

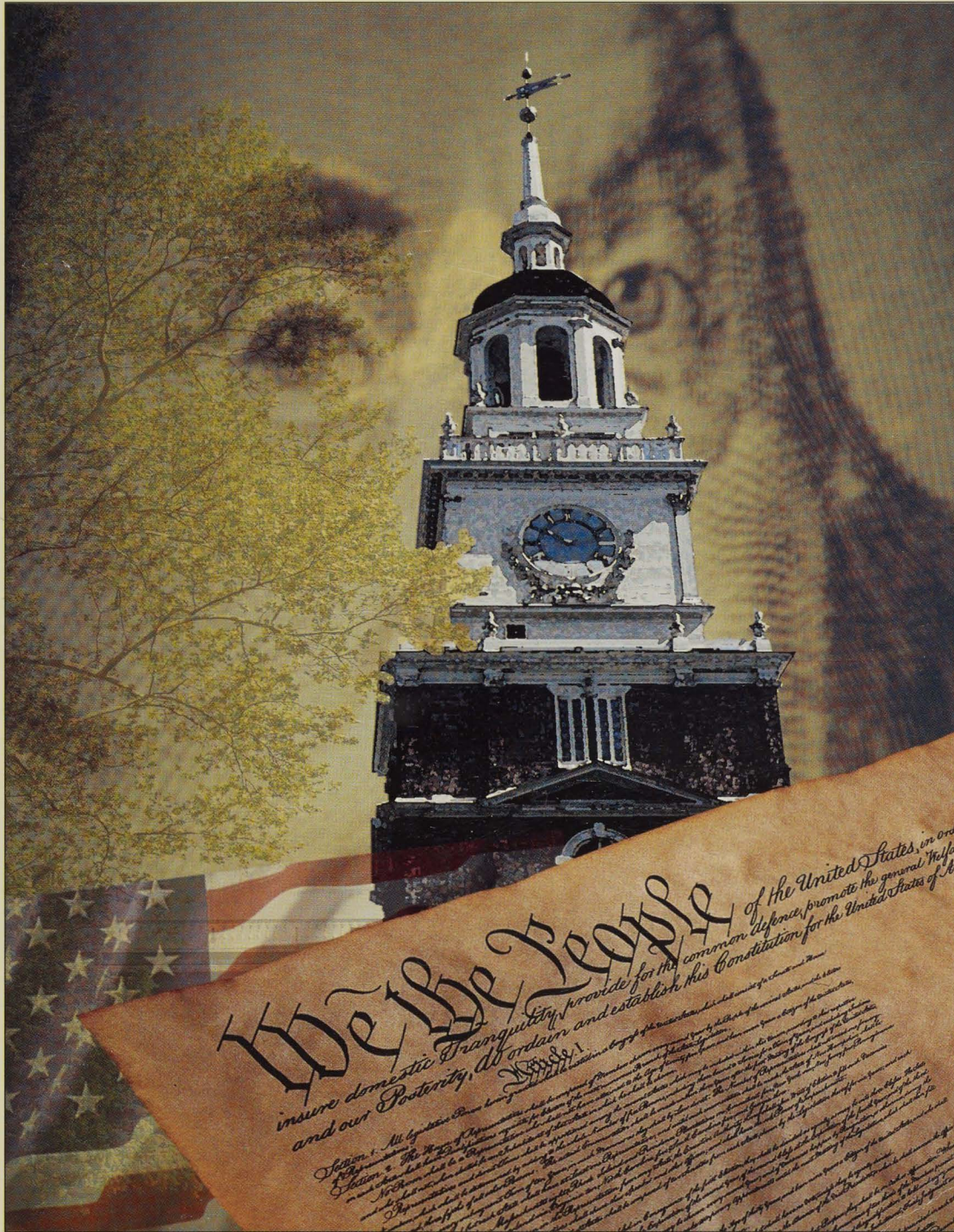
Penn Law Journal

UNIVERSITY OF PENNSYLVANIA

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FALL 1999

Constitutional Law at Penn Law



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Professor Bruce H. Mann Awarded Penn's Highest Honor for Teaching

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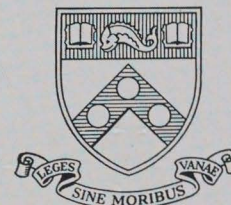
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Thank you.

Penn Law Journal

UNIVERSITY OF PENNSYLVANIA

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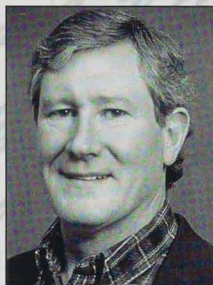
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**SILVERMAN HALL
UNDER RENOVATION**



**LEVY CONFERENCE CENTER
CONSTRUCTION**

A Message from the Dean



Dean
Charles W. Mooney, Jr.

*Constitutional Law and the University of Pennsylvania
have been bound together for over two centuries.*

We trace the origins of that relationship to James Wilson, signer of the Declaration of Independence, framer of the Constitution, and member of the first Supreme Court. At the Constitutional Convention of 1787, Wilson was the most active member of the Committee of Detail that produced the first draft. In 1790, following his appointment as an Associate Justice of the first Supreme Court, he was appointed as the first Professor of Law at the University of Pennsylvania, then housed at Fourth and Arch Streets, a scant three blocks from Independence Hall. Not surprisingly, his inaugural lectures on law focused heavily on the role that the newly ratified Constitution should play in the legal framework and social evolution of the new Republic.

True to its history, Penn Law School remains a vibrant center for the study and teaching of constitutional law. In this issue of the *Journal*, we profile some of the people who preserve and strengthen this unique legacy today – people like Professors Matthew Adler, Frank Goodman, Seth Kreimer, Kim Lane Scheppele, and Barbara Bennett Woodhouse, who bring the Constitution to life on a daily basis in their teaching and scholarship; people like Law School Overseer John K. Castle, whose generosity made possible the creation of our new offices for the Journal on Constitutional Law, and alumna Elizabeth J. Coleman whose work tests the strength of our commitment to equality and freedom of expression. We also profile some of the programs that enhance the legacy of constitutional studies at Penn, including our new Constitutional Law Journal, our growing relationship to Philadelphia's National Constitution Center, and the role of the Law School in supporting the University's unfolding initiative in American Democratic and Constitutional Studies.

In a world crying out for greater protection of human dignity and liberty, the study of constitutionalism must occupy a central place on the political and social agenda, as well as the academic agenda. At Penn Law School we are proud of our unique inheritance and committed to fulfilling its promise.

Though our founding is anchored in history, our future promises bold new dimensions that are unfolding before our eyes each day at the Law School, as pictured on the opposite page. I am thrilled to take over the reins as Interim Dean from Colin Diver at a pivotal moment such as this. I am confident that the Dean Search Committee will bring our search for a new dean to a successful conclusion as soon as possible. In the meantime, Penn Law School will continue to move forward on the many initiatives that are already in place. The renovation of Silverman Hall in preparation for its rededication in November 2000 will restore our one hundred-year old building to its original glory. In addition, the construction of the high-tech Levy Conference Center in the former quarters of Sharswood Hall will be a vital symbol of our transition into the 21st Century. We begin the academic year with new students and new faculty who will seamlessly integrate into the rich fabric of our institution. As we honor our origins, I invite you to join with us at Penn Law in our energizing focus on the future.

We the People

insure domestic Tranquility, provide for the common Defence and our Posterity, do ordain and establish this Constitution

Article I

Two Hundred Twelve Years of Interpretation:

A Discourse on Constitutional Law

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, in each State shall have one Representative, or a small Number of Representatives, but no less than three. No Person shall be a Representative who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. The actual Enumeration shall be made within three Years after the first Meeting of the Legislature of the United States, and within every subsequent Term of ten Years, in such Manner as the Legislature may direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative. When vacancies happen in the Representation from any State, the Executive Authority of such State shall issue writs of Election to fill such Vacancies.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Meeting of the Senate, they shall be divided into three equal Classes, in each Class one Senator shall have his Office filled in the first, second, and third Year, so that one-third may be chosen every second Year; but the Seats of the Senators in the first Class shall be vacated at the Expiration of the first Year, of the second Class at the Expiration of the second Year, and of the third Class at the Expiration of the third Year. No Person shall be a Senator who shall not, when elected, be seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. The Vice President of the United States shall be chosen by the Electors in such Manner as the States may direct, but no Person shall be Vice President who shall not, when elected, be a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the President of the United States. The Senate shall have the sole Power to try all Impeachments, when the President of the United States is absent, and when the President of the United States is present, and the Chief Justice of the United States shall preside; and no Person shall be convicted without the Concurrence of two-thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable to Prosecution, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law alter or change in whole or in part the Times, Places or Manner of holding such Elections, provided they be uniform throughout the United States. The Congress shall assemble at least once in every Year, and such Meeting shall begin on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Quorum to do Business, but a smaller Number may adjourn from day to day, and may be compelled to attend by affirmative Vote of the Members present. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member, and, with the Concurrence of two-thirds, suspend such Expulsion, if the Cause shall require. Each House may also punish its Members for non-attendance, and, with the Concurrence of two-thirds, suspend such Suspension, if the Cause shall require. Privileges of Senators and Representatives shall be preserved, except in Cases of Treason, Bribery, or other high Crimes and Misdemeanors. They shall be privileged in any Speech or Debate in either House, not to be questioned in any other Place.

Throughout the history of Penn Law – and of most American law schools – the study of constitutional law has been a sometime thing. Considered a mainstay of the mid-nineteenth century, it had moved to the back burner by the early-twentieth century, from which it shifted only occasionally into the light and heat. Since the 1950s, however, it has gained renewed strength. At Penn Law it is a major component of instruction and an extensive source of scholarship.

This issue of the Penn Law Journal reports on the current status of constitutional law at Penn – the instructors, the courses, the scholarship, and the student involvement.



"I love to see the students reaching that 'Aha!' moment where the whole scheme clicks."

~ Barbara Bennett Woodhouse ~

Barbara Bennett Woodhouse, Professor of Law, gives the impression of a very quiet explosion. Low-key and direct in conversation, she has a record of publication and activism that might make Ralph Nader fatigued. She picked up her first degrees, in Italian language and literature, from the Università per Stranieri, Perugia, Italy, in the early 1960s, did graduate-level work in Italian at the University of Virginia, received a B.S. in French and history from SUNY in 1980, and a J.D. from Columbia in 1983. And those were just teasers.

Since joining the Penn Law faculty in 1988, she has taught a wide range of courses on constitutional law, the Supreme Court, and public interest law, with an emphasis on the family and, especially, children's rights. To this she's added dozens of high- and low-profile *pro bono* cases and amicus briefs relating to adoption, custody, foster care, and children's rights, plus Congressional testimony and service on family law commissions.

Woodhouse's website (accessible through her faculty profile on Penn Law's homepage) is set up for heavy traffic, featuring a variety of student exercises such as a Virtual Supreme Court with student profiles of the justices, and "Marriage & Family Law: Landmark U.S. Supreme Court Cases," a spring seminar in which students created resources for Web visitors to investigate the role of the Supreme Court in creating new family law.

The website encapsulates Woodhouse's approach to teaching the Constitution. "I try to combine the theories and doctrines with the practice of constitutional litigation," she explains. "Constitutional law is a very complex, confusing subject. I love to see the students reaching that 'Aha!' moment where the whole scheme clicks."

She has used audiotapes of oral arguments in her first-year Con Law course, illuminating the cyclical pattern of "how lawyers and justices use new law to create more new law." For the Marriage & Family Law seminar, students examined thirty landmark Supreme Court cases and wrote commentaries, then created hypothetical cases and argued them before students in roles representing the current Supreme Court justices. The final paper was a draft of a Supreme Court opinion based on the hypothetical.

Recent court decisions in family law, says Woodhouse, have concentrated on marriage — same-sex marriage, interracial marriage, and the right to marry. The next focus, she hopes and believes, will be on "children's standing and due process rights, particularly in the context of child welfare law. It will include children in custody disputes, but these rights are strongest when one party is the state, as in foster care and adoption."

Unlike many modern constitutions, such as the South African, which specifically address the rights of children, says Woodhouse, our Constitution provides no specific rights for children. Their best hope lies in judges who will interpret the

Constitution as a living document. Children's rights are often ignored, especially in civil cases, where they are seldom represented by counsel. In the highly publicized "Baby Jessica" and "Baby Richard" cases, for example, state laws "did not provide the child with the right to a hearing on his or her best interest, to present evidence of a severe detriment in being removed from long-term placement. I argue that those laws are unconstitutional in that they deprive the party who's most centrally interested in the outcome of any opportunity to be heard."

The United States is also the only country that has failed to ratify the United Nations Convention on the Rights of the Child. Woodhouse cites "very active opposition" from the religious right and such groups as the Family Research Council, who view the Convention as an attack on the family. In her remarks published in the proceedings of the 1997 Hague Conference on Contemporary International Law Issues (*American Society of International Law*, 1997), she states: "Cultural conservatives see the establishment of universal basic welfare and education rights for children as leading inexorably to a totalitarian society which would destroy individual initiative and intellectual liberty." This, she adds, despite the fact that the Convention was specifically devised to protect children from violation of their rights by governments.

Still, Woodhouse remains optimistic that the Supreme Court will continue developing case law that recognizes due process rights of family members. "The next step is to understand that the termination of parental rights is as severe for the child as for the parent."

One of her most rewarding roles has been as an advocate, "trying to help frame Constitutional issues so that they will be well-argued when they get to court." She is also currently serving as an advisor to the Joint (Pennsylvania) State Legislative Commission Task Force on Adoption, providing the constitutional perspective for the drafting of new adoption laws, including such topics as the rights of parents and children in termination of parental rights and the adoptive child's access to a birth certificate.

Her major present research project is a book, *Honor Thy Children: Children's Rights and the Transformation of Family Law and Policy*, under contract with Harvard University Press. She is also involved in two collaborative projects. In the first, "Crosscurrents," family law scholars in the United Kingdom and the United States study changes in family law in the respective countries, with Woodhouse writing on the changing status of children. The other, *Families in a Free Society*, will be a book-length collection of papers from a Soros Foundation-funded conference examining the theoretical underpinnings of a jurisprudence of families in a free, open society.

Like Woodhouse, Kim Lane Scheppele, Professor of Law, Political Science, and Sociology, is a strong proponent of the more detailed, activist constitutions drafted in recent decades, especially those drafted in Eastern Europe following the collapse of the Soviet Union.

For Scheppele, who joined Penn Law in 1996 from the University of Michigan, the most salient example is the Hungarian Constitution of 1989 that created a Constitutional Court, which she describes as the "most activist court in the world." (*See sidebar on a talk given at Penn Law by the Court's president, Laszlo Solyom.*) Designed originally as a "transitional constitution," it remains in force — and very functional — following the collapse of attempts to form a "permanent" document over concerns about the balance of powers.



"The Constitution doesn't hold us together as a people and a government as it used to. It is coming apart."

~ Kim Lane Scheppele ~

Scheppele has a vested interest in the Hungarian situation. While teaching at Michigan, following her 1985 Ph.D. in Sociology from the University of Chicago (she took her A.B. from Barnard in 1975), she became interested in the Hungarian Constitutional Court and visited Hungary to read case files and court decisions. In 1995, the head of the Constitutional Committee of Hungary's parliament asked her to advise on a permanent Constitution.

At Penn she has taught Comparative Constitutional Law, and Constitutionalism, a first-year "perspectives" course. In the latter course, which covers constitutional drafting since the late-eighteenth century, she uses a variety of dramatic techniques to engage the students. She takes the American Constitution, the first such written document, as her jumping off point, assigning each student a role to play in the Constitutional Convention and the ratification debates. The second half focuses on modern, mostly European constitutions, and the "constitutional context and justification, how political leaders understand the historical moments in which they act."



Academic Jurists Hold the Upper Hand in Hungary

Laszlo Solyom, president of the Constitutional Court of Hungary, outlined the differences between the Hungarian and American approaches to constitutional interpretation at a lecture delivered at Penn Law two years ago.

Constitutional Court judges are appointed by the Hungarian parliament; however, once appointed, they remain remarkably insulated from the political process. As is often the case in Europe, the majority of the judges come from academic, rather than judicial, backgrounds. Solyom had been a professor of law in Budapest since 1982.

Unlike the case-based approach to constitutional interpretation in the U.S., the Court has the power to automatically review all laws enacted by parliament. No lawyers or other outside parties are present at the “round table” discussions of the judges, who can not only declare a law null and void, but also require parliament to pass a law to fill any legislative “omission” in support of the constitution. For example, the Court has ruled that all domestic partners must be treated equally, regardless of sexual orientation, and told parliament to pass a law enforcing this ruling. To date, the Court has struck down fully 30 percent of legislation.

Lest the process seem removed from citizen input, Solyom noted that “everyone has standing” – any Hungarian can challenge any law on constitutional grounds simply by writing to the Court. Thousands have done so.

Solyom stressed two concepts that have guided the Court since its inception: “the rule of law” and an “inviolable right to life and human dignity, which is outside the reach of the state.” The latter principle guided a decision outlawing the death penalty, even though 80 percent of the citizenry favored its retention. Solyom sees the Court as a fully independent force designed to keep not only the state, but also other social forces – including the citizenry – within the bounds of the constitution. He noted that critics accuse the Court of making, not just interpreting, the constitution.

The new breed of constitutional court has arisen, said Solyom, as a corrective to a half-century of Nazi, fascist, and communist oppression and so has a “missionary” outlook. In Hungary, the guiding influences in fashioning the Court were, in descending order, the modern German constitution, the European Declaration of Human Rights, similar constitutional movements in Europe (Spain, Portugal, and Italy), and the U.S. Supreme Court.

This Fall she is teaching a new course on post-constitutional law and society, which focuses on reforms in East Europe using fiction, both short stories and novels, such as Chekhov’s *The Malefactor*, along with primary legal sources and academic analysis as a basis of study. “I want to shake up comfortable assumptions students make about the ease with which American legal institutions can be transplanted to very different social contexts,” she explains.

Outside her teaching role, she serves as a Senior Fellow at the National Constitution Center, and on the advisory panel for the museum that the Center plans to erect on Independence Mall in Philadelphia (*see Sidebar on the National Constitution Center on the following page*). Her major contribution so far, she says, is in helping the Center develop its Constitutional law website.

Comparison of the U.S. and more current foreign constitutions is at the heart of her scholarship as well. Her work in Hungary, she claims, has helped her see the United States with clearer vision: “Those who have had the luxury of living in a constitutional democracy with decent human rights protection may not have as full an idea of what a constitution means as those who have had the historical tragedy of not being able to live under such a system. So for those who have gone without a strong constitution with a lot of substantive rights provisions (and an activist court to enforce these ideas), a constitutional democracy is a much more elaborated conception.”

These constitutions, she explains, have carved a more substantive role for the state, in which a wide range of rights for people is insured, and responsibility to the community outweighs the primacy of personal property. The influence of the nationalization of private property and the Chernobyl nuclear disaster, for example, have directly affected the content of some East European constitutions which, as a result, stress the constitutional status of private property, a market economy, and environmental rights.

(Commenting on the practical position of private property in the post-Soviet world, she notes in her article "The Inevitable Corruption of Transition" [*University of Connecticut Journal of International Law*, 1999], what we at a distance view as corruption is instead a reflection of the tendency among those who lived under state socialism to value private ties to friends and family over public commitment to abstract values and blind universalism. One's moral character in communist and now post-communist society is revealed in the way one treats one's friends rather than in the way one treats strangers. So siphoning off public goods into private networks is often not seen as a moral problem.)

In the U.S., she says, "the Constitution doesn't hold us together as a people and a government as it used to. It is coming apart," becoming "two parallel constitutions that don't meet." Under the conservative concept, she says, the Constitution is about being "good." (She sees similarities between the attempted impeachments of both U.S. President Bill Clinton and Russian President Boris Yeltsin: both are seen by their respective conservative elements as "bad boys.") The liberal construct, by comparison, views the Constitution as a framework within which people act. "It's neutral toward any competing conception of the good," says Scheppele, acting more as a constraint on government. Under this liberal conception of the Constitution, leaders are judged more by the policies that they promote rather than the personal character that they reveal.

Taking her argument to its logical conclusion, she says "There is in America, as well as in Russia right now, a battle over the soul of the Constitution."

Penn and the National Constitution Center

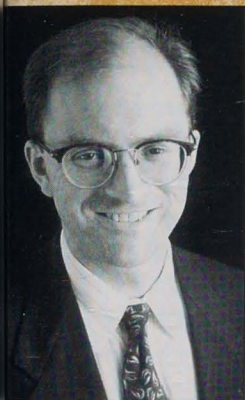
It became real when the federal government allocated \$20 million for its construction, following the lead of the Commonwealth of Pennsylvania's appropriation of \$30 million, and the City of Philadelphia's promise of \$5 million to make the long-planned National Constitution Center a reality on the north end of Independence Mall on Arch Street. The groundbreaking for the renovations on Independence Square is scheduled for Constitution Day – September 17 – in the year 2000, with a planned opening in 2002.

Upon its opening, the \$130 million complex designed by Pei Cobb Freed and Partners, and Ralph Appelbaum Associates, the team that envisioned the U.S. Holocaust Museum in Washington, will have virtually reconfigured the center of Philadelphia's historic and tourist attractions.

As planned, there will be a public space for town hall meetings, an atrium open to the public, a café, and an electronic resource center that will offer a library of audio and video recordings that will educate the public, particularly elementary and high school students, about the Constitution. On the Center's website, there will be lesson plans for teachers, a kids' corner for quick facts about the Constitution, a comparative look at other nations' constitutions, and periodic articles by invited scholars.

The University's Van Pelt Library will be among the research institutions contributing to the collaborative spirit of the Center by making available its electronic archive of Constitution-related materials. University of Pennsylvania professor of Law, Political Science, and Sociology Kim Lane Scheppele serves on the 25-member Senior Advisors Panel for the Center, which also includes Supreme Court Justices Stephen Breyer and Sandra Day O'Connor, as well as author and documentarian Bill Moyers. Nancy W. Streim, an associate dean in the Graduate School of Education at the University of Pennsylvania and another Advisor on the board, will be instrumental in the design of the educational offerings.

Former Law School adjunct professor Kathryn "Kitty" Kolbert is producing a radio program called "Justice Talking" at the University of Pennsylvania's public radio station WXPB, hosted by Margot Adler of NPR. Created by the Annenberg Public Policy Center think tank, it will be broadcast around the nation on NPR stations beginning in October. The show is designed to provide a forum for civic debate around contemporary issues in constitutional law. Each program is formatted as a debate between knowledgeable attorneys who are actively engaged in the issue at hand. Tapes of these debates may become available in the National Constitution Center's resource library.



*"I say to the students,
'Is there a pattern here, is the Court
drawing coherent distinctions?'
Often the answer appears to be 'No'."*

~ Matthew Adler ~

If there is much that our Constitution does not embrace, in comparison to the current spate of modern constitutions, that still leaves the question — a matter of continuing, extended debate — about what our fluid Constitution *does* cover, what it *does* permit, and how elastically it can be stretched to fit current needs. In a sense, much of constitutional law as covered in American law schools is, indeed, an attempt to define the soul of the U.S. Constitution.

A leading light at Penn Law in the search for that spirit is Matthew Adler, Assistant Professor of Law. A *summa* graduate of Yale (1984), with a Masters in Letters degree from Oxford (1986) and a J.D. from Yale (1991), Adler joined the faculty in 1995, following clerkships with Supreme Court Justice Sandra Day O'Connor, and Judge Harry Edwards of the U.S. Court of Appeals for the D.C. Circuit, and a year in private practice. He has taught Introductory Constitutional Law, a first-year administrative law elective, food and drug law, and seminars on the Ethics of Regulation, and on Theories of the Administrative State.

Adler approaches the Constitution from a theoretical and philosophical base. In his courses, he stresses that "first we need a theory about how to distinguish between what the Constitution requires of governmental officials and what the role of the courts should be in enforcing it. Often when people read judicial doctrine they equate it with what the Constitution requires, but that's not necessarily the case. What the courts

interpreting the Constitution should properly be doing is directly engaging moral issues as opposed to falling back on the linguistic meaning of the text or the original intention of the framers."

A standard technique he uses in teaching is to make two lists of cases on the blackboard under a subject heading of, say Liberty: one list of cases in which the Supreme Court has recognized Constitutional rights, the other in which it has not. "For example," notes Adler, "it has recognized a right to abortion, a right to contraception, a right to live with close family members, but it hasn't recognized a right to assisted suicide or a right to engage in homosexual sodomy. I say to the students, 'Is there a pattern here, is the Court drawing coherent distinctions?' Often the answer appears to be 'No'."

In debates over the Constitution, more than in most other areas of law, Adler says he can "marry my purely intellectual interest in philosophy with issues of practical relevance and currency. To be a good constitutional lawyer or scholar you have to think very deeply about the nature of the Constitution, the nature of our political system, the nature of rights. On the other hand, you're confronted with the most current and practically important issues — such as the role of the federal government."

In "Rights Against Rules: The Moral Structure of American Constitutional Law" (*Michigan Law Review*, 1998), for example, he takes up the complex and finely shaded question of how the courts, in practice, approach interpreting the Constitution.

His starting point in the article is what he calls the "Basic Structure" of the Constitution: "constitutional rights are rights against rules," rather than against protection for actions. From there, he pits two theoretical views of court review against each other. The first, the "Direct Account," states that a rule is declared unconstitutional as applied to a *specific* person in a *specific* situation; thus, redress is personal, "independent of any further invalidation of the rule under which the treatment falls." By contrast, the "Derivative Account" argues that the specific situation "is simply an occasion for the review court to invalidate — to repeal or amend" — a constitutionally offending statute. "On the Derivative Account — the correct account — the pervasive and familiar constitutional tests... are simply tests for whether a rule should be judicially repealed or amended."

In a second major article, "Judicial Restraint in the Administrative State: Beyond the Countermajoritarian Difficulty" (*University of Pennsylvania Law Review*, 1997), Adler examines the ramifications of the argument made by Constitutional scholar Alexander Bickel in *The Least Dangerous Branch*. Bickel argues that the ability of judges to invalidate laws negates the implied wishes of the popular majority, as expressed through its legislators. Therefore, say Bickel and his followers, judges should exercise "judicial restraint" to avoid overturning statutes on Constitutional grounds.

Adler argues that without measuring the merits of judicial restraint *per se*, much of current judicial review is directed at rules and orders of administrative agencies, which need not carry the same "majoritarian" weight as statutes. This change in balance of case-review load blunts the argument of the Countermajoritarian Difficulty, according to Adler.

And if you don't like it....

We asked some of our Penn Law experts in Constitutional law the following question (or its rough equivalent): "What do you think are your most controversial positions?" Here are their replies.

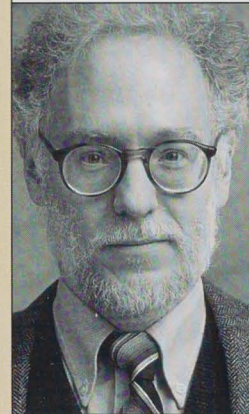
Matthew Adler: "I'm not an originalist, I don't believe that the original intentions of the framers of the Constitution or the original meaning of the language of the Constitution is particularly important in constitutional interpretation. Rather than looking to original meaning or looking narrowly at an individual provision, you often need to look at the Constitution as a whole to engage more directly or straightforwardly a moral or normative argument."

Seth Kreimer: "The position that has provoked the most controversy among the people who usually agree with me is my suggestion that the assisted suicide issue is quite distinct from the issue of reproductive autonomy and abortion. There may be some very good reasons not to constitutionalize a right to assisted suicide. The first article in the series I wrote about this issue is called 'Does Pro-Choice Mean Pro-Kevorkian?' (*American University Law Review*, 1995) and my answer to it is 'No.'"

Kim Lane Scheppele: "The American Constitution is a socially crucial but legally weak document. Much of what passes for American national government is legally unregulated by the Constitution (e.g. administrative agencies, political parties, primary elections, the national military, House-Senate conference committees, the Federal Reserve, the FBI). And the Supreme Court's sense of the Constitution is terribly cramped by comparison with the judicial vision present in other constitutional democracies in the world. America has a huge imaginative space but a tiny legal space for its Constitution."

Barbara Bennett Woodhouse: "My article 'Who Owns the Child' ['Who Owns the Child?': Meyer and Pierce and the Child as Property,' *William & Mary Law Review*, 1992] attracted much hostility from the religious right. I testified before Congress on the Parental Rights and Responsibilities Act and I was stunned – you think you write these things and nobody pays attention, but the Republican House Judiciary Committee members quoted back chapter and verse of the things I had written – out of context, naturally. I've argued that one of the results of the highly constitutionalized concept of the family as a private, autonomous unit separated from any kind of public control is that we tend to treat children as private property. This also has the consequence of allowing Americans to act as if poverty among children is simply a problem of the parents of those children, and lets us disclaim public responsibility for children."

In his examination of federalism and how the federal courts actually function, Adler mirrors the concerns of Seth Kreimer, Professor of Law. Indeed, they co-authored an extensive study of federalism this year, "The New Etiquette of Federalism: New York, Printz and Yeskey" (*Supreme Court Review*, 1999). The article looks at Supreme Court decisions that say that the federal government may not "commandeer" state officials (force them to actively enforce federal rules). Adler and Kreimer consider these decisions "both unspecified and potentially explosive. If developed expansively, they threaten to undermine the supremacy of federal law."



Kreimer arrived at Penn Law in 1981, following a B.A. in economics (1974) and a *magna cum laude* J.D. (1977), both from Yale, a clerkship with the Hon. Arlin M. Adams L'47 of the U.S. Court of Appeals for the Third Circuit, and three years of practice.

He fuses the theoretical and the practical in his teaching. For first-year Con Law, says Kreimer, he focuses on the development over time of a series of selected issues "crucial to the conception of the country" in order to impress on students that legal thinking is neither static nor purely a matter of politics. He also stresses that the issues involved go beyond the abstractions of social policy or doctrine, "that they have real impacts on real people, and that Constitutional law is the screen on which the normative debates of the country are projected." In his upper-level Constitutional litigation course, students study full-text cases so that they can approach cases hands-on the way a lawyer would.

A board member of the Philadelphia chapter of the American Civil Liberties Union, Kreimer has taken a wide-ranging activist stance in the arenas of civil and

How strong is it?

We posed a second question (or a variant thereof) to each of our interviewees: "In the context of current society and issues, what would you say were the strengths and/or faults of the Constitution that are being highlighted today?" Their responses:

Matthew Adler: "The strength of the Constitution is its generality. The Bill of Rights speaks in very general terms of free speech and equality. Although those provisions were written 100 or 200 years ago, they're still relevant, that's a huge strength ... A weakness of the Constitution is that it doesn't cover everything. For example, it certainly hasn't been read by the court to provide people with welfare rights – a right to a minimum income or to governmental provision for truly basic needs. I don't know whether this is a weakness of the Constitution as much as a weakness of our constitutional culture to think that everything important is ultimately settled by the Constitution. Just because something is not in the Bill of Rights doesn't mean that it's not a moral right."

Frank Goodman: "A major issue will be the application of Constitutional principles to new areas of technology like the Internet. The challenge is to see if long-established and cherished principles can be meaningfully applied to a new technology which is different in degree and kind from anything intended. There will also be issues of federalism, an area of fluidity now ... The Constitution as it stands, with the Supreme Court as its interpreter, will answer these questions without the need for Constitutional amendments. The great strength of our Constitution is its adaptability – we have mechanisms for adapting it to changing circumstances in a flexible manner that does not require us to invoke Article 5 every time a new issue comes up."

Seth Kreimer: "The strength of the Constitutional doctrine that is currently reigning in the Supreme Court is its capacity both to foster and protect openness and fluidity in society, and to allow the flourishing of a variety of attitudes and approaches to solving problems. I think the primary failing of contemporary Constitutional doctrine is its insensitivity to the impact on the least well-off in society of doctrines that might otherwise be appealing."

Kim Lane Scheppele: "We have an eighteenth century Constitution governing a nearly twenty-first century public sphere. We can only do this by ignoring the lack of fit between the text and the polity constituted by it. But the lack of fit has consequences. In the gaps between the text of the Constitution and the world it allegedly describes, conservative and liberal political groups are engaged in a (so far, relatively peaceful) civil war over public values. This war (over abortion, religion in public life, guns, affirmative action, gender equality and ethics in politics) threatens to tear us apart, with everyone citing the Constitution in their own defense."

Barbara Bennett Woodhouse: "Oddly enough, I think some of its greatest strengths are also some of its most serious threats. The Constitution is a telegraphic set of words that requires active, engaged interpretation on the part of judges to give it life. It has been capable of surviving and growing because of the interplay between judges and advocates as new questions were presented to the Supreme Court. The flip side of this strength is that many protections of fundamental rights, including family rights, are contained only in decisions by the Supreme Court, not in the text of Constitution, so they can be repealed if *stare decisis* is not respected. I don't think so-called activist judges are a threat – judges must approach the written document as a living thing, not only open to interpretation but positively designed to grow, keeping pace with the global evolution of human rights principles."

reproductive rights. He has served as consultant to Planned Parenthood, Community Legal Services, the Philadelphia Mayor's Committee on the Homeless, and the Women's Law Project, among many other organizations, and he says that this real-world involvement nourishes and forms his scholarship:

"My interest in the way that the Constitution plays itself out in trial courts comes from my involvement in trial-level Constitutional litigation, both in police abuse and First Amendment contexts. My studies on the right to travel worked the other way — I did the writing first and then brought it to bear on litigation on welfare residency requirements, which was just completed in the Supreme Court this year."

"I feel much more confident identifying evil than I do constructing a coherent sense of the good."

~ Seth Kreimer ~

Some of this involvement has lent his scholarship a somewhat pessimistic bent. In "Exploring the Dark Matter of Judicial Review: A Constitutional Census of the 1990s" (*William & Mary Bill of Rights Journal*, 1997), he states that "the alternative interpretation [of the effects of court intervention] is that in both the area of prisons and police, the availability of federal court remedies is simply a fig leaf placed on the brutality our society sanctions." Later, he adds that "[t]he failure to intervene does not mean that government actions are just, but simply that they are no more unjust than the run-of-the-mill oppressions we live with in an imperfect world."

The main thrust of the “Dark Matter” article is that the federal courts — especially the lower courts — act much more routinely against “administrative agencies and street-level bureaucrats” than against legislative statutes, and that analyses of constitutional challenges based solely on legislative review are therefore misleading and incomplete. Kreimer bases his results on a sampling of caseloads buttressed by enough tables to satisfy a statistical glutton.

Kreimer does not see himself purely as a pessimist: “It depends on which day of the week you speak to me. I have a level of ambivalence — I think on the one hand constitutional litigation can make real the aspirations of our society in a very concrete way. On the other hand, there’s a concern that litigation only deals with the extreme cases and may distract from the fact that the average case has to be addressed through regulation and policy.

“Basically, I feel much more confident identifying evil than I do constructing a coherent sense of the good. I think that it’s unlikely that constitutional litigation or constitutional structures can do more than open the way for other parts of society to establish the good.”

His more optimistic side shows through best in comments on the Constitution itself. Unlike Scheppele, he is against rewriting the basic document, even if that were practical (he agrees with Scheppele that it is not). “The American approach to Constitutionalism,” he explains, “has been a fairly open-textured Constitution subject to judicial elaboration. The changes that need to come about have in large measure been through judicial elaboration. Frankly, I’m not convinced that where we are today is tremendously far off the mark from where we should be.”

This attitude is reflected in his stance — again in opposition to Scheppele and also to Woodhouse — against borrowing form or content from more recent

constitutions. In “Invidious Comparisons: Some Cautionary Remarks on the Process of Constitutional Borrowing” (comment, *University of Pennsylvania Journal of Constitutional Law*, Spring 1999), he looks at our Constitution in three lights: as an “operating system,” as “a series of moral conceptions that constitute the best account of moral ideals by which a society should be guided,” and as a definer of national identity. For each of these three possibilities, he argues against constitutional borrowing.

In his interview, he explains that “looking at the way constitutional analysis occurs in other environments certainly can be instructive, but I think it’s at least as instructive to look at what happens at the state constitutional level in the U.S. and in other eras of American history.”



Frank Goodman, a 1954 *summa* graduate of Harvard, a Rhodes Scholar at Oxford, and a *magna cum laude* graduate of Harvard Law (1959) and editor of the *Harvard Law Review*, has been Professor of Law at Penn since 1976. During

this time he has taught the basic first-year Con Law course as well as seminars on constitutional theory and the federal courts.

He stresses constitutional history and jurisprudence in his work and has devoted his most recent scholarly effort, as he describes as “not ready for prime time,” to a major critique of Bruce Ackerman’s constitutional theory, as embodied in Ackerman’s *We the People*, a projected three-volume study of the Constitution which Goodman calls today’s “most prominent and ambitious rethinking of constitutional history.”

As characterized by Goodman, Ackerman sees the Constitution as having evolved during three signal events: the founding, Reconstruction, and the New Deal. Ackerman formulates two major themes: first, that through “popular sovereignty,” the people, acting directly, achieved all three Constitutional advances. Thus, the Reconstruction amendments were a product of intervention of the people through the election of 1866 and the New Deal (which adds no specific amendments) through the election of 1936.

Ackerman’s second theme, says Goodman, is that all three were technically illegal — the original ratifying convention was established in violation of Article 13 of the Articles of Confederation; the 14th Amendment was adopted in violation of Article 5 of the Constitution; and the New Deal was unconstitutional as understood at the time, saved only by intervention of the people, who changed the existing Constitutional rules.

ROUNDING OUT THE TEAM:

Penn Law Faculty in Constitutional Law

ANITA ALLEN-CASTELLITTO
PROFESSOR OF LAW

Privacy Rights

C. EDWIN BAKER

NICHOLAS GOLLICCHIO PROFESSOR OF LAW

First Amendment and Freedom of the Press

MICHAEL A. FITTS

ROBERT G. FULLER PROFESSOR OF LAW

Separation of Powers

SARAH BARRINGER GORDON

PROFESSOR OF LAW AND HISTORY

Law and Religion

MICHAEL S. MOORE

LEON MELTZER PROFESSOR OF LAW AND PROFESSOR OF PHILOSOPHY

Constitutional Interpretation

EDWARD L. RUBIN

PROFESSOR OF LAW

Administrative Law, Structure of the U.S. Government

SUSAN P. STURM

PROFESSOR OF LAW

Equal Protection, Employment Discrimination

*A national Constitution
referendum to abolish the
Bill of Rights,
would, in effect, establish the
“right of revolution.”*

~ Frank Goodman ~

Thus Ackerman, in Goodman's words, indicates that “a bare majority of the national electorate can change the Constitution any time we want to by any means we want to, even in violation of the textual limitations contained in Article 5. I'm taking issue with all that.” Historically and philosophically, in Goodman's view, none of these developments resulted from popular sovereignty, and the theme of illegality is overstressed. “Even the founding was not all that illegal, and there's no illegality at all in the other two. I suppose I'm a defender of the conventional wisdom on the Reconstruction and the New Deal.”

Ackerman and others, Goodman adds, also take the view that the amendment procedure outlined in Article 5 is not exclusive, that we can change the Constitution by other, popular means — a position originally articulated by Alexander Hamilton, James Wilson, and others of the framers. However, says Goodman, “these philosophical arguments never found their way into the Constitution. Anything like ‘national popular majoritarianism’ — which is my substitute phrase for popular sovereignty — was emphatically rejected at that time and later.” A national Constitution referendum to abolish the Bill of Rights, for example, would, in effect, establish the “right of revolution.”

No matter what the challenges, Goodman, perhaps the most doctrinally optimistic of Penn's constitutional law scholars, believes that the Constitution will hold and win by means of its remarkable adaptability. If he proves correct, then indeed it is one of the most far-seeing and far-reaching documents of all time.

The Man from Rio

Few Penn Students have had more experience with comparative constitutionalism than Gustavo Fernandes de Andrade. A post-graduate student from Brazil who earned his LL.M. degree at Penn Law this year, Andrade took Constitutional Law with Professor Matthew Adler, and both Comparative Law and Introduction to the American Legal System with Professor William B. Ewald, as well as courses in constitutionalism and comparative constitutional law with Professor Kim Lane Scheppele. His only complaint: “One year of school in the U.S. is too little — I wanted to study the federal courts and constitutional litigation. I have friends who are going to stay another year for their S.J.D. I wish I could do that, but for professional reasons I cannot.”

Andrade came to Penn with rich practical experience in constitutional work as well. A 1995 graduate of the Universidade Federal Fluminense in Rio de Janeiro, where he took his J.D. equivalent, he has worked in the State Attorney General's office in Rio, and as a junior attorney at Sergio Bermudes, Advogados, one of Brazil's largest law firms.

Following his degree, he worked with Hughes Hubbard & Reed in Miami and after that he returned to work for the state, where he routinely deals with constitutional matters: each statute passed by the state legislature is sent to the State Attorney's Office for an advisory opinion on its constitutionality. “Brazil has both the American system and the European system of judicial review,” explains Andrade. “Any judge has the power to refuse to accept the law on constitutional grounds, but state governments and popularly elected officials with standing can challenge in the abstract, like the European model.” This melded system triggered his interest in discovering “how we got those systems and why we kept them.”

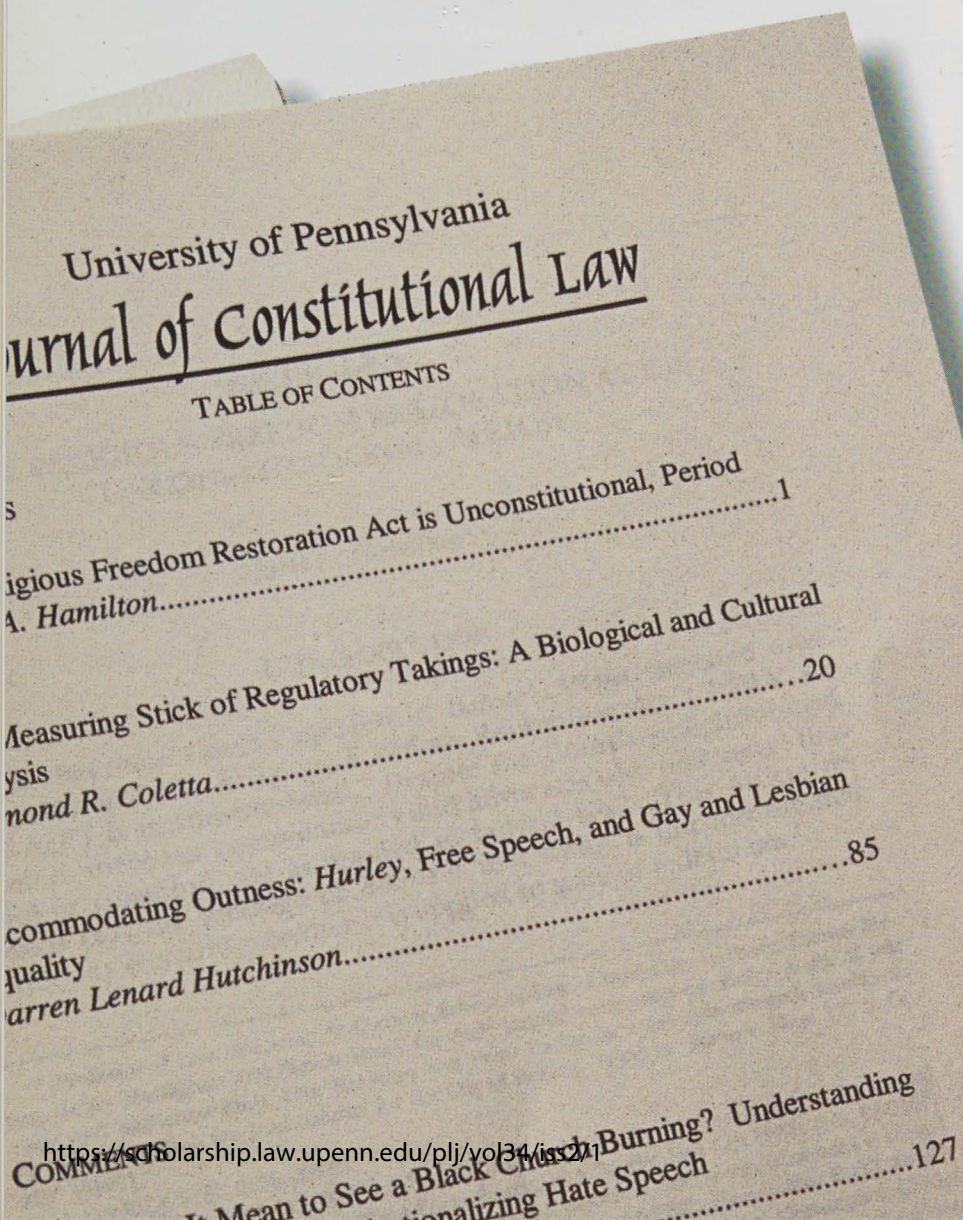
Of his Penn Law education, he said he found the Socratic teaching method both trying and highly effective: “I didn't need to study very much [for exams] because you work so hard during the semester, you are prepared, you just have to be calm, relaxed. That's a very good feature of the American schools — they teach not only the law but how to compete and work under pressure, something I had to face when I left law school in Brazil.”

The Journey of a Journal

Constitutional law finds its own publication.

It's doing pretty well for a youngster.

The *University of Pennsylvania Journal of Constitutional Law*, entering its third year, has already established a solid foothold in the academic community. It is the University's first journal with full online text, one of the few student-run constitutional law publications in the country, indeed the only one in the Ivy League, and it sponsors an annual symposium attracting the nation's leading scholars of Con Law. In the words of Penn Law professor and constitutional law expert Barbara Bennett Woodhouse, "It's off to a running start."



University of Pennsylvania

Journal of Constitutional Law

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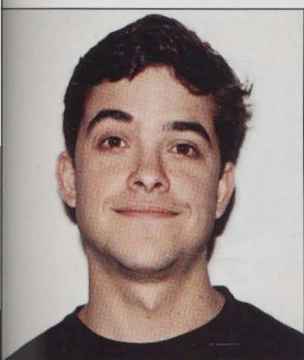
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University of Pennsylvania
Journal of Constitutional Law
Volume 1, Number 1, Spring 1998

Twenty to thirty years ago, Woodhouse notes, most general law reviews and journals focused on a few narrow areas, with constitutional law serving as a mainstay. Now, with such specialties as law and economics or law and philosophy competing for space, constitutional articles have tended to be crowded out, opening up a niche for the specific issues addressed in constitutional law. The *Journal* fills that niche from its office suite on the second floor of Silverman Hall, provided through the generosity of John K. Castle (*see accompanying Castle profile*).



**David
Leibowitz, 3L**
Editor-in-chief

According to current editor-in-chief, third-year student David Leibowitz, the *Journal*, “as an idea, was founded in the head of law student Mike Gold (L’98)” along with fellow students in Woodhouse’s introductory Con Law course.

Leibowitz, a native of Tampa, Florida, who spent last summer at Shea & Gardner in Washington, D.C., took a double undergraduate major in American history and political science at Penn, graduating in 1993. He went on to a Ph.D. in government at the London School of Economics (1998).

Even in high school he nursed a budding interest in the judiciary and constitutional law, but it took Will Harris of Penn’s Political Science Department — “a terrific, rigorous teacher” — to provide the inspiration for graduate school in London, where Leibowitz wrote his dissertation on “American Constitutional Communication: Appellate Court Opinions and the Implications for ‘The Judicial Power of the United States.’ ”

At Penn Law, he has taken Con Law courses with David Rudovsky, Pamela Harris, and Seth Kreimer — whom he also describes as “fascinating and unbelievably rigorous” — and has served as a teaching assistant to Michael Moore in the fall term of 1998, and as a legal writing instructor this year.

The official ribbon cutting ceremony to open the *Journal*’s offices came in 1997, garnering a good deal of press for the school. Philadelphia Mayor Edward G. Rendell attended the opening and remains in touch with the staff. The National Constitution Center, under development on Philadelphia’s Independence Square, will also serve as a liaison, says Leibowitz, once both organizations become firmly established.

The first volume of the *Journal* comprised three issues produced over two years. Leibowitz’s goal is to publish a full three-issue

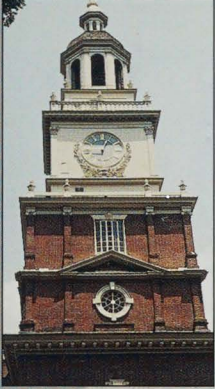
volume this year and then keep to that schedule going forward. For the first two years, the initial symposium provided the bulk of material, which, he says, “allows for a caliber of article you can’t get from soliciting [materials] only; it’s also more regular — you know when the symposium is going to be and when the paper will be in the office and what to edit. But we don’t want to be just a symposium journal, we want to have a balance.”

Volume 1, Number 3, Spring 1999, the last issue under the helm of coordinating editor Chanah Brenenson, a third-year student, featured studies of comparative constitutions taken from the first symposium, “Contextuality & Universality: Constitutional Borrowings on the Global Stage.” It included articles by Sylvia Brown Hamano of Ryukoku University, Japan; Azizah Y. al-Hibri of the University of Richmond; Ruth Gordon of Villanova University; and Vicki C. Jackson of Georgetown. One issue of Volume 2 will reprise last winter’s second annual symposium, “Established & Emerging Rights: Exploring Juvenile Rights Under the Constitution.” The other two will be assembled from solicited and received articles.

“The faculty is very supportive,” notes Leibowitz. “We got our first article for the second issue from the relationship of Professor Kim Lane Scheppele with the professor who sent it in.” In fact, as the faculty advisors to the Con Law *Journal*, Matthew Adler, Barbara Bennett Woodhouse, and Scheppele are invested in helping the *Journal* to put its best foot forward as a start-up publication.



Mayor Edward G. Rendell



JOHN K. CASTLE

On History & Heritage



“ *There was the potential that this Constitution wouldn't work, and a weaker form, the Articles of Confederation, did fail.* ”

— John K. Castle —

The University of Pennsylvania Law School was founded in 1790, three years after the adoption of the U.S. Constitution. A signer of the Constitution, James Wilson, was the original architect of the nascent Law School as its first dean. With the passage of time, the memory of that link of Penn Law to the nation's founding history may have faded, but in the last few years Penn Law has renewed its relationship with the origins of the Constitution through the Castle family.

John K. Castle, Chairman and CEO of the New York merchant bank Castle Harlan, and Marianne Sherman Castle are the parents of 1999 Penn Law graduate William (Bill) Sherman Castle. Also, Marianne is a direct descendant of Roger Sherman of Connecticut, a signer of the Declaration of Independence, the Constitution of the United States, and the Bill of Rights. It becomes a right reunion when Penn Law is able to celebrate this heritage and forge ever more relevant bonds with history through the Castles' loyalty and generosity to the institution.

What makes John Castle virtually unique among the Law School's Overseers and benefactors is the fact that he has graduated from neither Penn Law nor any other school of the University. Despite this, Castle made a major gift to Penn Law to fund the overhaul of the space provided for the Penn *Journal of*

His gift to the *Journal* remained anonymous while Bill was in Law School, but since his graduation, celebrated with a mammoth party at Philadelphia's Ritz Carlton Hotel, the \$200,000 *Journal* space is now officially designated as the "Gift of William Sherman Castle '99, in memory of his forefather, Roger Sherman, signer of the Declaration of Independence, Constitution of the United States, and the Bill of Rights."

The decision to support the *Journal* came, he says, from "talking to Dean Diver about things that were important in terms of the dean's agenda at the law school. Clearly this [the *Journal*] was something that was targeted by the dean as well as President [Judith] Rodin." Castle notes Penn's overall interest in all matters Constitutional, such as the forming of links to the National Constitution Center planned for construction on Independence Square. "And, of course, Philadelphia is a natural place to have all that happen," as the birthplace of the Constitution.

Castle feels strongly about the need for continuing academic study of the Constitution: "It's amazing that we've been able to build a country in terms of democracy and a balance of powers between the states

and the central core, and to maintain a level of justice and freedom over such an extended period of time. There was the potential that this Constitution wouldn't work, and a weaker form, the Articles of Confederation, did fail. It's essential to understand how this success came about.

"And those considerations are not only, 'How do we make this institution continue to be effective in maintaining a positive environment for our citizenry to survive and thrive and grow,' but also, 'What elements in the Constitution are critical in terms of

application to other countries trying to create their own new forms of government that will be successful in caring for the people and providing for the common benefit?'"

In addition to an appreciation for early American history, Castle has a keen interest in modern American history. In 1995, the Castles purchased the former Kennedy family compound in Palm Beach, Florida. They have taken great care to preserve what history might remember about America's most successful and influential political dynasty. The Castles regularly host events for non-profit groups at the estate, including two for Penn Law in the last two years. Aside from offering refined feasts, guests are given tours of the house by former Kennedy Administration staff members that take a visitor from the President's bedroom – he spent the last weekend of his life at the compound – to the hand-labeled lingerie drawers of matriarch Rose Fitzgerald Kennedy. History is in the details, and the Castles have assured that these details will be carefully maintained for some time to come.

Plaque commemorating Roger Sherman from Signers' Walk on Chestnut Street

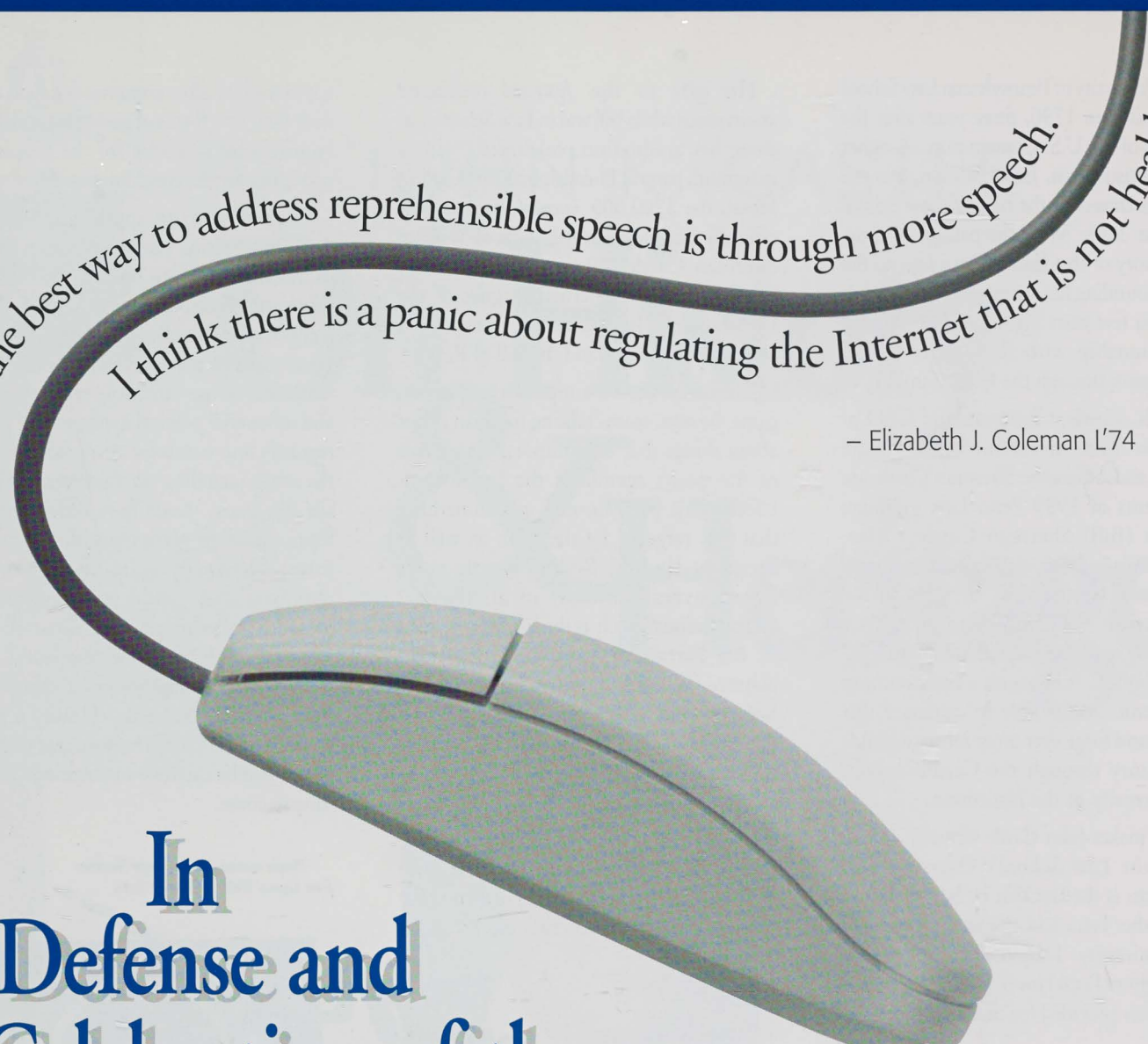


John K. Castle has circumnavigated the globe on his 42-foot yacht the *Marianne*, is an accomplished horseman, and has been very successful in high finance, but perhaps it is through his ties to and passion for the history of America's founding that is most striking. As with his care for a piece of America's political history, Castle's celebration of the heritage and the future of Constitutional scholarship is history in the making.

Constitutional Law located at the head of the grand staircase in Silverman Hall. He is also a leadership donor with a gift of \$300,000 for the Colin S. Diver Distinguished Chair in Leadership. Additionally, Castle is a benefactor for Dr. James Orsini's research in the School of Veterinary Medicine.

“We believe the best way to address reprehensible speech is through more speech.
I think there is a panic about regulating the Internet that is not healthy.”

– Elizabeth J. Coleman L’74



In Defense and Celebration of the First Amendment

If one of your major jobs were to monitor and expose the waves of hate drifting across the Internet, you might be tempted to go a little extreme in the opposite direction — say, proposing a clampdown on the Net’s uncontrolled, nose-thumbing incitements to bigotry.

But, not Elizabeth J. Coleman L’74, Director of the Civil Rights Division of the Anti-Defamation League, and a benefactor and member of the Law School’s Board of Overseers. Coleman heads the country’s largest, most vigilant network devoted to chronicling bigotry of all sorts. The Internet in particular, she says, has bred hundreds of hate sites, run by “violently extremist groups” such as the neo-Nazi National Alliance. They are growing significantly, in part through the use of the World Wide Web, e-mail lists, and chat rooms as recruiting tools. Yet Coleman, who maintains a bedrock belief in the soundness of the Constitution, especially First Amendment guarantees, erects a conceptual wall between hate *crimes* and hate *speech*.

“When the line is crossed so that people are put in fear of their lives” — as the Ninth Circuit Court agreed was the case with the ‘Nuremberg Files,’ an anti-abortion website which displayed wanted posters of abortion doctors — “you are into the realm of criminal conduct,” she explains. “We have tons of laws in this country that say that motivation is a factor in sentencing, and that’s really all we’re talking about.” In 1993, she notes, the Supreme Court upheld the constitutionality of the penalty-enhancement aspect of hate-crime laws modeled on an ADL prototype.

However, she cautions, “We believe the best way to address reprehensible speech is through more speech. I think there is a panic about regulating the Internet that is not healthy. The Internet is very scary because it’s a marketplace of ideas — which is the beauty of the First Amendment — but there’s no editor, no one establishing judgment. But if you start regulating it you run into that question of who decides. The good [of the Internet] outweighs the bad.”

One method the ADL has developed for dealing with such unregulated vitriol is their HateFilter, a software package which, says Coleman, allows parents to “choose not to invite haters into their home to talk to their children.” It does not attack offensive websites, but blocks children’s access to individuals or groups that, according to the ADL site, “advocate hatred, bigotry or even violence towards Jews or other groups on the basis of their religion, race, ethnicity, sexual orientation or other immutable characteristics.”

Coleman sees a fundamental difference in the protection being afforded disparate minority groups today. When James Bird, a black man, was dragged to his death in Jasper, Texas, she says, “there was a hue and cry about the importance of hate crimes laws, evoking the days of lynchings.” On the other hand, when Matthew Shepard, a gay man, was tied to a fence and left for dead in Wyoming, that hue and cry changed to “Who needs hate crimes laws? It’s just political correctness. It’s legislation run amok.” In some states that have refused to pass hate-crime laws — including Wyoming

— “it’s pretty clear there’s a bias, a sense that gay individuals don’t deserve protection.”

In addition to monitoring bigotry and drafting hate-crime legislation, the ADL strongly defends another bulwark of the First Amendment, the separation of church and state. “We have two thousand religions in this country and we do an unbelievable job of having them flourish,” Coleman explains. “This is one of the most religious if not the most religious country in the world. I think the reason is simple — the wisdom of our forefathers in separating church and state.”



The ADL forms alliances with mainstream Christian denominations, she notes, because they see the wisdom of a constitutional system which protects majority as well as minority religions. Coleman recalls an observation that when you “moosh together” church and state, it tends to degrade religion and corrupt the state.

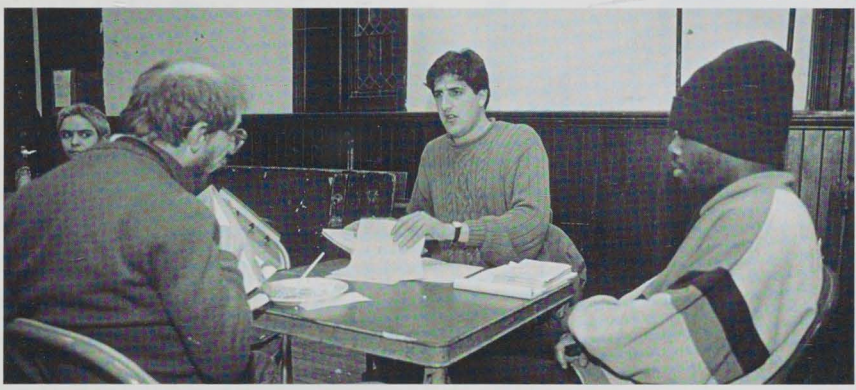
For example, commenting on a recent unusual case in which a school teacher would not allow a first-grader to read a Bible story aloud to class as his “favorite story,” Coleman says, “I think that’s a straw-man issue. There is an enormous amount of prayer in school — kids can rally around the flagpole, people can pray quietly at their desks, small groups of people can pray as long as they don’t harass and oppress other students. At the ADL, we’re talking about school-sponsored prayer and religion.”

For the former CEO of Maidenform, a family-owned corporation, the leap from undergarments to civil rights may seem odd, but Coleman says it isn’t really. Coleman has been practicing law for 25 years, both with her husband, Robert Stroup L’74, in Atlanta, and as a public interest and poverty-law advocate with Atlanta Legal Aid and the Georgia Legal Services Program. “This [the ADL] is a wonderful combination of my public law background and management background,” she explains.

Stroup now works as a plaintiffs’ employment discrimination attorney with Vladeck, Waldman, Elias & Engelhard in New York. The couple have two grown children, Rachel, just graduated from Wesleyan University, and Matthew, still in college at Brown. As a lawyer who successfully balances the demands between her career and family, Coleman notes “My mother worked outside the home, both my grandmothers worked outside the home, and my husband’s mother and female ancestors all worked — they were farmers — so it was never an issue for me.” She had her first child relatively early — a year and a half out of law school — and Bob was “unbelievably supportive,” splitting the raising of their children fifty-fifty.

Her outside interests include playing classical guitar in a guitar/mandolin duo and serving as chair of the National Women’s Law Center, where fellow Penn Law alumna Marcia Greenberger L’70 serves as president. And though Coleman’s family remains her first priority — “that can never change” — now that the children are grown, she enjoys not having to rush home at the end of the day. “It’s exciting to feel that I can work as long as I want to. My work is important and endlessly fascinating. I think there’s a primacy of the First Amendment that we can’t lose sight of, and we too often play fast and loose with it, both in terms of religious freedom and free speech.”

At the Forefront: Public Service Program is nominated for Top National Award

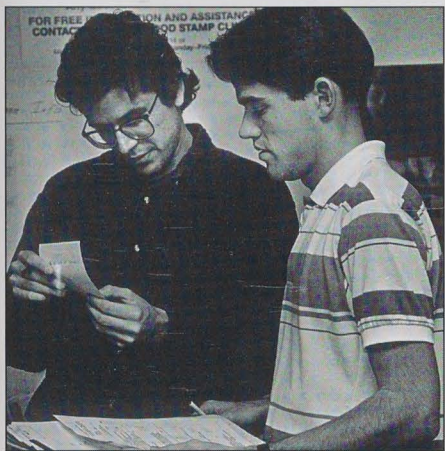


“Penn’s program is a model for law schools everywhere. It has established itself as a leading force in the re-creation of our professional ethic to serve the poor.”

Sandra Schultz Newman
Justice, Supreme Court of Pennsylvania

“Many of us consider it to be the highest award our profession can bestow,” wrote Carl (Tobey) Oxholm, III, chair of the Committee on the Delivery of Legal Services of the Philadelphia Bar Association. He was talking about the American Bar Association’s annual *Pro Bono Publico* Award, only five of which are presented nationwide.

In March, the legal community nominated Penn Law’s Public Service Program for that prestigious recognition. “Because the Award was designed with law firms and lawyers in mind, it has never before been given to a law school or to a service program,” stated Oxholm.



Penn Law has taken pride in educating its graduates for leadership roles in law firms, corporations, and the public service sector. But how is it that schools like Columbia and the University of North Carolina are using Penn Law’s Public Service Program as a template in developing their own programs? It has become the model because Penn Law’s Public Service Program enhances the education of the students and impacts the lives of their clients.

John J. Grogan L’93, Director of the Camden Center for Law and Social Justice, says that “for small, under-funded organizations like my own, the Program has been a life-saver. [It] has allowed organizations like mine to maintain services...that would otherwise have been cut due to lack of funding.”

Leslie Ann Miller, President of the Pennsylvania Bar Association, attests to the seriousness of that struggle: “Our Task Force has confirmed that, because of massive funding cuts over the past twenty years, our legal services system has had to sharply reduce staff, close offices, and turn clients away when they need help most.” This in a city with roughly 400,000 people living at or below the poverty level and fewer than 75 full-time lawyers to assist them with legal services.

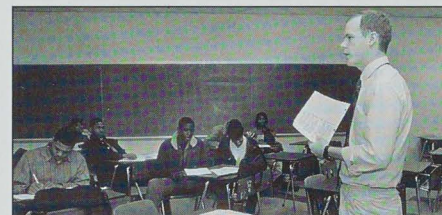
When he wrote to endorse the nomination of Penn Law’s Program, Philadelphia Mayor Edward G. Rendell commended the school’s *pro bono* graduation requirement and pointed out that “lawyers who volunteer to help the poor provide a critical part of the safety net that maintains our society.”

The growing national reputation of our Public Service Program is based on a five-part formula: initiative, program infrastructure, commitment to support, impact, and proven successes. Long before Penn Law recruited her from Yale, where she was directing their public service efforts, program director Susan Feathers admired the structure developed at Penn Law by Professor Howard Lesnick, and former program director Judith Bernstein-Baker.

It is more than fitting that Feathers grew up in a family committed to social justice: her mother taught in prisons and her father, a deacon in their local church, ministered to the homeless. She decided to become a lawyer at the age of twelve as she prepared for a classroom debate on the death penalty. Today, exuding energy and enthusiasm as she and her staff see their efforts capped by the ABA’s *pro bono* nomination, she turns to new challenges rising like peaks in the near distance. No problem — she reads mountaineering books for pleasure.



Susan Feathers

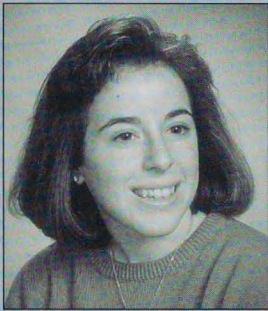


The first class to meet Penn Law’s new 70-hour *pro bono* requirement graduated in 1992. Still today the Program requires more hours of public service, offering more opportunities in more places, than any other comparable program in the country. This year, 495 students performed more than 20,000 hours of public service work to aid approximately 800 low-income clients who otherwise would have had no legal representation in crises concerning food, health services, and shelter. Their outreach affects people in the surrounding communities, agencies for whom the student volunteers work, and not least the students themselves.

Recognizing that his *pro bono* work had been valuable “in the development of necessary skills to be an effective lawyer,” third-year student Steve Ebert adds, “I know that through my public service work, I have made a difference in the life of a child.” The Program produces a lasting legacy. A recent informal survey of Program graduates revealed some 80 percent to be involved currently in *pro bono* work, which is eight-times the legal community’s national average.

The initiatives begun under Lesnick and Bernstein-Baker have continued under Feathers, including student-inspired projects, expansion of the Program’s nationwide sponsor list, and the competitive Edward V. Sparer Fellowship Program. In 1999, the Sparer Program awarded ten summer fellowships of \$4,500 each to Penn Law students who performed ten weeks of summer work for organizations serving the public interest. This fall, Sparer Fellows are producing research papers on topics related to their summer projects, either in conjunction with regular courses and seminars, or as independent projects.

Silver and Campbell Garner Fellowships



Carolyn Silver L'98, recipient of the Henry Meachum Public Service Award, previously interned in a number of public service organizations before clerking for the Hon. Andre M. David, United States District Court of Maryland. As one of five 1999 Independence Foundation Fellows, Carolyn has joined the AIDS Law Project to bring legal services to AIDS-

afflicted persons facing eviction and homelessness. She provides direct representation, defending clients in eviction proceedings and in negotiations with landlords to secure reasonable payment plans. In a second major component of her project, she will develop a permanent clinic dedicated to the expansion of services to tenants with AIDS. Carolyn will also recruit and train law students to assist in these efforts. Her HIV & Housing Clinic will continue to provide legal services to the AIDS Law Project after the conclusion of her fellowship.

As the only regionally focused program of its type, the Independence Foundation Fellowships help provide free legal services to low-income Philadelphia-area residents. The Fellowship covers the recipient's \$37,500 annual salary, health care benefits, disability insurance, employer's withholding taxes – and, on occasion, student loan debts up to \$10,000 per Fellowship year.



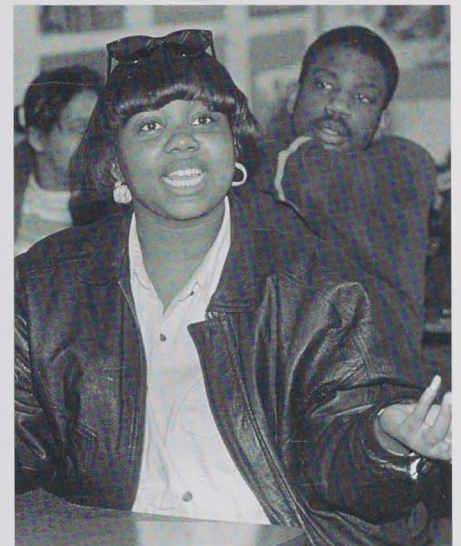
Brant Campbell L'99 received one of the 25 Skadden Fellowships awarded annually across the U.S. to spend a year working with Nassau/Suffolk Law Services in Hempstead, Long Island helping clients obtain medical treatment, secure health insurance, and learn how to participate in managed health care systems. In a difficult transition, New York State Medicaid clients are being moved to mandatory

managed care plans. Using a three-pronged approach of direct legal services, community education, and coalition-building/policy advocacy, Campbell's project will assist people with chronic illnesses, others engaged in Social Security disability benefits appeals, and those at risk of losing health insurance coverage.

Skadden Fellows provide legal services to the poor, elderly, homeless, and disabled, as well as to those deprived of their human or civil rights. Recently, Fellows have also focused their efforts on economic development and community renewal. Skadden Fellowships, awarded for one year (with the expectation of renewal for a second year), enable awardees to pursue their public interest goals through projects they must design before applying. Each fellow receives a salary of \$37,500, plus fringe benefits normally offered by the sponsoring organization. Since the program's inception, almost 90 percent of the Fellows have remained in public interest or public sector work.

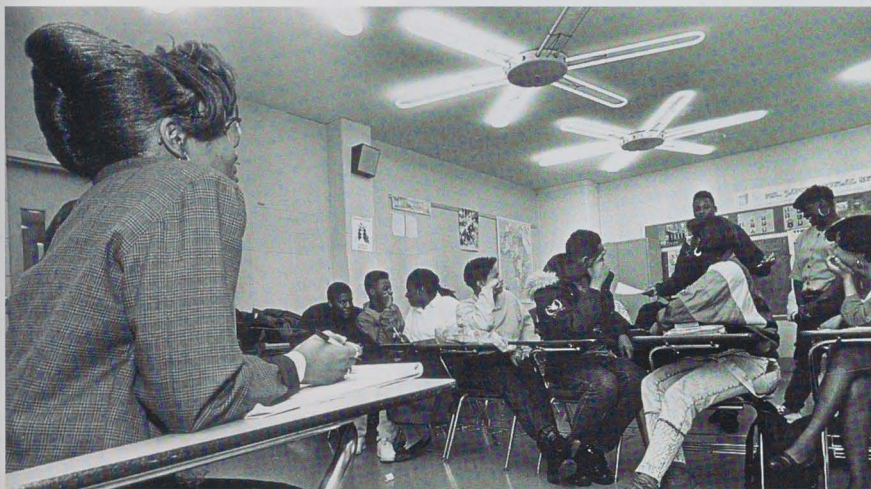
Such links to the Law School's curriculum bolster the program's infrastructure. Penn Law's upper-level curriculum features relevant courses and seminars in the Public Service Program such as Immigration Law, the Death Penalty, Welfare Law, and Employment Discrimination. Sparer Fellowships provide a bridge between practice and theory, the resulting synergy intensifying and strengthening the overall experience.

The annual Sparer Conference spotlights Penn Law as the center of choice for university-level discussions of public interest policy. Last April, the 18th annual two-day conference addressed "Welfare Reform: A War on Poor or Poverty?" Panelists included Frances Fox Piven, CUNY Professor of Political Science and Sociology, Harvard Law professor Lucie White, and Penn history professor Michael Katz, among other nationally known professionals, speaking on "Resistance in the Workfare State" and "Legal Strategies for Surviving Welfare Reform." More than 100 community leaders, law students, and lawyers attended from across the country.



The Law School's commitment to the Public Service Program is fundamental to its success. The Sparer Summer Fellowships provide one element, complemented by the Public Interest Scholarships. Each year Penn awards a two-thirds tuition scholarship to four incoming students selected on the basis of commitment to public interest work, ability to contribute to Penn's public interest community, and potential for public service leadership.

Recognition of Penn Law's Public Service Program can come in unusual ways. Stacey DeBroff, Founding Director of the Office of Public Interest Advising at Harvard Law School, observed that "the Independence Foundation was so inspired by Penn's program that it created well-paid legal services fellowships for law students to work in the trenches immediately upon graduation." Similarly, when the Commission on *Pro Bono* and Public Service Opportunities of the Association of American Law Schools made its report in March, it recommended mandatory *pro bono* programs for all law schools — and featured Penn's program in its report.



Foundations regularly select Penn Law students for some of their most prestigious public service awards: in 1999, Carolyn Silver L'98 received an Independence Foundation Fellowship to work with the AIDS Law Project, and Brant Campbell L'99 won a coveted Skadden Fellowship. With only 25 Skadden Fellowships awarded nationwide each year, in both 1996 and 1997 Penn Law students garnered two fellowships each year.

But there is a price for such success: only when you reach a summit do you see the other mountains ahead. Students going into public service need funding for loan assistance. As outreach expands, student projects require more space. The success of the 1999 Sparer Conference and Penn Law's growing national reputation in the public service sector demand conference space for public interest scholars to meet. With the energy of program head Susan Feathers, institutional support from Penn Law, and the abilities of students attracted to the program's mission, the Public Service Program is sure to remain the model for public service education nationwide. But even as the program stays one step ahead of comparable institutions, it will stay in step with the communities served by Penn Law graduates committed to seeking justice and improving our world.

Public Service and the Constitution

The Public Service Program routinely involves its students in cases that swirl around constitutional law issues, notes Program Director Susan Feathers.

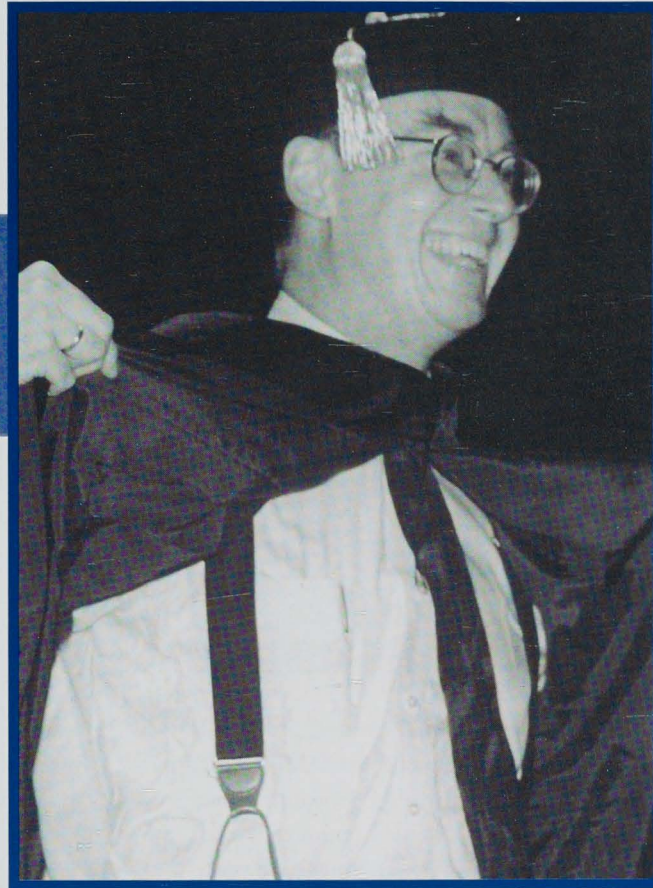
In a case challenging a recent amendment to the Pennsylvania Constitution that requires the pretrial imprisonment of any defendant charged with a crime that carries a potential penalty of life imprisonment, current third-year student **Susan Marcus** provided a legal memorandum that presents arguments based on the Constitution and state retroactivity. The case is pending in the Philadelphia Court of Common Pleas.

Daniel Restrepo L'99 submitted a detailed analysis of 14th Amendment protection of privacy rights of gays and lesbians. The case, pending in U.S. District Court, involves a claim that a threat made by a police officer to disclose his perception of the sexual orientation of an arrestee caused the arrestee to commit suicide.

An argument which covered both evidentiary and Constitutional challenges was prepared with the aid of **Tom Wallerstein L'99** in a case involving the admissibility of a statement by a criminal defendant during a guilty plea colloquy in an unrelated criminal prosecution.

Sharone Menczel L'99 drafted a response to a motion for summary judgment in a disability discrimination and wrongful discharge claim. The claim involved an individual who required a prescribed medication not allowed under an employer's policy, in effect, prohibiting the use of a legally prescribed controlled substance.

Bruce H. Mann Awarded Lindback Award



Prestigious Honor
Goes to Penn Law Professor

Bruce H. Mann, Professor of Law and History, was awarded the University of Pennsylvania's 1999 Lindback Award for Distinguished Teaching, Penn's highest recognition for teaching excellence. Only eight Lindback Awards are given out each year among more than two thousand full-time University faculty.

*"If there was an Olympic Socratic teaching event,
Mann would get a platinum medal."*

Mann joined the Faculty of Law in 1987 from Washington University, St. Louis. At Penn Law, where he has excelled as a teacher of Legal History, Trusts and Estates, and Property, Professor Mann received the 1996 Harvey Levin Memorial Award for Excellence in Teaching.

At Yale, he simultaneously earned a J.D. degree in law and a Ph.D. in history, focusing on early America – "anything later than 1787 is current events" he quips. In addition to numerous articles, reviews and comments written in the areas of history and wills, Mann is the author of "Neighbors and Strangers: Law and Community in Early Connecticut" (Chapel Hill: University of North Carolina Press, 1987), and is presently working on a book entitled "A Republic of Debtors: Failure in the Age of American Independence." He was co-editor of "The Many Legalities of Early America," which will be published by the University of North Carolina Press this fall.

Professor Mann began his teaching career at the University of Connecticut School of Law where he taught legal history, property, and trusts and estates. Soon, he accepted visiting professorships at the University of Houston, the University of Texas at Austin, the University of Michigan, Princeton, and Harvard, endeavoring to coordinate his assignments with those of his wife, Elizabeth Warren. Warren is currently the Leo Gottlieb Professor of Law at Harvard, and — by her husband's account — "the country's leading academic expert on bankruptcy. She's a natural teacher, the finest Socratic teacher on the planet." Warren also won the Lindback and Levin awards while at Penn.

Today, as he commutes between his homes in Boston and Philadelphia, Professor Mann sees Penn as an exceptional place to teach: the students are able, and they come prepared to like law school — for Penn has the reputation of being a scholarly, humane place to study law. "The job of teaching," he comments, "is therefore not a job at all."

Another attraction for Mann is Penn Law's easy access to Philadelphia's resources in early American history, which offer an unparalleled storehouse of riches in both history and law that "makes Penn the best place in the country to do what I do. For me, it's the academic equivalent of a gigantic toy store."

Perhaps Heidi Hurd, Professor of Law and Philosophy, put it best in her nomination of Mann for the Lindback: "The greatest gift that he has given to me and to many of my colleagues at the Penn Law School is the active philosophy that excellence in teaching is not a matter of being gifted; it can be accomplished by hard work, creative planning, and respect for the ideas and attitudes of students." One of this year's graduates commented that "if there was an Olympic Socratic teaching event, Mann would get a *platinum* medal." Penn Law is fortunate that Professor Mann considers the school his home, and the training ground for the Olympians of the 21st century.

We present the fourth installment of a brief history of the Law School as it approaches the year 2000 — the 150th anniversary of its founding and the 100th anniversary of the opening of Lewis Hall, which will be rededicated in 2000 as Silverman Hall. The material here is taken virtually whole-cloth from the history compiled by Mark Frazier Lloyd, director of the University's Archives and Records Center.

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 nineteenth 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, 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.

The end of the century saw a three-year requirement for the law degree, the opening of the Biddle Law Library to legal scholars, and Professor Algernon Sydney Biddle's introduction of the case method to Penn Law. Dean William Draper Lewis moved toward the hiring of faculty on a full-time basis, introduced an undergraduate degree as prerequisite for matriculation, and instituted an entrance examination.

Snippets of History

1915-1951

The Intellectual Flourishing of a Great Law School

The American Law Institute and the Restatement of the Common Law

The guiding influence of William Draper Lewis continued long after he stepped down as Dean in 1914. In 1921 the Association of American Law Schools proposed the establishment of a center for the improvement of American law. Its goal was to combine the resources of lawyers, judges, and scholars to produce a massive restatement of the common law, a critical summary and evaluation of the state of legal doctrine under different topical headings. In 1923 Lewis became the director of this new organization, the American Law Institute. Lewis immediately set forth a plan to cover nine broad topics and began to recruit reporters from law schools across the country.

Lewis' successors as Dean — William Ephraim Mikell (1914-1929), Herbert Funk Goodrich (1929-1940), and Edwin Roulette Keedy (1940-1945) — committed much of their time to, and achieved national prominence through, the ALI. Mikell and Keedy, already well-known for their scholarship in criminal law, served from 1925 through 1930 as co-reporters on a model code of criminal procedure. Following its adoption and circulation by the ALI, substantial portions of the Mikell-Keedy code were subsequently enacted into law by the legislatures of more than half the states.

Goodrich was a member of the faculty at the law school of the University of Michigan when he was named ALI reporter on the conflict of laws in 1923 and adviser on professional and public relations in 1927. Two years later, at Lewis' urging, Penn recruited Goodrich to succeed Mikell as Dean; he completed the ALI's restatement of the conflict of laws in 1934. In 1940, President Roosevelt appointed Goodrich judge of the U.S. Third Circuit Court of Appeals. Goodrich nevertheless remained closely associated with the ALI, succeeding Lewis as Director in 1947 and holding the post until his own death.

The American Law Institute was a bold and sustained effort to consolidate the basic principles of common law and, thereby, to produce a national legal system. Its supporters ranged across the entire breadth of the profession, from Harvard Law School Dean Roscoe Pound to Wall Street counsel and Democratic Presidential candidate John William Davis. In the second quarter of the twentieth century, the Restaters commanded a national school of legal thought and the Law School at Penn was the center of that intellectual world.



*Herbert Funk Goodrich
Dean of Penn Law School 1929-1940*

Snippets of History

The Law School's Greatest Graduate

When Owen Josephus Roberts (1875-1955) resigned from the U.S. Supreme Court in 1945, he did not retire to his farmhouse in Chester Springs, Pennsylvania. Rather he resumed many activities. He was elected president of the American Philosophical Society and president of the Atlantic Union. In the latter post he advocated not world federalism, but a union of Western democracies. He was a trustee of colleges and universities, a director of corporations, and a lay officer of the Episcopal church. The most significant of his many works late in life, however, was his return to the Law School to assume its deanship.

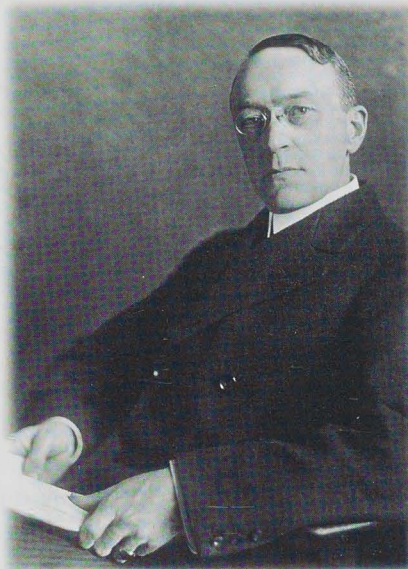
Roberts was elected dean of the Law School effective September 1, 1948, and presided over it for three academic years before his retirement on June 30, 1951. He taught torts to a section of the first-year class and conducted a third-year seminar on constitutional law. His were the first years in which applicants to the School took the Law School Aptitude Test (LSAT). He introduced the Legal Aid program under Professor Louis B. Schwartz and hired faculty members A. Leo Levin, Noyes E. Leech, and Paul J. Mishkin, who would have a lasting influence on the next generation of students. Roberts was the last of William Draper Lewis's protégés to direct the Law School, but in many ways he demonstrated that he was also a window on the future.

The Faculty and Its Curriculum

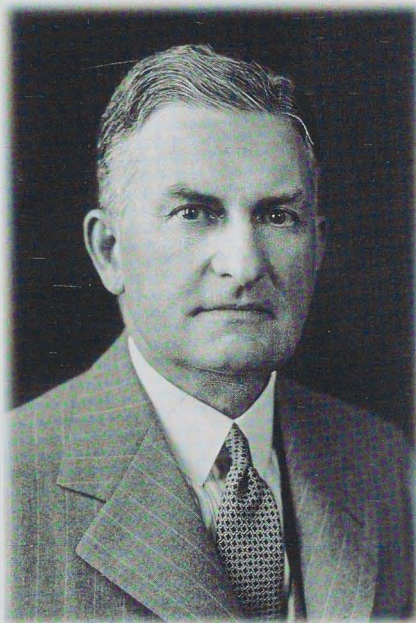
In the 1939-40 academic year the Law School conducted its program with a standing faculty of twelve members, supplemented by six teaching associates; 363 candidates for the bachelor of laws degree enrolled in the fall of that year, with the first-year class of 136 divided into two sections. The stated aim of the curriculum was "to guide students in acquiring a practical and historical knowledge of American and English common law, American constitutional law and certain fields of statutory law, and to develop in them the ability, judgment and technique to use this knowledge in the solution of legal problems."

Goodrich had transformed the faculty, as only Keedy, Mikell, and Reeve remained from just ten years earlier. Amram, Dickinson, and Philbrick had arrived with Goodrich in 1929 and Frey a year later. Goodrich recruited Chadbourn in 1936 and a year later, the trio of Bruton, Eldredge, and Mulder. Lewis's goal of a faculty that gave its full time to the profession of legal education was realized in the 1930s. By 1939-40, 10 of its 12 members gave their full time to the Law School.

The bulk of the School's teaching load in that year was carried by six members of the faculty — Professors Eldredge, Frey, Keedy, and Reeve; Associate Professor Bruton; and Assistant Professor Mulder — each of whom taught a minimum of six hours per week. Six others — Dean Goodrich; Professors Dickinson, Mikell, and Philbrick; Assistant Professor Chadbourn; and Associate of Law Amram — taught from three to five hours per week.



*William Ephraim Mikell
Dean of Penn Law School 1914-1929*

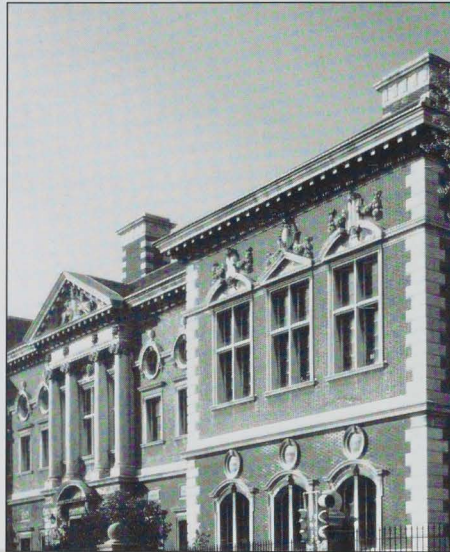


*Edwin Roulette Keedy
Dean of Penn Law School 1940-1945*

In our fifth and final installment of the Law School's history,

we will cover the period from 1952 through 1999, bookended by the remarkable deanships of Jefferson Fordham (1952-70) and Colin Diver (1989-99). With the year 2000, Penn Law enters its second century with a full renovation and a rededication of Silverman Hall.

What Will You Leave Behind?



One is remembered for the weight of one's character.

FOR BENCHMARKS OF ACCOMPLISHMENT.

FOR GESTURES OF KINDNESS.

FOR BREADTH OF COMPASSION.

FOR GENEROSITY.

FOR VALUES.

When you include the University of Pennsylvania Law School in the final disposition of your estate, you make an extraordinary impact at Penn Law with a simple act.

Estate gifts are funds that perpetually provide an ongoing witness to your friends and loved ones that you believe in the future of Penn Law.



For more information, please call the Office of Development and Alumni Relations.

(215) 898-4396

Alumni Society Celebrates

On the Friday Evening that kicked-off Alumni Weekend celebrations at the University and the Law School, a former Dean, Hon. Louis H. Pollak, and four Penn Law graduates were honored by the Law Alumni Society. Outgoing Law Alumni Society president Arlene Fickler L'74 and Dean Colin Diver



presented the awards at the inaugural Alumni Awards Reception held in the Courtyard. As noted by Fickler,



“The purpose of the awards is, first to recognize publicly and thank alumni who have demonstrated extraordinary commitment and support of Penn Law. In addition, we want to spotlight the notable achievements of members of the Law School family whose careers have added luster to the reputation of Penn Law.”

The Alumni Award of Merit was presented to four graduates for noteworthy professional achievements and/or strong support of Penn Law:



Fred Blume L'66, a member of Blank, Rome, Comisky & McCauley for the past 33 years, is currently the firm's Hiring Partner and Managing Partner. On behalf of the Law School he has been a frequent member (and Chair) of the Benjamin Franklin Society, a contributor to the Colin S. Diver Distinguished Chair in Leadership, a strong supporter of the Institute for Law and Economics, and, as

Firm Solicitor at Blank, Rome, has achieved 100 percent participation from Penn Law graduates. He sits on the Board of Overseers and has served as Class Agent, as National Chair for Annual Giving, and on the Boards of both the ILE and the Law Alumni Society.

Lawrence J. Fox C'65, L'68

was vice president of his class, class agent after graduation, and chaired his 25th and 30th Reunion Committees. A partner and litigation specialist at Drinker Biddle & Reath, he is the Law School's Firm Solicitor for Law Annual Giving. He served on the Law School's Board of Overseers, was a National Chair of Annual Giving, and has been a frequent member of the Benjamin Franklin Society. A member of the American Bar



Association's Ethics 2000 Commission, he is former chair of the ABA's Standing Committee on Legal Ethics and Professional Responsibility, and the ABA's liaison to the ALI's Advisors Group for its Restatement of the Law Governing Lawyers. Author of a book on legal ethics, he has been an instructor at Penn Law and lecturer in ethics at numerous universities.



The LAS Distinguished Service Award, in recognition of loyal support of the Law School and its programs, went to the **Honorable Louis H. Pollak**, Judge for the United States District Court, Eastern District of Pennsylvania, and formerly a Dean of Penn Law. As noted by Dean Diver, "Even though Lou attended institutions other than the University of Pennsylvania for his undergraduate and law degrees, he can be forgiven. What he has done since, for both the Law School and the profession, has more than compensated for this inexplicable lapse in judgment." Starting his career as clerk to Justice Rutledge of the U.S. Supreme Court and as special assistant to United States Ambassador-at-Large Philip C. Jessup, he also practiced with Paul, Weiss, Rifkind, Wharton & Garrison and as assistant counsel to the Amalgamated Clothing Workers.

For 19 years he was a professor at Yale Law School (constitutional law had been his prime focus), serving as its dean from 1965 to 1970. In 1974 he began teaching at Penn Law and became dean in 1975, serving until President Carter appointed him district judge in 1978. He has sat on that bench for the past 21 years. During this time, he has faithfully supported Penn Law and has written chapters of books, scores of articles, and the two-volume *Constitution and the Supreme Court: A Documentary History*. Since 1978 he has been a council member of the American Law Institute, and for seven years served as vice president of the NAACP Legal Defense Fund.



Arthur W. (Terry) Lefco L'71, a member of Cozen & O'Connor, specializes in litigation. From 1995-97, he served as President of the Law Alumni Society, where he now sits *ex officio* on the Society's Board of Managers. The Chair of his Penn Law 25th Reunion Committee, he is an active and enthusiastic volunteer for Annual Giving, and has been a regular member of the Benjamin Franklin Society. A judge *pro tem* for the Philadelphia Court of Common Pleas, earlier this year he was admitted to the American Law Institute, whose select membership analyzes, evaluates, modifies, and codifies American law.

Mark G. Yudof C'65, L'68 is currently President of the University of Minnesota, and a former Dean of the University of Texas at Austin Law School, a former Executive Vice President and Provost of the University of Texas at Austin, and a member of the American Law Institute. He has written six books, one of which won the Meritorious Book Award from the American Society of Legal Writers on Legal Subjects. Among his other awards are one for teaching excellence, a Certificate of Merit from the American Bar Association, as well as citations from the Chicano Law Students Association, the Thurgood Marshall Legal Society, and the Anti-Defamation League. An authority on school finance, he has also written widely on school desegregation and property taxes. Mark is a member of the Benjamin Franklin Society, he has long been fiercely dedicated to the principles for which Penn Law stands.



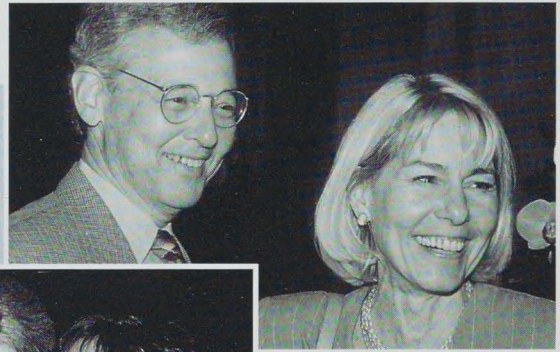
Saturday, May 15, 1999

You Can Go Home Again ...

Alumni and professors teamed to present a spirited discussion on the issue of Hate Crimes. Professors Heidi Hurd and Stephen J. Morse joined Elizabeth J. Coleman L'74 of the Anti-Defamation League, and Peter Katz L'94, an Assistant District Attorney in New York, in the morning's panel presentation.



Bottled bubbles for the offspring, a mild spring afternoon that begs for an outdoor picnic – longtime friends catch up in the Courtyard.



The following classes of Penn Law celebrated their Reunion in 1999:

- 1934**
- 1939**
- 1949F**
- 1954**
- 1959**
- 1964**
- 1969**
- 1974**
- 1979**
- 1984**
- 1989**
- 1994**

Gathering at venues throughout Philadelphia, alumni connect once more with Law School classmates. From the Rittenhouse Hotel to the Ardrossan Estate, from Center City to the Eagle Lodge, from the Law School's Courtyard to the Cohen Gateway in Biddle Library, memories spanning seven decades fill the air with fond laughter.

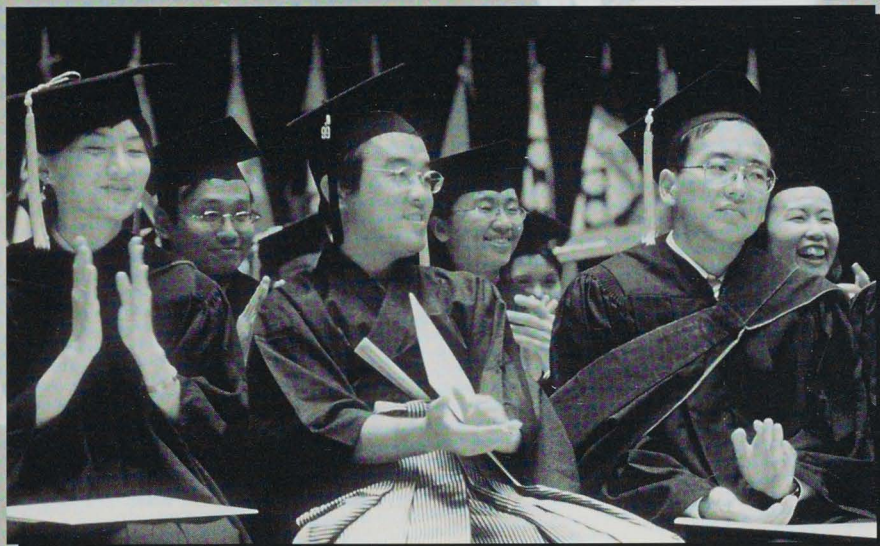
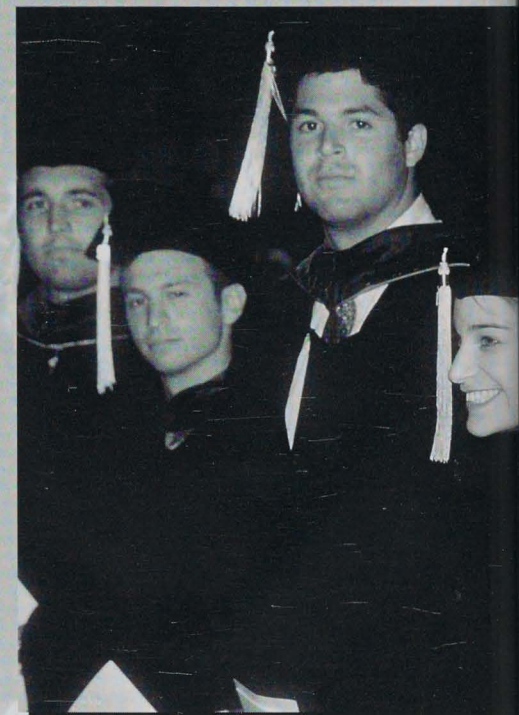


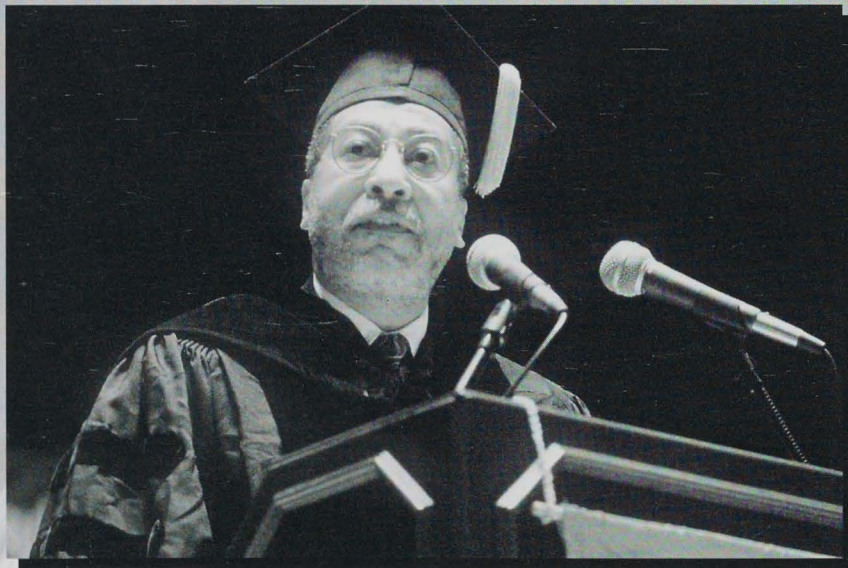
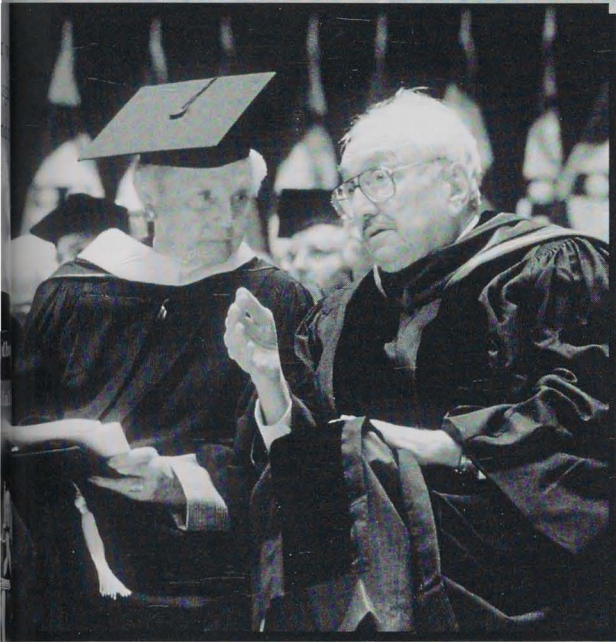
Sunday, May 16, 1999

A whole is that which has a beginning, middle, and end.



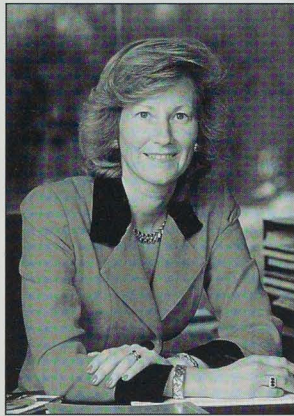
The spring rite of commencement was celebrated at the Academy of Music once again. Graduates and their families, the Dean and the Law School family gathered to wish the Class of 1999 farewell and good luck.





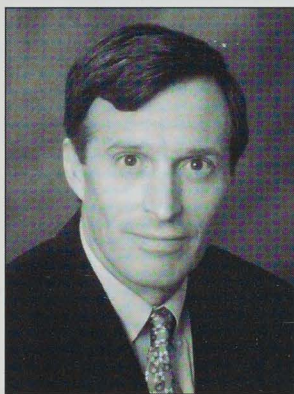
New Overseers

The University of Pennsylvania Law School is honored to welcome two alumni to the Board of Overseers:



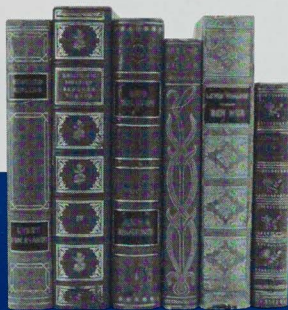
Pamela Daley
L'79

Pamela Daley is Vice President and Senior Counsel for Transactions for the General Electric Company, heading up the company's mergers and acquisitions activities worldwide. She began her career as an attorney in the tax department of Morgan Lewis & Bockius in Philadelphia. She has served the Law School as a member of the Law Alumni Society, and as an adjunct faculty member from 1982-89. At Penn Law, Daley was Editor-in-Chief of the Penn Law Review for 1978-79 and graduated first in her class.



Paul G. Haaga, Jr.
L'74, WG '74

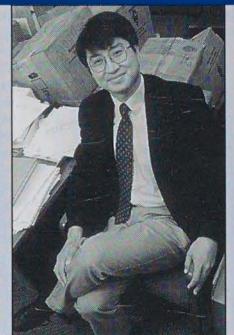
Paul Haaga is Executive Vice President and Director of Capital Research & Management Company in Los Angeles. The company runs the American family of equity funds, which includes Investment Co. of America, the third-largest mutual fund in the United States. He began his career at Wellington Management, before moving on to the Division of Investment Management at the Securities and Exchange Commission. Subsequently, he joined Dechert Price & Rhoads in Washington where he departed as partner in 1985 to join Capital Research and Management.



New Faculty and Visiting Professors

NEW FACULTY

A good number of new faces have been added to the faculty this year. The biggest news is the addition of full-time faculty member and Professor of Law **Howard F. Chang**, who comes to us following seven years as full professor at the University of Southern California Law School. He brings expertise in environmental law, international trade, immigration, intellectual property, and the economics of litigation and settlement. After receiving his undergraduate degree at Harvard and a masters in public affairs from Princeton, he graduated *magna cum laude* from Harvard Law School in 1987, clerked for Justice Ruth Bader Ginsburg on the D.C. Circuit Court of Appeals, and took his Ph.D. in economics from M.I.T. in 1992. He and his wife, Hilary Sigman, welcomed the birth of their son, Merrick Sigman Chang, in July.



Penn Law European Society Celebrates in Antibes

Yet again that tremendous international camaraderie which binds Penn's alumni together abroad produced a wonderful weekend for all who came to Antibes on June 18-20, 1999.

We began with a reception on a balcony at the Musée Picasso at the Chateau Grimaldi in Antibes Friday evening. On Saturday, our working sessions (well, it wasn't *hard* work) comprised "The Euro: An American Perspective" by Professor Charles Mooney and "Legal and Tax Aspects of the Principality of Monaco" by Donald Manasse, an American attorney practicing in Nice. Saturday evening saw the Gala dinner – "Dress code: white" said the invitation. It is our tradition that the dress code be that of the venue (which so far has ranged from Oslo to Milan to Brussels to London and Dublin). There we all are in our interpretation of "white" pictured outside the Villa Elein Roc, Cap d'Antibes, the palatial setting for the dinner.

For its athletic younger folk who still had a clear head the next morning, there was a mini-tennis tournament and we all assembled at a beachside restaurant for lunch before dispersing. We are deeply grateful to our local hosts, Christophe Rhodius LL.M. '90 and Marie, who had done such a wonderful job. It was good to have Joan Diver and Colin (in a *new* white suit), Chuck Mooney and Jane Bloomfield, and the past and new presidents of the Law Alumni Society, Arlene Fickler and Richard Rosin, respectively, with us. *Why weren't you there?* PLES loves to see friends from Penn who can be assured of a warm welcome and a great weekend. (Just ask Arlene or Richie Rosen if in doubt.)

Next year, the venue will be Amsterdam, the dates June 3-4, 2000. Details will be available from Jane Bloomfield in the Development and Alumni Relations Office at the Law School.

Submitted by His Honourable John Colyer Q.C. (well remembered by the classes of 1960, '61, and '62), and president of PLES (Penn Law European Society).



VISITING PROFESSORS

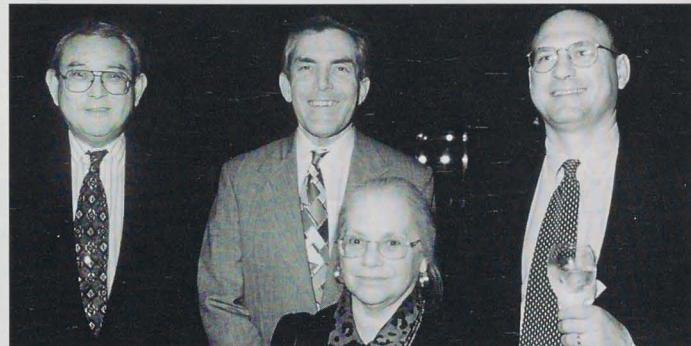
Heading the list of visiting professors this year is **Paul Butler**, Visiting Associate Professor. Associate Professor of Law since 1993 at George Washington University, where he teaches criminal law and race and the law. Butler was voted professor of the year by the graduating classes of both 1996 and 1999. He has published on criminal justice issues in the *Yale Law Journal* and the *Harvard Law Review*, among others, and writes a monthly column for the *Legal Times*. He graduated from Yale College, *cum laude*, 1982, and Harvard Law School, *cum laude*, 1986.

Visiting Professor **Marcella David** teaches international law and human rights as Professor of Law at the University of Iowa. In 1991-92, she received a Ford Foundation Fellowship in public international law to Harvard Law School, studying the impact of economic sanctions on Iraq and South Africa. She received her B.S. from Rennselaer Polytechnic Institute in 1986 and her J.D. from the University of Michigan in 1989 before serving as clerk to Hon. Louis H. Pollak of the U.S. District Court for the Eastern District of Pennsylvania, a former dean of Penn Law.

KEEDY CUP



Mala Ahuja L'99 and Thomas Wallerstein L'99 took the prize for best team, and Andrea Ortvals L'99 won best oralist in the finals of the annual Keady Cup moot court competition held last January. The fourth participant, William Sieck L'99, was unable to participate in the oral argument because of a family emergency. The case under argument was *City of Chicago v. Morales*, which considered the constitutionality of the city's gang congregation ordinance.



The judges for the competition were Wallace Tashima of the United States Court of Appeals for the Ninth Circuit, Chief Justice Deborah Poritz L'77 of the New Jersey Supreme Court, and Samuel Alito of the United States Court of Appeals for the Third Circuit.

VISITING PROFESSORS

Graeme B. Dinwoodie, Associate Professor of Law at the University of Cincinnati, arrives as Visiting Associate Professor of Law. At Cincinnati he teaches intellectual property law, copyright law and conflict of laws, and has received the Goldman Prize for Excellence in Teaching in three of the last four years. His scholarship encompasses domestic and international intellectual property law, and he has published a casebook, *International Intellectual Property Law* (with Hennessey and Perlmutter). A graduate of the University of Glasgow, Scotland, where he earned a First Class Honors degree in Private Law in 1987, he received an LL.M. from Harvard Law School in 1988. Prior to joining the Cincinnati faculty, he practiced with Sullivan & Cromwell in New York.

Visiting Professor **Marc Fajer** teaches property, housing discrimination, antitrust, and constitutional law as Professor of Law at the University of Miami and has published extensively on antitrust and gay rights. A graduate of Stanford Law School, he clerked for the Hon. Betty Fletcher of the U.S. Court of Appeals for the Ninth Circuit before becoming a litigation associate with Heller, Firman, White and McAuliffe, Seattle. Marc has been active in the Association of American Law Schools, has received the Outstanding Advocate Award from the Lay and Lesbian Lawyers Association of South Florida, and has directed theater works at both Stanford and Miami law schools.



Career Planning & Placement Adds Services for Alumni

The Career Planning and Placement Office announces a new service to graduates – a web-based job listing service. What was once a fee-based service for alumni is now free and available to Penn Law graduates. To use it, one can go to the Law School's web page (<http://www.law.upenn.edu>) and access job listings that have been forwarded to CP&P by employers from around the country. Additionally, the web page is upgraded monthly to add services for alumni, from fundamental skills information to hyperlinks to related sources.

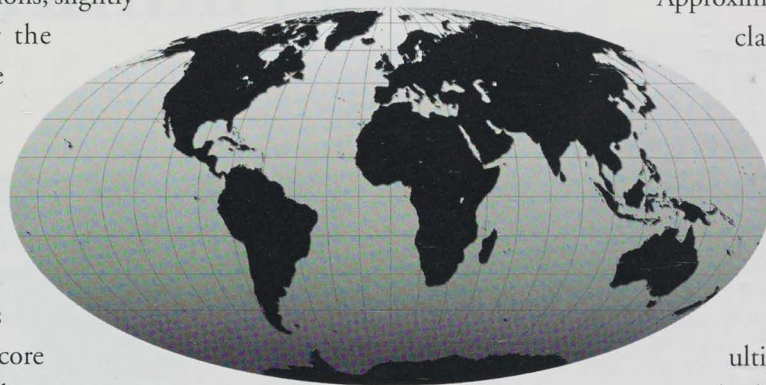
To register to use this service, call the CP&P Office at (215) 898-7493 or inquire by e-mail to Susan Ferrazzano at her address: sferrazz@law.upenn.edu. The Office will provide information on how to access this information that is password-protected as a service for only Penn Law graduates. Feel welcome to contact Susan to list a job opening where you would like to place a Penn Law graduate.

Professor of Law at the University of Pittsburgh, **Kathryn R. Heidt** comes to us as Visiting Professor. She taught bankruptcy, contracts, commercial law, and business negotiations at Pittsburgh after receiving her LL.M. from Yale Law School and serving as an associate with Duane, Morris & Heckscher, Philadelphia. She is the author of numerous articles and of *Environmental Obligations in Bankruptcy*, the only comprehensive treatise on that subject. She has testified on bankruptcy reform at the national level and was recently appointed Vice Chair of the ABA's Business Bankruptcy Committee. Kathryn has also served as Chair of the Rights Section of the Association of American Law Schools.

Tracy E. Higgins, Visiting Associate Professor of Law, is Associate Professor of Law at Fordham University, where she teaches civil procedure, federal courts, feminist legal theory, and international human rights and is co-director of the Crowley Program in International Human Rights. She has served as a consultant to the International League for Human Rights and the Lawyers Committee for Human Rights, and has worked on human rights projects in Afghanistan, South Africa, Turkey, Hong Kong, and Burma. She earned her B.A. in Economics at Princeton University and her J.D. from Harvard Law School before clerking for the Hon. Levin Campbell of the U. S. Court of Appeals for the First Circuit and studying under a Public Policy Fellowship at Georgetown University.

Penn Law Admissions: Welcome to the Class of 2002

As the *Journal* goes to press in early August, we take a first look at the incoming Class of 2002. The Admissions Office reviewed 3,442 applications, slightly less than previous years for the anticipated 240 seats in the entering class. Though the profile of the entering class is subject to last minute changes, as the official matriculation date is still weeks away, Admissions anticipates the average LSAT score to be in the 95th percentile and the average GPA to be 3.55. The class will represent 110 schools and 30 States, plus the District of Columbia and Puerto Rico, and internationally they will be students from Canada, China, Hong Kong, Japan, Korea, Sweden, and the United Kingdom. Penn's interdisciplinary programs proved to be very attractive



– eleven candidates will enter joint degree programs pursuing joint JD/MBA, JD/MSW or JD/Ph.D. degrees.

Approximately ten percent of the entering class possess advanced degrees.

Twenty-five percent of the class will represent various ethnic minority groups.

Following the nationwide trend that indicates an increasing number of women both applying to and ultimately enrolling in law schools over the last few years, there will be an

expected surge in the enrollment of women. It is anticipated that the class will comprise 54 percent women – up from 45 percent for the Class of 2001. Finally, the Class of 2002 will be the next generation of seven University of Pennsylvania alumni families. Welcome to all.

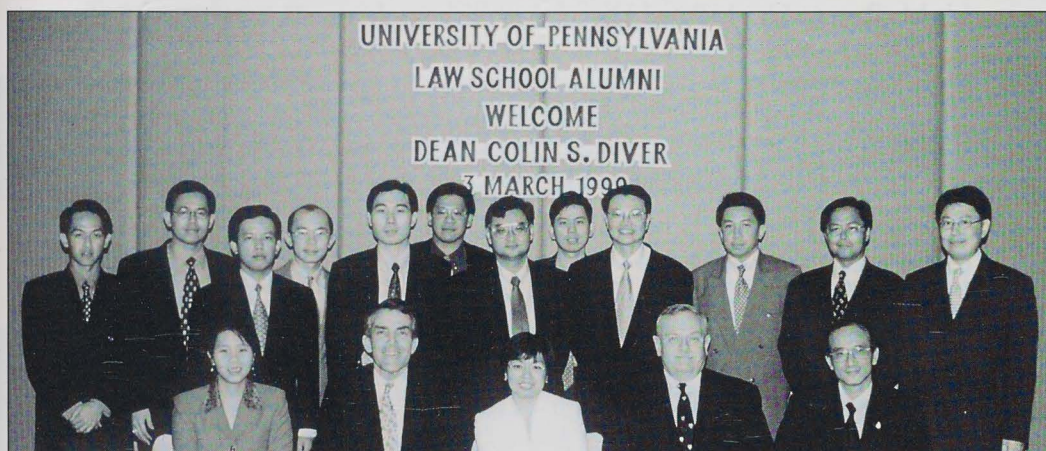
VISITING PROFESSORS

Visiting Professor **Frances R. Hill**, Professor of Law at the University of Miami School, earned a J.D. at Yale Law School and a Ph.D. in Government at Harvard University, where she wrote a dissertation on Tanzanian politics. A *summa cum laude* graduate of the University of Denver, she took her M.A. in African politics and history at the University of Birmingham, England, as a Fulbright Fellow. Before attending law school, she taught comparative and American politics at the University of Texas at Austin. A member of the American Law Institute, she is co-author of *Federal and State Taxation of Exempt Organizations*. Her articles have dealt with exempt organizations, campaign finance, and bankruptcy tax issues.

Eric Kades, Visiting Associate Professor, teaches basic and advanced property, corporations, and law and economics as Associate Professor of Law at Wayne State University. Over the last four years he has published articles in the Oregon, Rutgers, and Yale law reviews. Eric graduated *summa cum laude* from Yale in 1985, worked at the Federal Reserve and then at the investment banking firm of Goldman Sachs before returning to Yale for law school. He clerked for the Hon. Morton I. Greenberg, U.S. Court of Appeals for the Third Circuit, before joining Wayne State in 1995.

Dean Diver Tours Asia

For his final trip to Asia as Law School dean, Colin Diver visited Penn Law friends and alumni in Thailand, Korea, Japan, and Taiwan. Harold K. Vickery, Jr. L'66, a founding partner in the firm of Vickery and Worachai, hosted Dean Diver in Bangkok. The dean's itinerary included visits to Thammasat University, the largest and oldest law school in Thailand, and the newly established Central Intellectual Property and International Trade Court before giving an interview to *The Nation*, one of Bangkok's two daily newspapers. At the Regent Hotel, Diver dined with Penn Law alumni at a reception hosted by Vickery.



Penn Law alumni in Bangkok offer a festive welcome to Dean Colin S. Diver.

In Tokyo, Gerald McAlinn L'79, Professor of Law at Aoyama Gakuin University and visiting professor at Penn Law this year, served as host for an evening reception for alumni at the Tokyo American Club where Diver dined with an intimate gathering of alumni. On the next day, he and McAlinn met with the dean of the law faculty at Tokyo University, and toured the Supreme Court of Japan.

Yong Kap Kim L'84, an attorney with Kim & Chang, Korea's largest law firm, and president of the Penn Law's alumni club in Korea was the host of Diver's visit to Seoul. While there, he was interviewed by *Dong-a Ilbo*, Korea's leading daily newspaper, on the subject of globalization of the legal profession and its possible implications for Korea. At an evening reception in the Orchid Room at the Shilla Hotel, Diver dined with members of both Wharton's and Penn's Korean Alumni Clubs.

In Taipei, William Hsu GL'84, WG '84 of Jones Day Reavis & Pogue acted as Dean Diver's host and guide around the city. Diver lunched with the President of the Judicial Yuan before touring the Constitutional Court of Korea. In the evening, Diver met with Penn Law alumni and admitted students at a festive reception and dinner at the Sherwood Hotel.

In the end, Diver beat a wide swath through Asia during his farewell tour as dean. He returned to Penn with the warmth and energy of the Law graduates, and friends of Penn Law, that was offered to him so generously during his travels.

In her first year as a law instructor, Visiting Assistant Professor **Andrea G. McDowell** will be teaching advanced property law and trusts and estates. Recipient of a Penn Ph.D. in ancient History in 1987, she has written three books and many articles on ancient Egyptian legal and social history and has taught Egyptology at the Universities of Leiden and Oxford and at Johns Hopkins University. She graduated from Yale Law School in 1998 and served as law clerk to the Hon. Morris Sheppard Arnold on the Eighth Circuit Court of Appeals. Her current research focuses on the law codes of the California gold mining camps and on tort law in Socialist East Germany.

Visiting Professor **Amy Wax**, a graduate of Yale College, 1975, and Harvard Medical School, 1981, trained as a neurologist at New York Hospital before completing a law degree at Columbia Law School in 1987 and serving as clerk to the Hon. Abner J. Mikva of the U. S. Court of Appeals for the D.C. Circuit. She spent six years at the Office of the Solicitor General at the U.S. Department of Justice, where she argued 15 cases before the U. S. Supreme Court. In 1994, Wax joined the faculty of the University of Virginia Law School, where her areas of teaching and research include civil procedure, labor and employment law, poverty law and welfare policy, and the law and economics of work and family. She now holds the rank of Professor of Law.

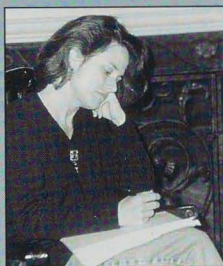
Academic Year 1999-2000: In Preview

As the *Journal* goes to press in early-August, we are able to provide a brief preview of the wealth of academic and social events that will take place at Penn Law during the 1999-2000 school year. To learn more about how you can participate in these and other events at Penn Law, call Penn Law and visit the website often: <http://www.law.upenn.edu>.

August 27	Public Interest Scholars' Dinner
August 29	LL.M. Recent Grads Panel Discussion with students
September 9-24	On-campus recruiting
October (TBD)	Institute for Law and Economics, Rutenberg Lecture Charles A. Heimbold L'60 <i>(Chairman, Law School Board of Overseers and Chairman and CEO, Bristol Myers-Squibb Corp.)</i>
October 4	"Why You Should Consider Clerking": Recent Penn Law grads share their clerking experiences with students
October 5	Benefactors Dinner
October 6	Law School Board of Overseers Meeting
October 6 & 12	Call-Back Days – Career Planning & Placement
October 14	Owen J. Roberts Memorial Lecture: Prof. Sanford Levinson on Constitutional Law
October 15	OWLS/Students breakfast for adult law students
October 20 & 27	"The Practice of Law" Alumni Panels for students
October 22	Anti-Defamation League Conference: "Government Support for Religion and Religious Institutions" <i>Co-sponsored by Penn Law</i>
November (TBD)	Lecture: Anita DeFrantz L'77, President, Amateur Athletic Foundation and Vice President of the International Olympic Committee.

November 11-12	Law Review Symposium & Dinner/Berger Conference
December 8	Edward Shils Lecture
January 3-7, 2000	Leaders' Day Week – Penn Law alumni and students throughout the United States
January 27	Keedy Cup Moot Court Competition
February 13-16	ABA Site Evaluation
February (TBD)	Public Interest Reception for alumni and students
February (TBD)	Minority Students' Reception
March (TBD)	Equal Justice Auction
March 30	Mock Interview Program
April 5	Law School Board of Overseers meeting (<i>in New York</i>)
May 19-20	Alumni Weekend
May 22	Law School Graduation, Academy of Music
June 3-4	Penn Law European Society Meeting Amsterdam, The Netherlands

Faculty Trade Scholarship at First Research Retreat



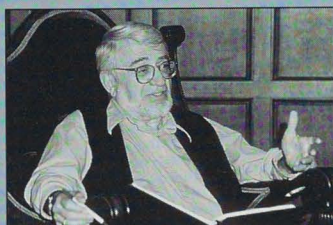
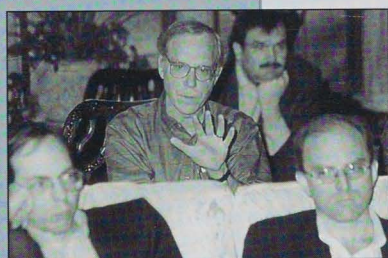
Heidi Hurd and Ed Rock organized a faculty retreat at the home of Hurd and Michael Moore in April to share their latest research and to regroup at the conclusion of the academic year. Organized under the dual aegis of the Institute for Law and Philosophy and the Institute for Law and Economics, this was the first scholarly faculty retreat in what many hope will become an annual tradition.

Five papers were presented between the continental breakfast and dinner that evening. The presentations reflected the range of faculty interest — from the legal history of blasphemy to the Voting Rights Act and the relationship of minority empowerment to political outcomes. The ensuing panel discussions and question periods were informed and spirited.

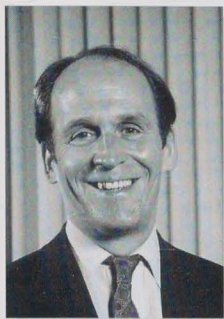


Dinner was punctuated by frequent toasts — to colleagues newly given tenure, to those just publishing books, to visiting faculty offered permanent appointments, to David Skeel and Bruce Mann on receiving Law School and University awards for outstanding teaching. And, of course, as he prepared to step down as dean, in appreciation to Colin Diver.

Faculty returned from the retreat impressed with the depth and quality of each other's research, energized by the enthusiasm of the panel discussions, and enriched by new insights from colleagues in complementary fields.



Faculty Notes

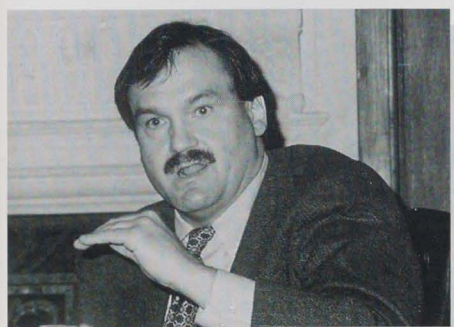


Burbank

On National Public Radio in January, **Stephen B. Burbank**, David Berger Professor for the Administration of Justice, discussed the impeachment proceedings against President Clinton. He also served as a moderator and commentator at an international conference on the proposed Hague judgments convention sponsored by NYU Law School. In August 1999, he was chair of a working group at a special Salzburg Seminar on "The Personal Responsibility of Judges," which was attended by justices from around the world. Burbank is a visiting professor at Harvard Law School for the fall and winter terms 1999-2000 and will be on sabbatical during the spring.

de Lisle

Jacques deLisle, Professor of Law, continues to serve as a consultant and expert witness during litigation in U.S. courts on issues of Chinese economic law, as well as on China's human rights conditions in political asylum proceedings. At Middlebury College, for a Ford Foundation conference reexamining the relationship between development and democracy, he presented a paper titled "Chasing the God of Wealth and Evading the Goddess of Democracy: Development, Democracy and Law in China." He also presented "Montevideo Games and a Chinese Puzzle: The P.R.C., International Law and the Taiwan Question" at the Foreign Policy Research Institute, where he also addressed "The Taiwan Relations Act: Durable Agreement or Fraying Framework?" As a fellow at the Salzburg Seminar session on "East Asia-United States: A Search for Common Values," he spoke on political and legal aspects of contemporary U.S.-East Asian relations.



Fitts

During the spring semester, **Michael Fitts**, Robert G. Fuller, Jr. Professor of Law, was a visiting professor in the political science department at Swarthmore College. This summer he published two articles in separate Law Review symposia exploring "Watergate 25 Years After" and "The Future of Election Law Scholarship." In addition, he presented separate papers at a St. Louis University conference, at the American Political Science Association Convention, and at Penn Law's faculty retreat in April.

Huang



Peter Huang, Assistant Professor of Law, taught a new year-long seminar entitled Law and Popular Culture. He was also awarded an Olin Fellowship to the U.S.C. Law Center's Olin Program in Law and Rational Choice for next spring, but postponed to a later time.

Huang's new seminar, "Law, Science, and Technology," will meet jointly in the fall with Prof. Ed Rubin's new year-long seminar "Managing the Future." It will explore topics arising from the interface of law with science and technology such as: biotechnology, information technology, Internet and other computer-communications technologies, and financial engineering. Focus will be on the formation of public policy at national, regional, and international levels. Up for discussion will be designer genes and human cloning, digital signatures, encryption, Internet privacy and security, and securities regulation and tax law in cyberspace. Other subjects include the new science of memes and how entertainment and mass media may be the driving forces of the future global economy.

Huang presented the following papers:

"The Law and Economics of Consumer Privacy Versus Data Mining on the Net" at the Canadian Law & Economics Association's annual meeting at the University of Toronto Law School in September 1998 and in October at the microeconomic theory workshop at York University; "Equity and Fairness in Bargaining: Implications for Joint Ventures & Mergers" at the Olin Law and Economics Seminar at the University of Toronto Law School in October; "Derivative Securities Regulation and Endogenous Price Uncertainty: A Law and Economics Perspective," in the Olin Law and Economics Seminar at Georgetown University Law Center in March; "Asian Business Networks, Forms of Economic Organization, and Corruption: A Psychological Game-Theoretic Approach," with Janet T. Landa, at the Institutional Reform and the Informal Sector Center Conference on Collective Action and Corruption in Emerging Economies in Washington, D.C. in May; "The Law and Economics of Derivative Securities Regulation" at the American Law and Economics Association's annual meeting at Yale Law School in May; "Herd Behavior in Designer Genes: Revisiting Choosing Our Children's Genes" at the annual Gruter Institute Conference on the New Genetics and Reproduction: The Legal Response in Squaw Valley. The last is forthcoming in the *Wake Forest Law Review's* September 1999 symposium-dedicated issue on "Genetic Technology: Social Values and Personal Autonomy in the 21st Century."

Hurd

As co-director (with Professor Michael Moore) of the new Institute for Law and Philosophy, **Heidi Hurd**, Professor of Law, directed two spring conferences: "Burkean Conservatism" in February and "Druim Moir IV: Seminars in Legal Philosophy" in April, an international gathering of legal philosophers that rotates between the law schools at Penn, Columbia, Yale, and the University of San Diego. She presented a paper on heroism and sainthood, entitled "Duties Beyond the Call of Duties," at Druim Moir IV, and gave a talk to alumni on the doctrinal and philosophical implications of hate crimes at the Penn Law Alumni Weekend panel on Hate Crime Legislation.

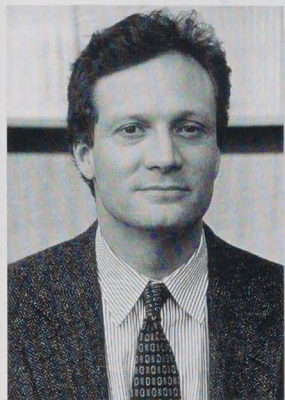


Jason Johnston, Professor of Law, initiated the Program on Law and the Environment (POLE) at Penn, which he coordinates. He was also an Instructor at the LOEC Case Analysis Seminar for state court judges. In April 1998, Johnston presented “An Economic Theory of Environmental Standard-Setting and Enforcement” to the seminar on

Environmental and Natural Resources Law and Policy at Stanford. The following month he presented “Bargaining Under Alternative Property Rights Regimes: Experimental Evidence” (produced jointly with Professor Rachel Croson of the Wharton School) to the

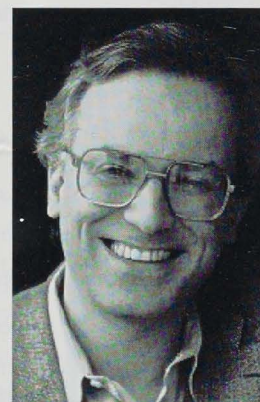
annual meetings of the American Law and Economics Association at Berkeley. “Why History Matters: An Economic Theory of the Centralization of Environmental Regulation” was the topic of his presentation to the Law and Economics Seminar at Vanderbilt last October, followed by “On the Commons and the Common Law” at the Political Economy Research Center Conference “The Environment and the Common Law.”

This May, in his final year on the board of directors of the American Law and Economics Association, he served on the program committee for the Association’s meetings at Yale Law School and again presented “Why History Matters,” along with “Does Contingent Valuation Measure Prices, or Sanctions?” (jointly with Professors Rachel Croson of Wharton and Jeffrey Rachlinski of Cornell). He also presented the short paper “Some Preliminary Thoughts on the Market for Environmental Control” at the LOEC/Cornell Conference Honoring the Contributions to Law and Legal Scholarship of Henry Manne and “Markets for Ecosystem Control: An Essay in Honor of Henry Manne” at the Cornell/Kansas Williamsburg Conference for Henry Manne. The latter paper is forthcoming in the *Case Western Reserve Law Review*.



Johnston

Recently awarded a Guggenheim fellowship to work on his book, *The Perverse Logic of Law and Morality*, **Leo Katz**, Professor of Law, helped organize a conference last January on formalism, published by the *University of Chicago Law Review*, to which he contributed an essay on “Form and Substance in Law and Morality.”



Katz



Kübler

Friedrich K. Kübler, Professor of Law, has seen his comparative article on racist speech published in the latest issue of Hofstra Law Review. Papers on the privatization of the mail services, on shareholder value, and on recent problems of employee codetermination in (German) corporate boards have been published in Germany. He gave a presentation in

New York last December on changes in the German corporate system and will lecture in Germany on constitutional issues of defamation law in January and on problems of regulation of broadcast ownership in May. A substantial part of his time has been absorbed by the (German) Commission for the Control of Media Concentration and by the European Shadow Financial Regulatory Committee.



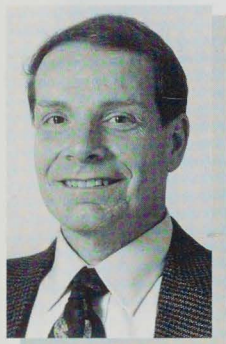
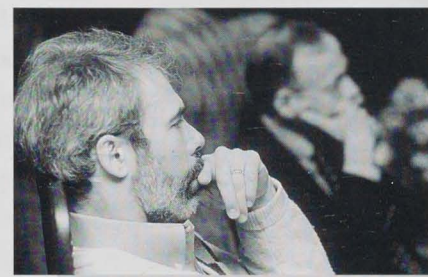
Moore

Michael Moore, Leon Meltzer Professor of Law and Professor of Philosophy, completed his first year as co-director of the new Institute for Law and Philosophy, which hosted three roundtables on Tort Theory, Supererogation, and Burkean Conservatism. The Institute is hosting a roundtable on Conflicts of Rights this September and the Fifth Annual Drum Moir Seminar in December. In September 1998, Moore debated George Fletcher on the place of victims in retributive punishment theory at the SUNY-

Buffalo Criminal Law Center (to be published in the *Buffalo Criminal Law Review*). Last November, Moore participated in the workshop on Law and Philosophy at the University of North Carolina; spoke at the National Press Club in Washington, D.C., on “Neuroscience and Responsibility;” and presented a paper on “Causation and Responsibility” to the Penn Legal Studies Workshop (to be published in *Social Philosophy and Policy*).

Rock

Edward B. Rock L’83, Professor of Law, has been busy co-directing the Institute for Law and Economics and organizing its workshop series. He presented a paper on bargaining over asset restructuring at the Institute’s Fall Labor Law Roundtable, followed by a paper on minority oppression in closely held corporations at its Spring Corporate Law Roundtable. He also presented papers at NYU, Georgetown, and the University of Colorado at Boulder.



Rulli

Chair of the Philadelphia Bar Association’s Commission on Judicial Selection and Retention, **Louis S. Rulli**, Practice Associate Professor of Law, has led the organized bar’s evaluation of judicial candidates for

the Court of Common Pleas and Municipal Court and has appeared frequently on television and radio to summarize the Commission’s procedures and findings. He continued to serve as a member of the House of Delegates of the Pennsylvania Bar Association. On the Association’s special Task Force on Legal Services to the Needy, he helped prepare a comprehensive report addressed to the Supreme Court and the General Assembly on ways of increasing the availability of legal aid and *pro bono* services for the indigent.

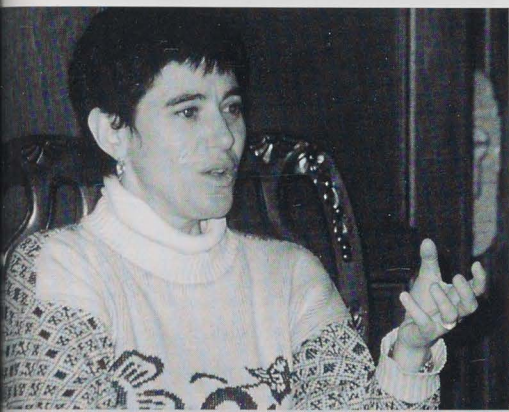
Selected by a majority vote of this year’s graduating class, **David A. Skeel, Jr.**, Professor of Law, received the Law School’s Harvey Levin Award for Excellence in Teaching — in his first year on the faculty. This spring, he presented “The Genius of the 1898 Bankruptcy Act” to the Creditors and Debtors’ Rights Section of the AALS annual meeting in New Orleans, in addition to “The Market Revolution in Bank and Insurance Firm Governance: Its Logic and Limits” at the F. Hodge O’Neal Conference on “The Modernization of Financial Services Legislation” at Washington University School of Law. These papers will appear in the *Bankruptcy Developments Journal* and in the symposium issue of the *Washington University Law Quarterly*, respectively. Work in progress includes a book on the politics of bankruptcy in the U.S., tentatively titled *Bankruptcy Lawyers and the Politics of American Bankruptcy*.



Skeel

Sturm

Susan Sturm, Professor of Law, presented a paper at a *University of Pennsylvania Journal of Labor and Employment Law* Symposium: "Activism and the Law: Exploring the Intersections of the Labor and Civil Rights Movements." She also attended "Connecting Conversations About Police, Media and Community," in New Haven in the summer of 1998; was a presenter on "Race and Community Policing" at the Criminal Justice



Institute the following September, again in New Haven; spoke on "Race, Gender, and the Law in the Twenty-First Century Workplace" at the Women's Studies Conference at Penn; presented an ad hoc Penn workshop on "Rethinking Race, Gender and the Law in the Twenty-first Century Workplace;" spoke on "Sexual Harassment in the Workplace" at the Children's Seashore House, and "Rethinking Selection and Higher Education" to the National Research Council in Washington, D.C., all last fall.

In the spring, she served as Lead Speaker on "From Gladiators to Problem Solvers: The Role of Law and Legal Education in a Changing Economy" at the Association of the Bar of the City of New York; attended the seminar on "Rethinking Affirmative Action, Race Conscious Remedies Seminar" at Columbia Law School; was moderator and facilitator for "Activism and the Law: The Intersection of the Labor and Civil Rights Movements" at Penn Law; presented "A New Workplace Regime" at the Symposium of the *Journal of Labor and Employment Law*, also at

Penn Law, and again at the seminar on "Work and Workplace Theory" at Yale Law School. Sturm's summer schedule included presenting "A New Workplace Regime" (with Professor Chuck Sable) to the Panel on Lawyering for a New Democracy at their annual meeting on Socio-Economics in Madison. She will serve as presenter and participant with the Struggle for Justice Working Group, at the Rockefeller Foundation, which includes four sessions over the course of the year, culminating in a report to the foundation.

After serving on the "International Workers' Rights" panel at the AALS Workshop on Workers and The Law in the 21st Century in New Orleans in January, **Clyde Summers**, Jefferson B. Fordham Professor of Law Emeritus, presented the keynote paper, "Union Governance and Democracy," at the Conference on Industrial and Union Democracy at Georgia State University in May.



Woodhouse

Barbara Bennett Woodhouse, Professor of Law, continues her work on children's rights and child welfare. She opened the *Journal of Constitutional Law's* symposium on The Rights of Juveniles in February with a talk on the constitutionalization of children's rights. In April she delivered the keynote speech at St. John's Law School's symposium on Children's Human Rights. She also presented invited papers or commentaries on children's rights in domestic and international law at George Washington Law School in February, at Pembroke College in Oxford, England, in March, at Cornell in April, at the Law and Society Association in Chicago in May, and at the International Society of Family Law in New Mexico in June. Together with Dr. Annie Steinberg of the Medical School, she co-authored an amicus brief in a North Carolina case involving a deaf child's right to counsel. She also testified before the Pennsylvania legislature concerning the impact on children of proposed changes in paternity laws. Together with faculty at the Schools of Medicine and Social Work, she is developing the Center for Children's Policy Practice and Research at the University of Pennsylvania (a project profiled in the *Pennsylvania Gazette*, June 1999). The center will apply a vertically integrated, child-centered, interdisciplinary perspective to the teaching, study, and implementation of child welfare policies and practices.



Summers



Recent Publications

MATTHEW ADLER

"The New Etiquette of Federalism: New York, Printz and Yeskey" (with Seth Kreimer), *Supreme Court Review*

"Rethinking Cost-Benefit Analysis (with Eric Posner)," 109 *Yale Law Journal*

ANITA L. ALLEN

"Coercing Privacy," *Villanova Law Review*

"The Social Contract in American Case Law," *William and Mary Law Review*

"Confronting Moral Theories: Gewirth in Context," in *Gewirth: Critical Essays on Action, Rationality and Community* (Michael Boylan, ed.), Rowan and Littlefield

REGINA AUSTIN

"False Teeth and Biting Critiques: An Analysis of Jones v. Fisher," *Touro Law Review*

E. EDWIN BAKER

Disaggregating the Concept of Property in Constitutional Law," in *The Economics of Legal Relations, v. 5: Fundamental Interrelationships Between Government and Property* (W. Samuels; N. Mercurio, eds.)

STEPHEN BURBANK

"The Architecture of Judicial Independence," 72 *Southern California Law Review*

"Jurisdiction to Adjudicate: End of the Century or Beginning of the Millennium?," 7 *Tulane Journal of International and Comparative Law*

JACQUES DE LISLE

"Lex Americana: United States Legal Assistance, American Legal Models, and Legal Change in the Post-Communist World and Beyond," *University of Pennsylvania Journal of International Economic Law*

MICHAEL FITTS

"The Hazards of Legal Fine Tuning: Confronting the Free Will Problem in Election Law Scholarship," *Loyola Law Review*

"The Legalization of the Presidency: Watergate 25 Years After," *St. Louis University Law Review*

"Back to the Future: The Enduring Tensions in the Supreme Court's Regulation of Political Parties," chapter in *The Supreme Court and the Political Process*

DOUGLAS FRENKEL

"Ethics: Beyond the Rules," 67 *Fordham Law Review*

PETER HUANG

"A New Options Theory for Risk Multipliers of Attorneys' Fees in Federal Civil Rights Litigation," 73 *New York University Law Review*

"Herd Behavior in Designer Genes: Revisiting Choosing Our Children's Genes," *Wake Forest Law Review*

HEIDI HURD

Moral Combat, Cambridge University Press

"Justification and Excuse, Wrongdoing and Culpability," 74 *Notre Dame Law Review*

"Is It Negligent Not to Assume the Worst of Others?" *Journal of Philosophy and Public Affairs*

JASON JOHNSTON

"Communication and Courtship: Cheap Talk Economics and the Law of Contract Formation," *Virginia Law Review*

"Rules and the Possibility of Social Cooperation," in *Rules and Reasoning: Essays in Honor of Frederick Schauer* (L. Meyer, ed.)

"The Commons and the Common Law," in *The Common Law and The Environment* (Morriss and Meiners, eds.)

"Legal Formalities" and "The Statute of Frauds," in *The New Palgrave Dictionary of Law and Economics* (P. Newman, ed.)

LEO KATZ

"Form and Substance in Law and Morality," *University of Chicago Law Review*

Foundations of the Criminal Law (with Stephen Morse and Michael Moore), Oxford University Press

SETH KREIMER

"The New Etiquette of Federalism: New York, Printz and Yeskey" (with Matthew Adler), *Supreme Court Review*

FRIEDRICH K. KÜBLER

"Shareholder Value: A Challenge to German Law?"
Festschrift für Zöllner

"Shareholder Value - Basic Idea of a
Free Business System?" in Vol. 38,
Publications of the Walter-Raymond-Foundation

"Postmonopol für Massendrucksachen: Privatisierung
ohne Liberalisierung?" *Festschrift für Grossfeld*

"Ehrenschutz, Selbstbestimmung und Demokratie
(Defamation Law, Self-Determination and
Democracy), 52 *Neue Juristische Wochenschrift*

"Aufsichtsratsmitbestimmung im Gegenwind der
Globalisierung" (German Employee Codetermination
Facing the Globalization of Markets), in *The Inter-
national Lawyer, Liber Amicorum für Wuld Döser*
(Kübler/Treack/Scherer, eds.).

ALAN LERNER

"Law and Lawyering in the Workplace: Building Better
Lawyers by Teaching Students to Exercise Critical
Judgment as Creative Problem Solvers," 32
Akron Law Review

HOWARD LESNICK

Listening for God: Religion and Moral Discernment

BRUCE MANN

ed., *The Many Legalities of Early America*,
University of North Carolina Press

CHARLES W. MOONEY, JR.

"Filing and Enforcement Under Revised Article 9"
(with Harris), *Business Law*

"Assignments Under the UNIDROIT and UNCITRAL
Draft Conventions on Mobile Equipment and
Receivables Financing," *University of Pennsylvania
Journal of International Economic Law*

MICHAEL MOORE

Foundations of the Criminal Law (with Stephen Morse
and Leo Katz), Oxford University Press

"Liberty and Drugs," in *Drugs and the Limits of
Liberalism*, Cornell University Press

"Causation and Responsibility,"
Social Philosophy and Policy

"Liberty and Supererogation,"
Jahrbuch für Recht und Ethik, v. 6

STEPHEN MORSE

Foundations of the Criminal Law (with Michael Moore
and Leo Katz), Oxford University Press

STEPHEN PERRY

"Holmes v. Hart: The Bad Man in Legal Theory," in
The Path of the Law in the Twentieth Century
(Steven Burton, ed.), Cambridge University Press

"Responsibilities for Outcomes, Risk, and the Law of
Torts," in *Philosophy and the Law of Torts*
(Gerald Posema, ed.), Cambridge University Press

EDWARD RUBIN

ed., *Minimizing Harm: A New Crime Policy for
Modern America*, Westview Press

"Jews, Truth and Critical Race Theory," 93
Northwestern University Law Review

"Legislative Methodology: Some Lessons from the
Truth in Lending Act," in *Making Development Work*
(A. Seidman, R. Seidman, T. Walde, eds.), Kluwer

"Law and the Methodology of Law," in
The History of Legal Education in the United States
(S. Sheppard, ed.), Salem Press

LOUIS RULLI

"Access to Justice and Civil Forfeiture Reform:
Providing Lawyers for the Poor and Recapturing
Forfeited Assets for Impoverished Communities," 17
Yale Law and Policy Review

KIM LANE SCHEPPELE

"Rules of Law: The Complexity of Legality in Hungary,"
in *The Rule of Law After Communism: Problems and
Prospects in East-Central Europe*
(M. Krygier, Adam Csarnota, eds.)

"The New Hungarian Constitutional Court,"
East European Constitutional Review

"The Inevitable Corruption of Translation,"
University of Connecticut Journal of International Law

"The Soros Empire," *Journal of the Institute for
Germanic Studies*, Johns Hopkins University

DAVID SKEEL

"Saul and David, and Corporate Takeover Law," in
Literature and Legal Problem Solving,
Carolina Academic Press

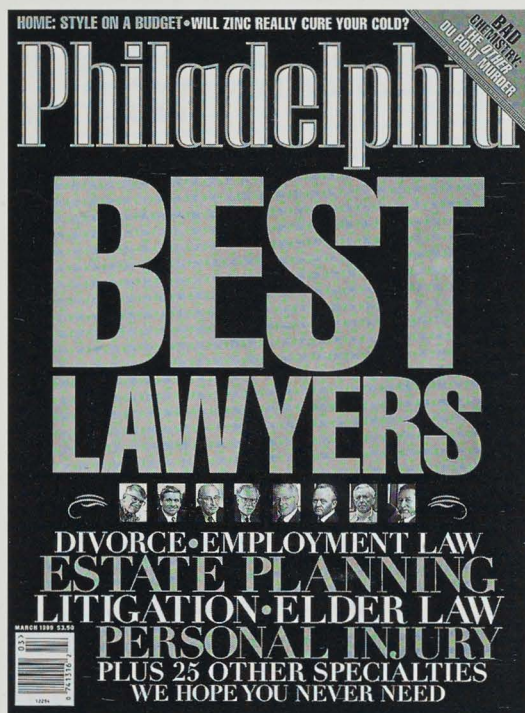
SUSAN STURM

"Race, Gender, and the Law in the Twenty-first Century
Workplace," Symposium Issue, 1 *University of
Pennsylvania Journal of Labor and Employment Law*

"Rethinking Race, Gender and the Law in the
Twenty-first Century Workplace," 12
Performance Improvement Quarterly

Best Lawyers in Philadelphia

Philadelphia Magazine (March 1999) published its annual ranking of the Best Lawyers in Philadelphia. Several of our alumni were honored with the distinction of being pre-eminent in their fields, and often in more than just one category:



Barry M. Abelson L'71

Robert D. Lane, Jr. L'77

Hon. Arlin M. Adams L'47

George J. Lavin, Jr. L'56

Richard L. Bazelon L'68

S. Gerald Litvin L'54

David Berger C'32, L'36

Arthur Makadon L'67

Fred Blume L'66

David H. Marion W'60, L'63

John R. Carroll L'52

W. Bruce McConnell III L'70

David L. Cohen L'81

Henry F. Miller L'63

Stephen A. Cozen C'61, L'64

Harris Ominsky W'53, L'56

H. Robert Fiebach W'61, L'64

Jeffrey B. Rotwitt L'75, WG'75

Eric L. Frank L'76

Sherrie Raiken Savett CW'70, L'73

Thomas J. Gallagher III L'77

Howard L. Shecter L'68

Norris E. Gelman L'67

Michael Sklaroff L'67

Stephen F. Gold L'71

Shanin Specter L'84

Stephen M. Goodman W'62, L'65

Richard A. Sprague L'53

William T. Hangley L'66

Allan H. Starr L'69

John G. Harkins, Jr. C'53, L'58

Ian A. L. Strogatz C'69, L'72

Robert C. Heim W'64, L'67

Michael L. Temin L'57

Barry D. Kleban L'77

Robert I. Whitelaw L'70

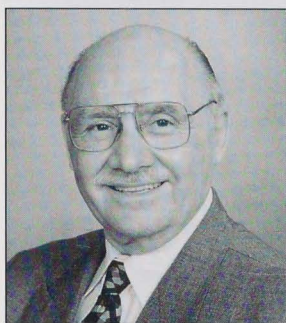
Alumni Briefs

1930s

ABF 50-YEAR AWARD

Author of *May It Please the Court* (Dorrance, 1998), **Irving R. Segal C'35, L'38** was graduated first in his class at Penn Law and to this day continues to be involved in the Law School's Segal lectureship in Trial Advocacy. In March he received The Fellows of the American Bar Foundation Fifty-Year Award "for his adherence to the highest principles and traditions of the legal profession and of service to the public for more than fifty years as a distinguished lawyer."

1940s



Michael C. Rainone L'41 was recently elected counsel to the Piccola Opera Company of Philadelphia. He has been serving as vice-president on its board of directors.

JUDGE ADAMS AWARDED PHILADELPHIA BAR'S HIGHEST HONOR

The Philadelphia Bar Association honored retired Third Circuit Court of Appeals Judge **Arlin M. Adams L'47, HON '98** with the 1999 Bar Medal, the Bar's highest honor for public service. The award recognizes Adams' lifelong dedication to the legal profession and the cause of justice in the true tradition of the Philadelphia lawyer.

1950s

Managing principal and senior partner of Berger & Montague in Philadelphia, former Common Pleas Court Judge **Harold Berger EE'48, L'51** has been appointed to the board of overseers of the School of Engineering and Applied Science of the University.

PIONEERING WOMAN JUDGE

Senior judge for the United States Third District court, the **Hon. Norma L. Shapiro L'51**, received the Margaret Brent Women Lawyers of Achievement Award from the American Bar Association's Commission on Women last April. Appointed by President Jimmy Carter as the first woman on the Eastern District bench, Shapiro was cited for paving the way to success for other women lawyers. Margaret Brent was the first woman lawyer in America, involved in 124 court cases in 17th century Maryland.

Charles K. Plotnick L'56, a partner in the estate planning and administration law firm of Plotnick & Ellis, reports publication of his latest book, *How to Settle an Estate* (Penguin Putnam), the eighth he has co-authored with Stephan R. Leimberg.

A partner at Wolf, Block Schorr and Solis-Cohen LLP, **Carl W. Schneider L'56** received the Dennis H. Replansky Memorial Award in recognition of his contributions to legal, civic, religious and other charitable institutions. He was selected by the Business Law Section of the Philadelphia Bar Association and representatives of Blank Rome Comisky and McCauley, the law firm where Replansky practiced.

The New York State Bar Association awarded **Peter H. Pfund L'59** the International Law and Practice Section's Award for Distinction in International Law and Affairs. He is special advisor for private international law with the U.S. Department of State.

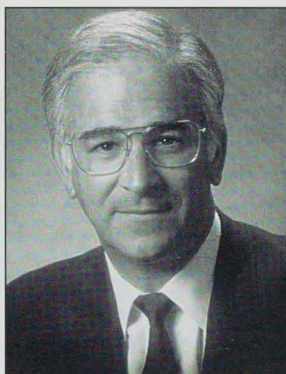
1960s

NATIONAL MEDAL OF TECHNOLOGY

President Clinton presented the 1998 National Medal of Technology to **Charles A. Heimbold, Jr. L'60**, chairman and CEO of Bristol-Myers Squibb Co., at a White House ceremony held this April. The nation's highest recognition for technological innovation, it was awarded to Bristol-Myers Squibb "for extending and enhancing human life through innovative pharmaceutical research, and for redefining the science of clinical study through groundbreaking and hugely complex clinical trials that are recognized models in the industry."

Of Counsel to Montgomery, McCracken, Walker & Rhoads in Cherry Hill, New Jersey, **Richard S. Hyland L'60** was re-elected to a three-year term as a member of the Board of Trustees of the New Jersey State Bar Association's Dispute Resolution Section.

Sheller Ludwig & Badey partner, **Stephen Sheller C'60, L'63**, a leading figure in plaintiffs' war on tobacco, was featured on *Christopher Naughton's Law Journal*, a weekly Philadelphia television news magazine talk program on the law.

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

recently presided at the opening of Cozen and O'Connor's London office. In addition, as keynote presenter at Temple University's Executive MBA and International MBA Seminar Series, he discussed risk management in relation to the Y2K problem. In May he received the 1999 Police Athletic League Award in honor of his establishment of the Samuel D. Cozen PAL Center and his work to provide Philadelphia young people with athletic facilities and enrichment programs.

Managing Intellectual Property Magazine (June 1999) named **Herbert F. Schwartz G'64, L'64** Litigator of the Year. He is a senior partner at New York's Fish & Neave, which the magazine also named intellectual property Team of the Year. He teaches "Intellectual Property: Trademarks and Unfair Competition" at Penn Law.

Co-Chair of Commercial Litigation at Cozen and O'Connor in Philadelphia, **H. Robert Fiebach W'61, L'64**, was listed in the 1999-2000 edition of *The Best Lawyers in America*.

NEW MAYOR FOR LAS VEGAS

Oscar B. Goodman L'64 was elected 19th Mayor of Las Vegas in June with 64 percent of the vote. Goodman threw his hat into the ring for the hotly-contested seat in March which resulted in a close race that forced a run-off with the second place candidate. A Philadelphia native, he moved to Las Vegas after graduation from Penn Law and soon became one of the city's top criminal defense lawyers. In addition, his son **Eric A. Goodman L'99** graduated from the Law School in May.

Arthur F. Staubitz L'64, former General Counsel for Baxter International, joined the board of directors of Aastrom Biosciences, Inc., a company that is pioneering clinical systems to enable physicians and patients greater accessibility to cells used for gene therapy. Aastrom has received patents covering methods and devices for the ex vivo production of human stem and other types of cells, as well as for the genetic modification of stem cells.

1970s

John M. Desiderio L'66 opened his new law office in New York City: John M. Desiderio, P.C. and Associates. He will continue to focus on legal issues related to food and drugs, intellectual property, antitrust actions, and trade regulation. As part of this new venture, he will be associated with, and will serve as Counsel to, the firm of Kaplan, Thomashower & Landau.

After taking early retirement from his senior attorney position at IBM, **Richard M. Goldman L'66** joined Cooley Godward in Palo Alto, Cal., where he concentrates on intellectual property strategies in the electronics and software fields, supporting the firm's technology litigators.

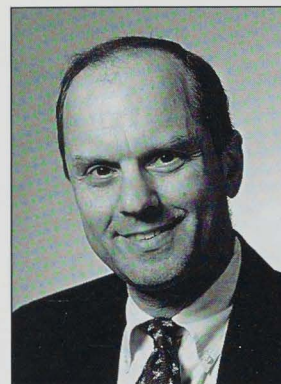
A partner with Squire, Sanders & Dempsey in Washington, D.C., **William A. Mogel L'66** practices energy law and has been honored by the University of Tulsa Law School for his 20 years as founder and Editor-in-Chief of *The Energy Law Journal*.

Bernhardt Wruble L'66 was appointed senior vice president for legal affairs at Northwest Airlines based in Minneapolis.

The American Bar Association's Pro Bono Publico Award was given to **Peter S. Greenberg C'65, L'68** and a colleague at Schnader Harrison Segal & Lewis for their work in representing a woman currently serving a life prison sentence for a murder she says she did not commit. The award is given annually to attorneys who have demonstrated dedication to the development and delivery of legal services to the poor through a pro bono program.

David I. Grunfeld L'68 has been appointed editor-in-chief of the Philadelphia Bar Association's *The Philadelphia Lawyer* magazine.

After years of service to Duane Morris and Heckscher LLP in Philadelphia, **Robert L. Pratter L'69** has joined PMA Capital Corporation as Senior Vice President and General Counsel. Pratter brings nearly 30 years experience in providing counsel to various insurance companies on a wide variety of legislative, regulatory and corporate matters.



Arthur W. "Terry" Lefco L'71, of Cozen and O'Connor in Philadelphia, was elected to membership in The American Law Institute, a national organization dedicated to analyzing, evaluating, modifying, and codifying American law. At the Law School's Reunion 1999, he was presented with the Law Alumni Society's Award of Merit. (see page 31)

After retiring from the bench in 1997, Court of Common Pleas Judge **G. Craig Lord L'71** spent two years Of Counsel to the litigation firm of Raynes, McCarty, Binder, Ross & Mundy. In May he returned to Blank Rome Comisky & McCauley, in whose real estate department he had practiced from 1972 to 1986. He will be concentrating his practice in the areas of real estate development, lending, commercial litigation, and sales and acquisitions.

PUBLIC SERVICE

Throughout his legal career, **Steven Gottlieb L'69** has represented low-income clients. Among other initiatives under his directorship, the Atlanta Legal Aid Society has expanded its work with the elderly, created the AIDS Legal Project, begun a Mental Health Project, and developed a Hispanic Outreach Program. "Developing projects like these keeps me going," says Gottlieb. He has been honored by the Anti-Defamation League with its 1999 Elbert P. Tuttle Jurisprudence Award as a member of the legal community who has "exhibited humanitarian concerns and whose personal and professional actions exemplify the principle on which the League was founded."

1970s

NEWSPAPER START-UP

Richard T. Andrews L'72 is publisher and editor of the new weekly, *The Cleveland Monitor*. He is formerly executive director of the Cleveland Business League and a staff attorney for the Legal Aid Society of Cleveland. He was recently a panelist at a seminar in Cleveland discussing the diversity of voices in the African American press.



Governor Paul Patton of Kentucky recently awarded that state's highest honor, the title of Kentucky Colonel, to **Ian A.L. Strogatz C'69, L'72**, of Wolf, Block, Schorr and Solis-Cohen in Philadelphia. Ian was part of a legal team representing Kentucky in a 13-state negotiation with the tobacco industry under which the four leading tobacco companies agreed to establish a \$5.15 billion trust fund benefiting tobacco growers. Kentucky's agricultural economy is based largely on small family-owned tobacco farms. Among previous Kentucky Colonels recipients: President Lyndon B. Johnson and Prime Minister Winston Churchill.

David L. Pollack L'72 has joined the Philadelphia office of Ballard Spahr Andrews & Ingersoll as a partner specializing in shopping center and other commercial leasing; national representation of landlords in retail bankruptcy cases; and general commercial real estate litigation.



In March, **David H. Johnson L'73** moved from Sony Music Entertainment to Warner Music Group, where he will serve as executive vice president and general counsel.

Roslyn G. Pollack L'73 received a Pennsylvania Bar Association Special Achievement Award in June. The award honors outstanding service to the legal profession and the community. Pollack, assistant general counsel at PECO Energy Co., has served as a co-chair of the PBA Commission on Women in the Profession's annual conference for the last two years.

President Clinton has nominated **Stuart E. Weisberg L'74**, Chair of the Occupational Safety and Health Review Commission since 1994, to a second term on the Commission. The Commission serves as a court to resolve disputes over contested OSHA citations and penalties for workplace health and safety violations.

Co-author of *Tax Fraud & Evasion*, **Ian Comisky W'71, L'74** practices in the Philadelphia and Boca Raton offices of Blank Rome Comisky & McCauley. In March, he spoke on the collateral consequences of tax prosecutions as a panelist at the Annual National Institute on White Collar Crime, held this year in San Francisco.

PBA'S INAUGURAL 'CLARITY AWARD'

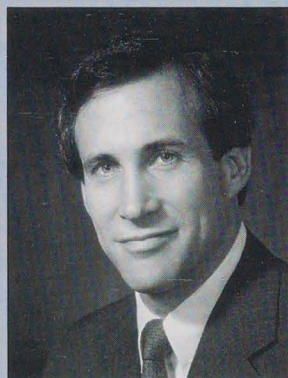
Jonathan W. Delano L'74, Managing Director at Pittsburgh's Meyer Darragh Buckler Bebenek & Eck, PLLC, was honored with the Pennsylvania Bar Association's inaugural "Clarity Award" for the promotion of plain English in legal writing. Also, the Press Club of Western Pennsylvania honored Delano with two Golden Quill awards for his writing. One award was in recognition of an investigative piece, "Our Own Political Fat Cats," a report on the financial contributors behind Pittsburgh's local officials published in *Pittsburgh Magazine*.

Fourth Judicial District of Colorado Judge **James M. Franklin L'74** resigned from the bench in July to spend more time with his family.

The American Immigration Lawyers Association honored Dechert Price & Rhoads partner **H. Ronald Klasko L'74** with its 1999 Founders Award. The award recognizes the individual or entity that has had the most substantial impact on the field of immigration law or policy.

William C. Mack L'74 has been elected president and chief executive officer of the Coastal Power Company based in Houston, Texas.

NEW BOARD CHAIR ADL PHILADELPHIA



David B. Pudlin L'74, President of Hangley Aronchick Segal & Pudlin, has been installed as the new Chair of the Anti-Defamation League's Metropolitan Philadelphia Board. He also has been appointed as a National Commissioner of ADL.

Founding partner of Sanchez & Daniels, the nation's largest minority-owned and controlled law firm, **Manuel "Manny" Sanchez L'74** was elected chair of Hispanocare's board of directors. Hispanocare is a non-profit, bilingual healthcare network serving 40,000 members of Chicago's Hispanic community. In 1998 Manny received the Shaare Zedek Raoul Wallenberg Humanitarian Award for community leadership and dedication to the support of children, education, the arts, and culture.

At the Grand Hyatt in New York City in late April, **Michael Hirschfeld L'75** chaired NYU's Annual Conference on Federal Taxation of Real Estate Transactions.

Ralph A. Jacobs C'73, L'75, a partner in the Philadelphia firm of Hoyle, Morris & Kerr LLP where he serves on the firm's Management Committee, was elected to membership in the American Law Institute. He focuses his practice on complex commercial litigation and white-collar criminal matters as well as Internet law.

The University of Pennsylvania welcomed back **Wendy S. White L'75** as Deputy General Counsel for the Health Systems. She came from Shea & Gardner in Washington where she was the firm's administrative partner.

Representing management in all facets of labor and employment issues, **Jeffrey I. Pasek L'76** is chair of Cozen and O'Connor's Labor and Employment Law Group. Recent speaking engagements have included presentations at the American Arbitration Association's Labor-Management & Employment Law CLE seminar as well as at the Pennsylvania Bar Institute's Annual Employment Law Institute — both in April in Philadelphia. For a committee of the American Bar Association, he moderated a discussion in Boca Raton on ethical obligations faced by counsel in sexual harassment and other EEO claims cases. He also addressed the issue of trade secrets protection at the 1999 Mid-Atlantic Business Competition and Innovation Conference in Hershey, Pa.

1970s

OLYMPIC REFORM

Holder of a 1976 Olympic bronze medal in rowing and a member of the U.S. National Rowing Team from 1975 to 1980, **Anita DeFrantz L'77** became the first woman International Olympic Committee vice president in 1997. She is also President of the Amateur Athletic Foundation in Los Angeles. As the IOC's spokesperson, she testified in April before the Senate concerning bribery charges linked to the upcoming Salt Lake City Olympics. That situation "has made me angry. It has been painful," she said. "But it's what it is, and we have to move on." Moving on, she has been appointed to the new reform commission, IOC 2000, which she sees as "an opportunity to reform, literally to re-form" the Olympic site-decision process.

Michael H. Kline L'76 served as an author and presenter for the Pennsylvania Bar Institute's course on the State's new Procurement Code. His topic was the impact of the Code on the Department's highway design and construction activities. He is a member of the Pennsylvania Department of Transportation's Office of Chief Counsel in Harrisburg.

ACLU CIVIL LIBERTIES AWARD

Mary A. McLaughlin L'76 was honored with the 1998 Civil Liberties Award from the American Civil Liberties Union in recognition of her work protecting women's reproductive rights. A partner in Philadelphia firm Dechert Price & Rhoads, she also performs pro bono work for the Women's Law Project.

President Clinton appointed **Gilbert F. Casellas L'77** as Co-Chair to the U.S. Census Monitoring Board. Casellas is President and CEO of Swarthmore Associates, an investment and financial advisory firm, and a Trustee of the University of Pennsylvania.

Ellen Mercer Fallon L'77 of Langrock, Sperry & Wool in Middlebury, VT, was recently elected a Fellow of the American Bar Foundation for a professional, public, and private career that has "demonstrated outstanding dedication to the welfare of [her] community and to the highest principles of the legal profession." Fellows are limited to one-third of one percent of lawyers licensed to practice in each jurisdiction.

Howard Zucker W'74, L'77, a partner at Hawkins, Delafield & Wood in New York City, has been elected President of the National Association of Bond Lawyers.

McCutchen, Doyle, Brown & Enersen named **Dale Barnes, Jr. WG'78, L'79** to a three-year term as managing partner of the firm's San Francisco office. He is a litigator who specializes in class actions, corporate governance and securities litigation.

A partner in the Providence, R.I., office of Peabody & Brown, **Patricia Igoe L'79** has been selected to serve as the 1999 Chair of the Rhode Island section of the American Bar Association Forum on Affordable Housing and Community Development Law.

Donald M. Millinger L'79, a partner at Philadelphia's Klehr, Harrison, Harvey, Branzburg & Ellers, was elected Co-Chair of Lambda Legal Defense and Education Fund's National Board of Directors at its February meeting. Lambda is the only national organization committed exclusively to achieving full civil rights recognition for the gay and lesbian community through impact litigation, education, and public policy work.

Montgomery McCracken Walker & Rhoads LLP managing partner **Jeremy Mishkin L'79** gave a talk on the "Freedom of Speech in Cyberspace" for a program sponsored by the Pennsylvania Bar Institute.

1980s

Formerly a shareholder with Crawford, Wilson, Ryan and Agulnick, **John J. Mahoney L'80** has joined the Berwyn, PA, office of Saul, Ewing, Remick & Saul as special counsel to the real estate department. He also serves on the board of supervisors of Uwchlan Township in Chester County.

CITIZEN OF THE YEAR AWARD

The American Red Cross of Southeastern Pennsylvania honored **David L. Cohen L'81**, chair of Ballard Spahr Andrews & Ingersoll, as its Citizen of the Year. He was commended for his work as chief of staff to Philadelphia Mayor Edward G. Rendell.

Catherine Kessedjian LL.M.'81, appointed Deputy Secretary General of the Hague Conference on Private International Law in 1997, currently holds the Belle van Zuylen Professorship of Comparative Private International Law at the University of Utrecht.

The *Central Pennsylvania Business Journal* included **Stephanie A. Middleton L'81** in the journal's 1999 ranking of Pennsylvania's Best 50 Women in Business. She is chief counsel of Cigna Corporation where she handles the legal aspects of human resources, corporate real estate and other services for the international employee benefits company.

Leslie C. Nixon L'81 and her husband, attorney Lee Nyquist, have three children: Christina, Clifford, and Carla. Leslie has served on the ATLA Board of Governors since 1995 and continues to practice civil trial law in Manchester, N.H.

A partner in the estates department at Ballard Spahr Andrews & Ingersoll, **Marilyn C. Sanborne L'81** served on the panel presenting "Lawyers and Trust Officers — A Primer on Working Harmoniously" at January's continuing education program sponsored by the Corporate Fiduciaries Association of Philadelphia and the Probate Section of the Philadelphia Bar Association.

CHISHOLM AWARD

In May, the Philadelphia Congress of the National Political Congress of Black Women awarded City Solicitor **Stephanie L. Franklin-Suber L'82** its Chisholm Award, which recognizes Philadelphia area African-American women who have excelled in the field of law. As the city's chief legal officer, Ms. Franklin-Suber represents the mayor, the administration, city council, the city controller, and more than 30 city departments, commissions, and agencies

The Kansas City office of Polsinelli, White, Vardeman & Shalton has welcomed **Joel H. Winston L'82** as shareholder and member of its newly established financial services group.

Steven K. Ludwig W'80, L'83, a partner with Fox, Rothschild, O'Brien & Frankel, Philadelphia, has been appointed to the board of directors of Family Support Services, a private, non-profit child welfare agency.

1980s

President Clinton appointed **Lenna M. Aoki L'84** to be director of the Interior Department's Office of Congressional and Legislative Affairs. She is the former staff director of the Senate Democratic Policy Committee under Democratic Leader Tom Daschle and Co-Chairman Harry Reid where she worked with the leadership, members and staff of the Senate and House to advance Democratic policy and goals during the 104th and 105th Congresses.

Alice W. Beck C'81, L'84, a member of the tax practice group of Wolf, Block, Schorr and Solis-Cohen, was appointed to the board of the Opera Company of Philadelphia. She also serves on the boards of the Foundation for Cognitive Therapy and the JAEB Center for Health Research.

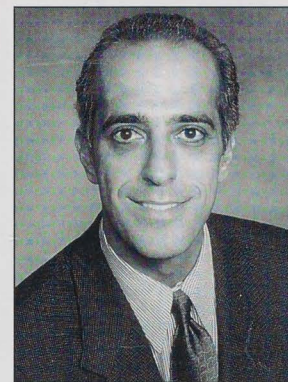
JUGGLING LEGAL RESPONSIBILITIES IN BANGLADESH

Since leaving the U.S. in 1989, **Dr. Shahdeen Malik LL.M.'84, GRL'87** has earned his Ph.D. in law from London University's School of Oriental and African Studies, co-edited *Public Interest Litigation in South Asia* (University Press, 1997), and written articles appearing in *Preventive Detention and Security Law: A Comparative Survey* and in *Law and Politics in Africa, Asia, and Latin America*. He has consulted for USAID in Cambodia and the UNDP and World Bank in Dhaka, and has helped Bangladesh's Department of Environment formulate a regulatory framework for compliance with the Montreal protocol on ozone depleting substances. He has also initiated training courses for the Bangladesh Bar Council. Shahdeen, who lives in Dhaka, publishes the *Bangladesh Journal of Law* — the nation's only law journal — and is an administrator for Bangladesh Legal Aid and Services Trust (BLAST), the largest public service legal aid organization in the country.

Partner at Riker, Danzig, Scherer, Hyland & Perretti, **Rafael Perez L'84** accompanied New Jersey's Governor Christie Todd Whitman on her 11-day trade mission to South America in March. The Morristown firm was focusing on protecting intellectual property rights of New Jersey clients, especially pharmaceutical companies, in the emerging Latin American market.

Governor Whitman has appointed **Victor H. Boyajian L'85** to New Jersey's Council of Economic Advisors. He has also been named co-chair of the capital markets group at Sills Cummis in New Jersey.

Eric B. Miller L'85 was appointed deputy chairman of the Bankruptcy, Creditors' Rights, and Restructuring Practice at Piper & Marbury, Baltimore.



Morgan, Lewis & Bockius recently elected **George W. Moore W'81, L'85** Of Counsel in its Philadelphia office. A member of the personal law section, Moore focuses on estates, trusts, and real estate matters for high-net-worth clients.

In May, **Clifford D. Schlesinger W'81, L'85**, a partner at Wolf, Block Schorr and Solis-Cohen, was elected president of the Philadelphia Estate Planning Council.

Currently co-chair of the Philadelphia Bar Association's Bankruptcy Committee, **Paul J. Brenman L'86** has joined Wolf, Block, Schorr and Solis-Cohen as a partner in the corporate department and as head of the firm's bankruptcy practice group.

David B. Cohen WG'86, L'86 has been made partner in the Los Angeles office of Sidley & Austin.

Cleveland lawyer, **Marc C. Krantz L'86**, has been named managing partner of Kohrman Jackson & Krantz, a business law firm. He specializes in mergers and acquisitions, public and private securities offerings, and securities law compliance.

Raymond C. Headen L'87 joined Cleveland firm Thompson Hine & Flory LLP as a partner in the corporate and securities practice area and will focus on public finance law.

DOMESTIC VIOLENCE EXPERT OPENS MEDIATION OFFICE

In September 1998, **Maria D. Ramos L'87** opened a mediation office in the Community Law Building of San Francisco's Mission District. *Cultural Considerations in Domestic Violence Cases*, her National Benchbook for state court judges, was published in July by the Family Violence Prevention Fund through a grant from the State Justice Institute.

Ferrier R. Stillman L'87 lectures and writes on health law and domestic relations topics. She has become a member of Tydings & Rosenberg, where she practices in the firm's business group, with emphasis on health care, government relations, and family.

In April, through the National Bar Institute, Philadelphia real estate attorney **Frank N. Tobolsky L'87** served as panelist at a seminar on "The Essentials of Office and Retail Leases in Pennsylvania."

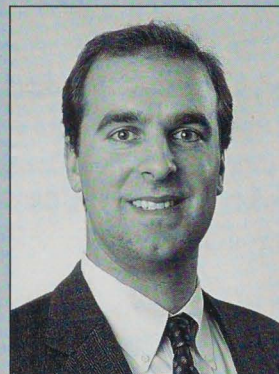
Pepper Hamilton partner **Salvatore R. Faia L'88** welcomed his tenth child and second son in June. He is writing a law book for use in the international market.

Vanessa Albert Lowry L'88 has been named a shareholder of Greenberg Traurig, Attorneys at Law.

Timothy E. Davis L'89 joined Buchanan Ingersoll as a shareholder practicing in real estate law. He represents permanent, construction and mezzanine lenders, as well as clients in commercial leasing and construction contracting.

Frederick K. Hatt L'89 has been reappointed to serve another term on the Civil Litigation Council of the Pennsylvania Bar Association's Civil Litigation Law Section.

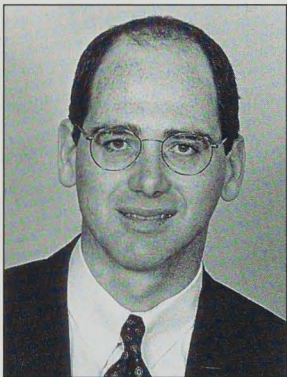
NEW PARTNER AT MORGAN LEWIS & BOCKIUS



Stephen A. Jannetta W'86, L'89, a member of the business and finance section of Morgan, Lewis & Bockius in Philadelphia, has been elected to partnership in the firm.

1980s

Henry Thomas Adams Moniz L'89, former minority counsel to the U.S. House Judiciary Committee for the Impeachment of President Clinton, and former assistant U.S. attorney in the New England Organized Crime Drug Enforcement Task Force in Boston, has returned to the private sector, joining Bingham Dana as a partner. He will advise corporations, governmental entities, and individuals in complex commercial litigation, regulatory proceedings, and white-collar criminal matters. He and his wife, Holly, are expecting their first child this fall.



A member of the business and finance department and health care practice group of Obermayer Rebmann Maxwell & Hippel, **John V. O'Hara L'89** was elected partner in January.

Mark B. Schoeller L'89 was named partner at Duane, Morris & Heckscher LLP in the firm's Philadelphia office.

1990s

Kristine Grady Derewicz L'90, a labor and employment attorney at Buchanan Ingersoll in Philadelphia, was promoted to shareholder. She represents four of the largest health systems in the Delaware Valley.

Patrick J. Doran L'90 was made partner at Pelino & Lentz.

Harkins Cunningham of Philadelphia named **Steven A. Reed L'90** partner specializing in corporate litigation and corporate transactions.

Joseph (Jody) Trapasso L'90 was appointed by President Clinton as a member of the Community Adjustment and Investment Program Advisory Committee formed by provisions in the NAFTA agreement. He is formerly of Wunder, Knight, Thelen, Forscey & DeVierno in Washington, DC where he specialized in environmental and telecommunications matters.

Chapman and Cutler, specialists in banking and finance, in April elected **Lawrence E. White L'90** to partnership. He is a member of their public finance group and also serves on the board of the Government Assistance Program.

Litigation attorney **Markus P. Cicka L'91** was named a member of Husch & Eppenberger, LLC in St. Louis, Missouri. His practice focuses in products liability, contract, commercial, toxic tort, asbestos, and firearms cases.

The Miami office of Holland & Knight has named **Samuel A. Danon C'87, L'91** to partnership. Danon practices commercial litigation, with emphases on class actions, antitrust, copyright and trademark infringement, business torts, and petroleum marketing.

PROFESSIONAL LAWYER OF THE YEAR AWARD

The New Jersey Commission on Professionalism in the Law presented a Professional Lawyer of the Year Award to **John Peter Suarez L'91**. A director of the Division of Gaming Enforcement in Trenton, NJ, he was nominated for the Award by the Hispanic Bar Association. A former federal prosecutor in the U.S. Attorney's Office, assigned to the Organized Crime Drug Enforcement Task Force, Suarez was a recipient of the U.S. Attorney General's Directors Award for his successful prosecution of an Atlantic City street gang.

Jamie Palter Rennert L'92

concentrates on transportation law and has recently been elected to partnership in the Washington, D.C. office of Hopkins & Sutter.

Steven Spielvogel C'89, L'92

has been appointed Assistant Professor of Law at the Faculty of Law, University of British Columbia in Vancouver, B.C., Canada, where he teaches several courses including federal courts and constitutional litigation. He is also of counsel to Morrison & Foerster LLP in New York City.

Cozen and O'Connor has announced promotions from associate to member in their Philadelphia office of both **Lillian Benedict L'92** and **Debra Steiner Friedman C'89, L'92**, who practice in the departments of commercial litigation and labor and employment, respectively.

J. B. Todd McCoy C'89, L'93 joined Pepper Hamilton, Philadelphia.

Miami attorney, **Rafael Cruz-Alvarez L'93**, has joined Shook, Hardy & Bacon LLP in the Tort and Business Litigation Section.

Peter Wagesreiter GL'94 formed a professional partnership, Schneider & Wagesreiter, in Vienna, Austria. The firm specializes in the area of business and corporate law.

Lisa I. Steinman L'95 has joined Homer Bonner & Delgado, Miami, as an associate in commercial litigation. She was also recently elected to vice chair of the Israel Bonds Young Leadership Division.

Elana Scherzer Yeger L'95 reports the birth of a son, Ari, in April. Her husband, Itamar, is an associate with the Trattnor and Malloy firm in Manhattan. Elana is working for the Bronx District Attorney's Office, investigations division, focusing on arson, auto theft, and economic crime.

Stacy L. Broad L'96 has joined Ballard Spahr Andrews & Ingersoll as an associate in the litigation department of its Philadelphia office. Broad focuses on commercial litigation.

Michael Williams L'96 has joined the law firm of David Oh. His practice focuses on labor and employment law.

HAMADEH FOUNDS VAULT REPORTS

Hussam Hamadeh WG'97, L'97, one of the co-founders of the rapidly expanding Internet recruiting company Vault Reports (<http://www.vaultreports.com>), is overseeing Internet advertising, operations, and editorial content. Vault Reports was recently chosen as a *USA Today* 'hot' website and has also been featured by *Forbes*, *Yahoo!*, and *Internet Life*.

Elizabeth C. Surin L'97 joined Drinker Biddle & Reath's labor and employment group in January and is helping to develop the firm's immigration law practice.

Christian Berg LL.M'98 has accepted a legal internship with Cleary, Gottlieb, Steen & Hamilton, New York, through December 1999.

1928

Jesse Hyman
John J.K. Smith

1930

Myers L. Girsh
Philip C. Herr

1931

Lena Miller Orlow Ginsburg
Martin Kremer

1932

James E. Gallagher, Jr.
Richard H. Hollenberg
Edward Rudnick

1934

S. Samuel Arshst
Leon I. Mesirov
Gilbert W. Oswald

1935

E. Calvert Cheston
Daniel W. Long

1936

Nelson J. Leidner

1937

Sydney M. Friedman
Harold E. Kohn

1938

John L. Owens

1940

Nelson C. Schotter

1947

Henry W. Sawyer

1948

Milton L. Silver

1951

Joseph L. McGlynn, Jr.
Donald G. Oyster

1952

Benjamin Kuby

1956

W.E. Sellinger

1960

Lawrence B. Custer

1961

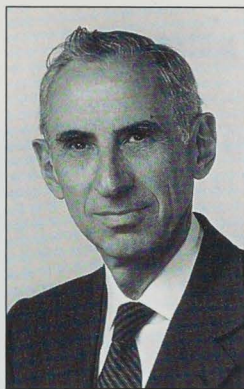
Edward K. Zuckerman

1966

Eric E. Merk

1968

William K. Wright



Harold E. Kohn (1914-1999)

Harold E. Kohn C'34, L'37 was a man who thought like few others and an attorney who envisioned the law as a tool of justice in ways that forever changed the course of modern litigation. Born in 1914 to Jewish immigrant parents, it did not take him long to begin his lifelong accomplishment of many "firsts." He graduated as the valedictorian of his class from Frankford High School outside Philadelphia. After earning a B.A. degree in political science from the University of Pennsylvania in 1934, he graduated first in the Class of 1937 from Penn Law. He was elected Phi Beta Kappa, was a member of Law Review, president and secretary of the McKean Law Club, and was elected a member of the Order of the Coif.

Kohn will always be remembered by the moniker, "the dean of the anti-trust class action bar." In the early 1960s, he made a national name for himself when he won a key case against General Electric, Westinghouse and two dozen other companies that the Department of Justice had charged with illegally fixing the prices of the electrical equipment they sold. His case, brought on behalf of public utilities, was the first to go to trial and resulted in a \$29 million verdict. In 1981, he won the largest verdict on record at that time – a \$2 billion jury award in a class action case against the timber industry involving the price-fixing of plywood. But money wasn't the goal of his pursuits. From the onset of his career, Kohn said that he wanted "to improve people's lot where it needed improving." Frequently he differed with his colleagues on the issue of legal fees: he thought they were too high.

He was a passionate civil libertarian and often took on pro bono cases late into his career. He cared deeply about ethics and the responsibility lawyers have to their communities. Aside from his commanding intelligence, he was long guided by a passionate conviction to principles. During the Vietnam War, he filed a lawsuit seeking to have the military draft declared unconstitutional because it excluded women. The case went all the way to the Supreme Court, which ruled in 1981 that the exclusion of women did not violate the Fifth Amendment.

Harold E. Kohn tried cases into his seventies and pursued appeals into his eighties. He took Special Counsel status at the firm last year at the age of 84, stating that he wasn't ready to retire yet, but only slow down a bit. He created the Joseph C. Kohn Scholarship Fund at Penn Law in memory of his father to provide loans for students in the Law School. Through the Arronson Foundation, he directed numerous gifts to the Law School's clinical programs.

Kohn died at his home in Philadelphia at the age of 85. He will be missed, and he will be remembered.

The Class of 1934 lost three beloved members this year:

Samuel Arshst (remembered in the *Journal*, Spring 1999), Gilbert W. Oswald, and Leon I. Mesirov.

Gilbert W. Oswald C'31, L'34 passed away on May 8, 1999 at his home in Villanova. Oswald was a partner at Schnader Harrison Segal & Lewis, the Philadelphia firm he joined in 1935 and from which he retired in 1984. He handled general corporate, banking and bankruptcy law, and had vast experience in appellate litigation and estate planning. Oswald earned a B.A. and LL. B. from the University of Pennsylvania. At the Law School, he graduated Phi Beta Kappa and was elected to Order of the Coif. He also served as Case Editor of the University of Pennsylvania Law Review. The Law School is grateful to the legacy Mr. Oswald, his family and friends have begun in establishing the Gilbert W. Oswald Scholarship Fund in memory of the man and his life's work.

Leon I. Mesirov C'31, L'34 died of heart failure on May 25, 1999 at age 87. A founding partner of Mesirov, Gelman, Jaffe, Cramer & Jamieson in Philadelphia, for decades Mesirov served as both confidante and counsel to loyal clients who placed their faith in his wise hands. He founded the firm in 1959 with Paul Jaffe L'50, served as counsel to three mayors, and was a member of the Civil Service Commission for 17 years until he stepped down in 1969. At Penn Law, Mesirov was editor of the Law Review, and a member of the Order of the Coif. During Alumni Weekend in May, he and his daughter Joan attended the Class of 1934 luncheon at the Rittenhouse Hotel to celebrate the 65th anniversary of his graduation from Penn Law.

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