Maryland appeal arguing for a four-year-old's rights to protection from abuse. Visit Woodhouse's web page (<http://www.law.upenn.edu/fac/bwoodhou/bwoodhou.htm>) for case commentaries written by students in her seminar on "The Supreme Court and the Family."



Last September, **Clyde W. Summers**, Jefferson B. Fordham Professor of Law Emeritus, attended the 11th World Congress of the International Industrial Relations Association in Bologna, Italy. He delivered "NAFTA and International Labor Standards" at the conference on "World-Wide Markets and Employment and Labor Law in the 21st Century" at Lewis and Clark College, and "Public Policy in Judicial Review of Arbitration" at the American Arbitration Association Labor-Management and Employment Law Program in Philadelphia. His article "Exclusive Representation: A Comparative Inquiry into 'Unique' American Principle" appeared in *Labour Law and Industrial Relations at the Turn of the Century* (Kluwer, 1998).



Last September at Columbia Law School, **Stephen Perry**, John J. O'Brien Professor of Law and Professor of Philosophy, participated in a conference on Formalism and Autonomy in Law and Art. He followed with a presentation on "Hart's Methodological Positivism" to an October symposium on Methodology in Legal Theory at Swarthmore College. Offered again to the Rutgers Camden Philosophy Society in November, this paper will be published in a special *Legal Theory* symposium issue devoted to the legal philosophy of H.L.A. Hart.

## 1933 52 YEARS OF TEACHING

**Donald J. Farage\*** was presented an honorary degree of Doctor of Laws from the Dickinson Law School in recognition of his 52 years of teaching at the school.

### 1947

#### **Donald W. VanArtsdalen**

has announced his retirement as Senior U.S. District Judge.

### 1948

#### **J. William Ditter, Jr.,**

has announced his retirement as Senior U.S. District Judge.

#### **Bernard Wolfman,**

Fessenden Professor at Harvard Law School, delivered the Edward N. Polisher Tax Lecture at the Dickinson School of Law last November.

## 1949 LIBERTY AWARD

#### **Herman Mattleman,**

a partner with Mattleman Weinroth & Miller, Philadelphia, was awarded the Torch of Liberty Award from the Anti-Defamation League.

### 1951

#### **Neil W. Burd,**

in retirement, has completed six years (the last two years as chairman) on the Board of Adjustment of Highland Beach, Florida.

### 1955

#### **William H. Brown,**

a partner with Schnader Harrison Segal & Lewis, Philadelphia, received the Earl G. Harrison *pro bono* award for major achievements in charitable work.



### 1956

#### **Harris Ominsky,**

a partner in the real estate department of Blank Rome Comisky & McCauley, Philadelphia, spoke at the Delaware County Real Estate planning Council meeting last September.



### 1957

#### **E. Norman Veasey,**

Chief Justice of the Supreme Court of Delaware, was voted President-Elect of the Conference of Chief Justices.

## 1958 ANDREW D. CHRISTIE MEMORIAL AWARD

#### **O. Francis Biondi,**

a member of Morris, Nichols, Arsht & Tunnell in Wilmington, Delaware, received the Andrew D. Christie Memorial *Pro Bono Publico* Award from the Delaware Supreme Court for outstanding public service in furtherance of the administration of justice.

### 1960

#### **Frederick Cohen,**

counsel with Obermayer Rebmann Maxwell & Hibbel, Philadelphia, presented the Montgomery Bar Association's CLE seminar, "Procedural Roadmap for Successful law Litigation in Montgomery County."

#### **Edward I. Dobin**

received the 1998 Leadership Award from the Pennsylvania State Service Council of the American Red Cross.

#### **Richard S. Hyland**

of Montgomery McCracken Walker & Rhoads in Philadelphia, was elected a Fellow of the American Bar Foundation.

#### **Randall D. Luke,**

of counsel with Hann, Loeser & Parks, Cleveland, co-authored *Securitization*, a collection of 16 national reports presented at the 1996 Congress of the Union Internationale des Avocats in Madrid.

### 1961

#### **James Agger, Sr.,**

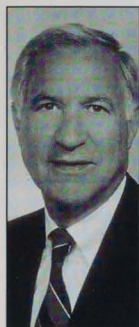
sponsored the Philadelphia Bar Foundation's 10th annual Golf Classic that raised over \$85,000. Proceeds from the event benefit the Bar Foundation, the Bar's charitable arm.

#### **Daniel M. Kristol,**

a senior member with Prickett, Jones, Elliott, Kristol & Schnee, Wilmington, Delaware, has been included in the 1999-2000 edition of *The Best Lawyers in America*.

\* We are saddened to report that Donald J. Farage passed away in October.





**1963**

**David H. Marion,** chair of Montgomery McCracken Walker & Rhoads, Philadelphia, has been appointed chair of the Attorney-Client Relationships Committee of the American College of Trial Lawyers. He was also listed in the 1999-2000 edition of *The Best Lawyers in America*.



**1964**

**Stephen A. Cozen,** founding partner of Cozen and O'Connor, Philadelphia, was a finalist in the 1998 Ernst & Young Entrepreneur of the Year award in the Master Entrepreneur category.

**1964 TOP JUDGE**

**The Hon. L. Anthony Gibson** has been ranked the top judge in the state of New Jersey in a survey conducted by the *New Jersey Law Journal*.



**1964**

**Richard M. Shusterman,** a partner with White & Williams, Philadelphia, was re-elected regional vice president of the Federation of Insurance and Corporate Counsel.

**Burton K. Stein,**

an estate planning attorney with Cozen and O'Connor, Philadelphia, conducted a tele-conference entitled "A Tax Tips Live! Presentation" last December.

**1965**

Pennsylvania State Representative **Lita Indzel Cohen** was elected to her fourth term in the Pennsylvania House of Representatives.

**Joseph A. Ryan**

has announced the formation of Ryan Emory & Ryan in Paoli, Pennsylvania.

**Richard M. Squire**

has joined the Philadelphia-based firm of Abrahams Lowenstein Bushman & Kaufmann, specializing in complex commercial litigation.

**1966**

**Charles B. Burr II,** a mediator with ADR Options, Inc., served as a faculty member for the Pennsylvania Bar Institute seminar, "Essentials of Philadelphia Practice."

**Michael Coleman**

has formed Coleman Legal Staffing, providing professional staffing services to the legal community.

**1967**

**John D. Aldock,** partner and chairman of the executive committee of Shea & Gardner, Washington, D.C., has been named a Fellow of the American College of Trial Lawyers.

**Dennis R. Suplee,**

a partner with Schnader Harrison Segal & Lewis, Philadelphia, has been appointed state chair for Pennsylvania for the American College of Trial Lawyers for 1998-1999 and also co-chair for Pennsylvania for the International Academy of Trial Lawyers.

**1968 EXCELLENCE IN EDUCATION AWARD**

**Lawrence J. Fox** of Drinker, Biddle & Reath, Philadelphia, received the first Philadelphia Bar Education Center's Excellence in Education Award.

**1968**

**Stephen C. Zivitz,** a partner in the tax, pension, and estates practice group at White and Williams, Philadelphia, lectured on Pennsylvania Elder Law on behalf of the National Business Institute.

**1969**

**David Richman** of Pepper Hamilton, Philadelphia, participated in the Philadelphia Futures' Sponsor-a-Scholar program.



**1969**

**Allan Starr,**

chair of the executive committee at White and Williams, Philadelphia, is helping coordinate the firm's "Giving Back to the Community" program, which donates items to organizations and institutions in the Delaware Valley in celebration of the firm's 100th anniversary.

**1970**

**Walter P. McEvilly, Jr.,**

of Prickett, Jones, Elliott, Kristol & Schnee, Wilmington, Delaware, has been included in the 1999-2000 edition of *The Best Lawyers in America*.

**1971**

**Roger E. Kohn**

of Kohn & Rath, Hinesburg, Vermont, published "Vermont Employment Termination Law Updated" in the *Vermont Bar Journal & Law Digest*.



**Arthur W. Lefco,**

an attorney in the commercial litigation department of Cozen and O'Connor, Philadelphia, has been elected to membership in the American Law Institute.

**1972**

**Todd S. Collins**

has become a partner with Berger and Montague, Philadelphia, and will participate in the executive management of the firm.

**Theodore Eisenberg,**

Henry Allen Mark Professor of Law at Cornell University Law School, took part in a continuing legal education program at the Chicago-Kent College of Law.

**1972**

**Russell D. Henkin**

has been promoted to shareholder at Berger and Montague's Philadelphia office.

**Elijah Noel, Jr.,**

has joined Apperson, Crump & Maxwell, Memphis.

**David L. Pollack**

has joined the real estate department of Ballard Spahr Andrew & Ingersoll as a partner in its Philadelphia office. He also served as panelist at the 1998 International Council of Shopping Centers Law Conference in Nashville.

**Kenneth I. Rosenberg,**

chair of the real estate department at Mesirov Gelman Jaffe Cramer & Jamieson, Philadelphia, has been named president of *The Jewish Exponent*.



**1973**

**Stephen A. Madva,**

a partner with Montgomery McCracken Walker & Rhoads, Philadelphia, was inducted as a member of the American College of Trial Lawyers.

**Henry Schleiff,**

a veteran media executive, has been named president and CEO of the Court TV cable network.



**1974**

**Ian Comisky,**

a partner with Blank Rome Comisky & McCauley, Philadelphia, spoke at the Criminal Tax Fraud 1998 Conference in Washington, D.C.

**1974**

**NEW PUBLISHER OF  
MIAMI HERALD**

**Alberto Ibarguen,** former publisher of *el Nuevo Herald*, has been promoted to publisher of *The Miami Herald*.

**Carrie Menkel-Meadow,**

a professor at Georgetown Law Center, is spending the spring term at Temple University School of Law as the first Phyllis W. Beck Professor of Law.

**Manuel Sanchez,**

a founding partner of Sanchez & Daniels, Chicago, has been elected to a two-year term as a director of the Chicagoland Chamber of Commerce.

**Nina Segre**

was elected partner and chair of the real estate section at Montgomery McCracken Walker & Rhoads, Philadelphia.

**1975**

**Ralph A. Jacobs,**

a partner in the Philadelphia firm of Hoyle, Morris & Kerr, has been elected to membership in the American Law Institute.

**1976**

**Mark A. Kadzielski,**

a partner in Akin, Gump, Strauss, Hauer & Feld, will head the firm's health industry practice in Los Angeles.



**Bruce Katcher,**

a founding member of Manko Gold & Katcher, Bala Cynwyd, Pennsylvania, is the new chairman of the Environmental Improvement Committee of PENJERDEL and has been appointed to the organization's executive committee.

**1976**

**Michael H. Kline,** of counsel with the Pennsylvania Department of Transportation, served as an author and presenter for the Pennsylvania Bar Institute's course on Pennsylvania's new procurement code.

**1976 DISTINCTION AWARD**

**Mary A. McLaughlin,** a member of Dechert, Price & Rhoads, Philadelphia, received the 1998 Women of Distinction Award.

**Jeffrey I. Pasek,** chair of the labor and employment group at Cozen and O'Connor, Philadelphia, has been elected to a sixth term on the board of the Pennsylvania Chamber of Business and Industry.

**John A. Zolman III** has joined Kenney & Kearney, Cherry Hill, New Jersey, as partner.

**1977**

**Hope A. Comisky** has joined Pepper Hamilton, Philadelphia, as a partner in labor and employment law.

**Paul S. Diamond,** a partner at Obermayer Rebmann Maxwell & Hippel, Philadelphia, has joined the board of the Lawyers Fund for Client Security.

**Al Toczydowski,** with Reed Smith Shaw & McClay, Philadelphia, was named counsel to the Delaware Valley chapter of the International Association of Special Investigative Units.

**1978**

**Jules Epstein,** a partner in Kairys, Rudovsky, Epstein, Messing & Rau and also an adjunct professor at Penn Law, was nominated for the Roscoe Pound Foundation Award.

**James E. Nevels,** founder, chairman, and CEO of The Swarthmore Group, was featured in the *Wall Street Journal*.

**James A. Pabarue** of Christie Pabarue Mortensen & Young, Philadelphia, spoke at the Defense Research Institute's annual Insurance Coverage for Environmental Claims Seminar in Boston.

**1979**

**Albert S. Dandridge III,** who chairs the capital formation group at Mesirov Gelman Jaffe Cramer & Jamieson, Philadelphia, has been elected to the board of the Philadelphia Stock Exchange.



**Niki T. Ingram** of Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, has been appointed to the American Bar Association Survey Committee of the Workers' Compensation and Employment Law Liability Committee.



**Gerald A. McHugh,** shareholder in Litvin Blumberg Matusow & Young, Philadelphia, was elected president of the Philadelphia Trial Lawyers Association. He also wrote a supplement to *Pennsylvania Torts*.

**1979**

**Donald M. Millinger** has joined Klehr, Harrison, Branzburg & Ellers, Philadelphia, as a partner.

**1979 LEAD COUNCIL BEFORE U.S. SUPREME COURT**

**Neil D. O'Toole** of Neil O'Toole, Denver, was successful as lead counsel before the United States Supreme Court in *Buckley v. American Constitutional Law Foundation*. The Court declared portions of the Colorado state constitution to be in violation of the First Amendment.

**1980**

**Karen L. Senser** was elected partner at Montgomery McCracken Walker & Rhoads, Philadelphia.

**1981 AWARDS, AWARDS.**

**Francine Friedman Griesing,** City of Philadelphia Law Department, was honored with the first Philadelphia Bar Education Center Excellence Award and a 1998 Women of Distinction Award.

**Jay M. Levin** of Cozen and O'Connor, Philadelphia, spoke before the American Bar Association's Tort and Insurance Practice Section Property Insurance Law Committee.

## 1981

### **Marilyn C. Sanborne**

has joined the estates department of Ballard Spahr Andrews & Ingersoll, Philadelphia.

### **Marjorie Shiekman**

of Dechert, Price & Rhoads, Philadelphia, participated in the Philadelphia Futures' Sponsor-a-Scholar program.

### **Jeffrey A. Smith**

has been elected to partnership at Cravath, Swaine & Moore, New York.

## 1982

### **Linda J. Sarazen**

has joined Linda McDonald, an international licensing agency for graphic and decorative artists in Charlotte, North Carolina, as senior vice president.



## 1983

### **Robert M. Jarvis,**

with the Shepard Broad Law Center, Fort Lauderdale, Florida, has published *Prime Time Law: Fictional Television as Narrative*, depicting how lawyers are portrayed on television.

### **Lisa M. Salazar,**

a partner with Hoyle Morris & Kerr, Philadelphia, was elected to the Women in the Profession Committee's Leadership Class.

## 1984

### **Keith B. Braun**

has formed the law firm of Kochman & Braun, with Ronald S. Kochman, in West Palm Beach, Florida.

### **Rafael Perez**

has joined Riker, Danzig, Scherer, Hyland & Perretti, Morristown, New Jersey.

## 1984

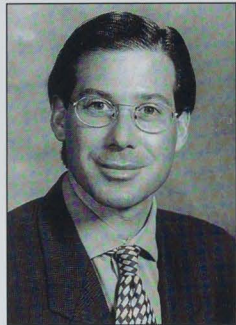
### **Shanin Specter,**

a partner with Kline & Specter, Philadelphia, was elected assistant secretary of the Philadelphia Trial Lawyers Association.

## 1985

### **Linda P. Falcao**

has founded Salmanson & Falcao, Philadelphia, with Mike Salmanson.



### **Stephen Lerner,**

with Taft, Stennius & Hollister, Cincinnati, has been named in *The Best Lawyers in America* 1999-2000 edition.

### **Peter B. Nordberg**

was promoted to shareholder of Berger and Montague in the Philadelphia office.

### **Karen Taylor-Lewis**

has joined Schnader Harrison Segal & Lewis as an associate in the Philadelphia office.

## 1986

### **Sheldon D. Pollack's**

*The Failure of the U.S. Tax Policy: Revenue and Politics* has been published by the Penn State University Press.

### **Orin S. Snyder**

was named partner in the renamed firm of Parcher, Hayes & Snyder, New York.

## 1987

### **Thomas J. Barton,**

a partner with Drinker, Biddle & Reath, Philadelphia, spoke at the Lorman Education Services seminar last October.

## 1987

### **Andrew S. Margolis**

received the Appreciation Award from the Etz Chaim Center for Jewish Studies for assisting them in finding a suitable Center City location.

### **Michael Smerconish,**

a litigator with Beasley Casey & Erbstein, Philadelphia, received the March of Dimes Achievement in Radio Award for best talk show and best evening show host.

### **Ferrier R. Stillman**

was made a partner at Tydings & Rosenberg, Baltimore, concentrating in health care and family law.

### **Frank N. Tobolsky,**

a Philadelphia real estate attorney, presented "Commercial Leasing" at the Pennsylvania Bar Institute's annual Real Estate Institute.

### **Robert J. Valihura, Jr.,**

was elected to the Delaware House of Representatives but will continue his corporate litigation practice in the Wilmington, Delaware, office of Duane, Morris, & Heckscher.

## 1988

### **Steven M. Cohen,**

former Assistant U.S. Attorney, Southern District of New York, has joined Kronish, Lieb, Weiner & Hellman, New York, as a partner in litigation.

### **Abbe F. Fletman,**

a partner with Wolf, Block Schorr and Solis-Cohen, Philadelphia, was elected to the Women in the Profession Committee's Leadership Class of 1998.

### **Steven G. Winters,**

a member of the estates and trusts practice group at Wolf, Block Schorr and Solis-Cohen, Philadelphia, has been elevated to partnership in the firm.

**1989**

**Pamela Beverforden Adams**

has joined Adams Capital, a business valuation and strategic financial consulting firm in Atlanta, as general counsel.

**Barry A. Dinaburg**

has become a partner in Chadbourne & Parke, New York, in the tax division.

**Lori Kettering Knauer,**

counsel in Du Pont Legal, Philadelphia, was elected to the Women in the Profession Committee's Leadership Class of 1998.



**1990**

**Kristine Grady Derewicz,**

an associate in the Buchanan Ingersoll Professional Corporation, Philadelphia, was elected to the Women in the Profession Committee's Leadership Class of 1998.



**1991**

**Markus P. Cicka,**

a litigation attorney in the St. Louis office of Husch & Eppenberger, has been elected to firm membership.

**Michael Lieberman**

has been elected shareholder in Hangleby Aronchik Segal & Pudlin, Philadelphia.

**Deborah Tate Pecci,**

an associate with Duane, Morris & Heckscher, Philadelphia, was elected to the Women in the Profession Committee's Leadership Class of 1998.

**1992**

**Nicole D. Galli,**

an associate with Pepper Hamilton, Philadelphia, was elected to the Women in the Profession Committee's Leadership Class of 1998.

**Matthew P. Harrington,**

former minority counsel to the Pennsylvania Senate Judiciary Committee, was appointed associate dean for academic affairs at Roger Williams University.



**1993**

**Wendy Beetlestone,**

an attorney with Schnader Harrison Segal & Lewis, Philadelphia, spoke at the seminar Libel and Privacy Law and Practice in Pennsylvania, sponsored by the National Business Institute.

**Patricia Sons Biswanger**

has joined Cozen and O'Connor, Philadelphia, as an associate in commercial litigation.

**1994 MAJOR DISASTERS**

**Carol Ann Adamcik,** legal counsel for the Federal Emergency Management Agency, has served on recovery teams for 24 major disasters in the last four years.

**1994**

**Jennifer Anne Brandt**

has joined Cozen and O'Connor, Philadelphia, in family law.

**Lisa K. North**

has been appointed assistant prosecuting attorney in the civil division of Montgomery County, Pennsylvania.

**1995**

**Daniel O. Mena**

has joined the Miami office of Holland & Knight as an associate.

**Michael F. Milan**

has become an associate in real estate with Drinker Biddle & Reath, Philadelphia.

**Michael S. Rosenberg**

has joined Wolf Block Schorr and Solis-Cohen, Philadelphia, as an associate concentrating in commercial litigation.

**1996**

**Michael Raibman,**

a law clerk for the Hon. Andrew J. Kleinfeld, United States Court of Appeals for the Ninth Circuit, was named a Temple Bar Scholar by the American Inns of Court Foundation.

**1997**

**Patrick Lord**

has joined the corporate and securities group of Drinker Biddle & Reath, Philadelphia.

**1998**

**Amanda E. Goff**

has joined Kennedy Covington Lobdell & Hickman, Charlotte, North Carolina, as an associate.

**Susan Pearlstein**

has been named a 1998-2000 Skadden Fellow and will work for Philadelphia Legal Assistance.

**Jorge Reynardus**

has joined the Miami office of Holland & Knight as an associate.

**Ezell H. Underdown**

has joined Squire, Sanders & Dempsey, Columbus, Ohio, in public law practice.

**1928**

Guy G. deFuria

**1930**

Lloyd J. Schumacker  
Curtin Winsor

**1933**

Donald J. Farage

**1934**

S. Samuel Arsht

**1935**

Albert W. Gilmer

**1936**

Frederick A. Ahlborn  
James Andrews Jr.  
Francis I. Daly

**1938**

Joseph J. Zapitz

**1939**

Thomas R. Butler  
George F. Lee

**1943**

Miles W. Kirkpatrick

**1947**

H. Coleman Tily, III  
William B. Pugh, Jr.

**1948**

The Hon. Daniel H. Huyett

**1951**

Herbert M. Linsenberg

**1952**

Allen I. Dublin  
Robert S. Hass

**1953**

Robert J. Slocum

**1954**

The Hon. Berel Caesar

**1958**

The Hon. David W. Leahy

**1959**

Richard M. Segal

**1977**

William A. Loftus

**1998**

Camille Forbes

## The Voice of Judgment: A. Leon Higginbotham, Jr.

The death of the Hon. A. Leon Higginbotham, Jr., retired chief justice of the U.S. Court of Appeals for the Third Circuit, ended a brilliant legal and judicial career. Higginbotham died of a massive stroke on December 14, 1998. During this February's tribute at the University Museum, a parade of fellow judges, former law clerks, and dignitaries lionized Higginbotham's precision of mind, devotion to the truth, and reverence for social justice. Yet their most memorable portrait was of an unfailingly welcoming human being who offered you his friendship at first meeting and hewed to that friendship throughout his life.

An immense man with a booming baritone that filled buildings, Higginbotham taught race and social policy as an adjunct professor at Penn Law from 1970 to 1993. He also served as chair of the Law School's Board of Overseers and, for three decades, as a Penn Trustee. He received an honorary Doctor of Laws from the University in 1975 and the country's highest civilian award, the Presidential Medal of Freedom, in 1995.

At the tribute, recalling Higginbotham's continuing close ties to the black community, former Congressman William H. Gray III, president of the United Negro College Fund, noted that "no matter how high he went, he was always reaching back" after "climbing the mountain of bigotry and despair."

Following his graduation with honors from Yale Law School in the 1950s, Higginbotham, despite his superb intellectual credentials, received not a single offer from a leading law firm. Instead, he and a few partners formed Norris, Green, Harris & Higginbotham, which specialized in service to Philadelphia's poor and African-American communities. One of those partners, the Hon. Clifford Scott Green of the U.S. District Court for Eastern Pennsylvania, recalled how Higginbotham, running on a campaign of social justice through law, defeated local black activist and firebrand Cecil Moore for the presidency of the Philadelphia chapter of the NAACP in 1960.

Yet perhaps the most telling memory came from Philadelphia City Solicitor Stephanie L. Franklin-Suber. Hospitalized in 1984 and confined to intensive care with a life-threatening pulmonary embolism, she received a phone call from an almost impossibly magisterial voice. "I thought it was God, telling me I was ready to go," she recalled. Instead, it was Higginbotham, offering her a clerkship. That call, she said, gave her the will to live and to continue with her professional life.

Penn Law's Dean Colin Diver, in a eulogy written for *The Pennsylvania Gazette*, highlights a few of the outstanding incidents from this jurist's life:

*Judge Higginbotham often spoke of the experiences of racial prejudice and exclusion that had shaped his social vision. He recounted the struggle to escape the stifling confines of his Ewing Park neighborhood in Newark. He told of his exclusion from the dormitories at Purdue University, the icy silence that greeted his arrival for a job interview at a prestigious Philadelphia law firm, the impossibility of renting office space in Center City, Philadelphia.*

*Just two weeks before his death, Judge Higginbotham had appeared before the House Judiciary Committee to express—in typically direct terms—his opinion that the offenses charged against President Clinton did not warrant his impeachment and removal from office. When a Republican Committee member stated that "real Americans" felt otherwise, Judge Higginbotham slowly shifted his six foot, five inch frame, peered over his reading glasses, and intoned in that sonorous baritone voice: "Sir, my father was a laborer, my mother a domestic. I came up the hard way. Don't lecture to me about the real America."*

A "real American" who rose above the fetters of race yet remained true to his origins, Judge Higginbotham has written his own chapter in the history of the University, the city, and the country.

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