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SETTING THE RECORD STRAIGHT ON ABRAMS LECTURE

A report in the Spring 2003 Penn Law Journal mistakenly misrepresented Floyd Abrams' position on the balance between civil liberties and the war on terrorism. The Journal regrets these errors. He did not, as the article purports, support efforts to subordinate civil liberties to concerns over terrorism. Rather, he espoused the view that some compromises are necessary in the area of privacy in order to protect U.S. citizens.

Specifically, Mr. Abrams drew clear distinctions between prevention and punishment of terrorism. The Journal incorrectly reported that Mr. Abrams supported government detention of "enemy combatants without a right to counsel, even though no criminal charges have been filed against them." In fact, he explicitly asserted the opposite, saying "the more we move … into (the area) of how we treat individuals that we have already apprehended, the less willing I think we should be to move even incrementally away from the rules that have historically governed the way we treat people we have apprehended and we believe have committed grievous wrongs." In this instance he took strong exception to government actions that prescribe Constitutional protections, concurring with The Washington Post when it wrote that "among the many confrontations between civil liberties and the war on terrorism, the government is advancing no contention more dangerous."

Further, in his lecture Mr. Abrams said he supported providing the FBI with authority to monitor public religious or political meetings, in light of heightened risks from terrorism. However, unreported was his acknowledgement that granting such power to the government "obviously risks the very government overreaching and misconduct that tends to accompany any broadening of governmental powers."

Finally, he did not note "precedents" for suspension of civil rights in America, as reported. Instead, Mr. Abrams cited examples of indefensible government abuses of civil liberties during wartime. Given the above misrepresentations, the story's headline, "Abrams Says War on Terrorism Supercedes (sic) Civil Liberties," distorts his views. The Journal regrets these errors.
FEATURES

Border Crossing
Penn Law Spans the Globe

by Larry Teitelbaum

Whether you practice in Bangkok or Boston, it’s not enough anymore to know the local and national laws cold. Not in a world of free trade and immigration, 24-hour news cycles and unceasing travel. To provide useful service, or to join that office in Tokyo, attorneys need a thorough understanding of international law. Hence the rise of interest in comparative and transnational studies at Penn Law, where a nonpareil faculty applies its international expertise to a wide range of subjects.

On another front, three expatriates - a professor in Israel, a law firm principal in Thailand, and an investment banking counselor in England - provide a view from abroad, but not without pausing to recount their formative years at the Law School, which prepared them for stimulating and successful careers.

Penn Law Center and National Constitution Center
Form Perfect Union

by Jennifer Baldino Bonett

Scholarship, tourism and history intersect at Philadelphia’s newest landmark: the National Constitution Center. Penn Law has made a signal contribution to the museum and to the educational programs it has spawned, opening a window on America’s defining legal document.

Wharton Certificate Confers Business Savvy

by Jennifer Baldino Bonett

The language of leveraged buyouts and IPOs informs legal practice today. Seeking fluency in the world of business, more students than ever turn to the world-renowned Wharton School for instruction.

DEPARTMENTS

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To the Penn Law Community:

Over the summer I had the good fortune to attend the annual meeting of the Penn Law European Society in Strasbourg, France. I looked forward to the trip because it gave me a rare chance to meet or reacquaint myself with international alumni and to see firsthand the growing international reach of Penn Law.

As our LL.M. program continues to expand, more and more European alumni have been gathering to take the same opportunity to make new friends, renew acquaintances and exchange information. In the last twenty years the group has evolved from a loose confederation to an organized body, much as individual nations have joined forces in the European Union to promote a common agenda.

I bring this up because much has changed as well in the legal landscape. What was once a provincial profession has become an increasingly global one, as international travel, trade and political reforms combine to make the world smaller. You can see the effect of this change in the number of major law firms with international offices, in the growing number of students who want to start their careers overseas and, not coincidentally, in the strong international program at Penn Law.

As you will read in the current issue, person for person, Penn Law has as a fine a faculty in comparative and transnational law as you will find in the country, an impressive range of international law courses, and a burgeoning exchange program that began with Bucerius Law School in Germany and will soon expand to include Waseda, a top-rank school in Japan. All of these developments ensure that Penn Law will soon be known as much for international as it is for interdisciplinary studies.

Of course, we continue to deepen and expand our interdisciplinary studies as well. For example, this issue also describes a unique program we have established with the Wharton School which allows our students to take classes there and earn certificates in Business and Public Policy. While pursuing a law degree, students are thus able to gain management skills for whatever type of career they wish to pursue – and burnish their credentials at the same time. This issue also outlines the Law School’s deepening relationship with another “cross campus” institution – the National Constitution Center, which has just been dedicated on Independence Hall. All of these changes underscore one fundamental development: the premier law schools of the 21st century will increasingly be teaching students to integrate their legal training with other disciplines and cultures. Penn Law is at the forefront of this transformation.

Finally, we recap Reunion Weekend. This wonderful event reminded me how fortunate we are to have such a devoted group of alumni in this country. I hope to see some of you next year, but you don’t have to wait for a special occasion to visit. My door is always open. Best wishes for continued success in the New Year.

Michael A. Fitts
Dean and Bernard G. Segal Professor of Law
Owen J. Roberts Memorial Lecture

JUSTICE SCALIA
DEFENDS CONSTITUTION FROM REVISIONISTS

Both candid and disarming during a lecture at Penn Law, U.S. Supreme Court Justice Antonin Scalia made it clear he prefers the vintage Constitution to revised versions.

Scalia, a self-described “ancient mariner” of Constitutional interpretation who stands by the meaning of the original text, visited the Law School last February to lament the movement to rewrite the nation’s highest laws. He spoke to a packed house at the University Museum.

In his introduction, Penn Law Dean Michael Fitts called Scalia “one of the most significant and influential figures in the legal profession today.” He also said Scalia, perhaps as much as anyone, has helped frame national debate on the U.S. Constitution, the judiciary, federalism, and separation of powers. Scalia has served on the U.S. Supreme Court since 1986.

Of this there can be little debate: Scalia holds strong opinions. In a setting dedicated to preservation, Scalia asserted: “The Constitution is not a living organism, it’s a legal document. It says what it says... This is very much a minority view these days. (But) it’s not weird. It was orthodoxy until very recently.”

According to Scalia, most people hewed to a strict reading of the Constitution until the mid to late twentieth century, when politics took over, ushering in the era of “The Living Constitution,” wherein proponents believe laws should evolve as society changes. Scalia disagrees.

Appointed by President Reagan, Scalia blamed both conservatives and liberals for trying to mold the Constitution in their own image. “Each side, right and left, is looking for people who will read in the rights they like and read out the rights they don’t like,” he said.

Conservatives applaud decisions that reward big business; liberals cheer decisions that support sexual preferences. “If you believe in a Living Constitution, you have to acknowledge that it can cut in both directions,” Scalia said.

Lamenting the effect activism exerts on law, Scalia said you may as well take public opinion polls or consult political philosophers if you’re not going to consider the U.S. Supreme Court the last word on issues such as abortion or the death penalty.

Scalia also complained that politics taints judicial selection, leading to vacancies on the federal bench, as Democrats hold up President Bush’s appointments, just as Republicans did to President Clinton’s. “Even court of appeals confirmation hearings (have become) contentious... because we are selecting the people who will govern us,” Scalia said.

Scalia finds ideology in legal opinions so odious that, no matter how it pained him, he cast the deciding vote in Texas v. Johnson to uphold a person’s right to burn the flag. He said he found the act repulsive but was compelled, nonetheless, to protect the right to free speech. Scalia offered an old-fashioned remedy for political change: the ballot box.

“If you want something... abortion rights, gay rights... go out and convince your fellow citizens and pass a law,” Scalia said.
ROSS SEES BUMPS ON THE ROAD TO MIDDLE EAST PEACE

Dennis Ross believes in President Bush's concept of a "road map" to Middle East peace. It's the details and execution that concern him.

Ambassador Ross, top Middle East negotiator to Bush's father and President Clinton, restrained his enthusiasm for current U.S. efforts to broker a peace settlement in the Palestinian-Israeli conflict.

Speaking to a large audience days after the war in Iraq began, Ross said the road map, a document that lists conditions for a peace agreement, falls short in several areas.

Ross faults the plan for failing to set equivalent goals for all parties. For example, he said, the Bush administration calls for a Palestinian state without placing similar pressure on the Palestinians to accept Israel as a Jewish state.

Israel is told to relinquish control and dismantle settlements built without government approval, Ross said, but the Palestinians are not required to renounce violence. And the road map asks nothing of Arab countries, he said.

"The Arabs need to step up to the plate," said Ross, who is Director and Ziegler Distinguished Fellow of The Washington Institute for Near East Policy. "They can't be the only ones who don't have a responsibility."

He said the Arabs must support Mahmoud Abbas, the new Palestinian prime minister, demonstrate that they, too, want peace with Israel, and condemn terrorist groups such as Hamas. Alluding to it as a breathtaking instance of irony and capitulation to terrorists, Ross said on the same day that The Arab League approved an initiative to normalize relations with Israel, Hamas took credit for an attack in Israel on the first night of Passover that killed 29 people. Ross said no Arab leader raised a voice to criticize Hamas.

Given his reservations, is peace a pipedream? Not at all, said Ross, who remains the eternal optimist. "Believe it or not, I am not hopeless," Ross said.

Ross cited realities that create conditions for peace: Israel's free-falling economy, overburdened by the psychic and material cost of occupation, and the rise of a reform movement among Palestinians who wish to forsake violence as a policy tool.

"The Israelis cannot wish the Palestinians away, and the Palestinians cannot wish the Israelis away," Ross continued. "They are going to have to find a way to live together, because they've seen from the last two-and-a-half years the consequence of living not with peaceful coexistence but with constant warfare."

Step one is diplomacy, Ross said. "The Israelis and the Palestinians have to start talking to each other again, at higher levels," Ross remarked. "The critical challenge of mediation now is to begin to find those common points of understanding that reestablish believability in peacemaking ... You begin to change the climate."

As Ross noted, peace depends on stability in the region – and that includes Iraq. Just days after the U.S. invasion Ross anticipated victory and offered a plan to rebuild Iraq: create a representative, broad-based government; establish an international peacekeeping operation; support reformers.

"We cannot remove Saddam Hussein and create a seismic change in the region and then treat life there as business as usual," said Ross, adding that the U.S. must also restrain Syria from supporting terrorists and Iran from developing weapons of mass destruction.
A THIRTY-YEAR RETROSPECTIVE ON ROE V. WADE

Thirty years after Roe v. Wade, legal scholars, professors and advocates met last February to discuss the wide-ranging impact of the historic court decision on reproductive rights.

The two-day symposium, sponsored by the Journal of Constitutional Law, viewed the topic through the lens of feminism. Among the subjects covered were: bioethics issues related to embryo protection, family planning in other countries, and limits placed on pregnant women's decision-making ability. One panel revisited the decision by offering opinions on what the U.S. Supreme Court ruling should have said.

Penn Law participants included Anita L. Allen, professor of law and philosophy; Kerry Abrams, a lecturer at the Law School; and Seth Kreimer, associate dean and professor of law.

SYMPOSIUM FOCUSES ON ENERGY AID TO EMERGING COUNTRIES

If money is the mother's milk of politics, then energy is the currency of economic development. How to meld money, politics and policy into sustainable energy for emerging countries is the question. Some answers were provided at a law school symposium co-sponsored in February by The University of Pennsylvania Journal of International Economic Law and the Institute for Law and Economics.

Participants discussed legal, financial, and technological approaches to encourage the use of renewable energy and stimulate economic growth in the developing world.

Interest and investment in new technologies for sustainable energy is growing steadily and will attract even more research and development capital in the future, said Nancy Floyd, co-founder and managing director of Nth Power, a venture capital firm that funds companies developing emerging technologies for sustainable development. As the industry goes from technology to product development, Floyd estimated the market for photovoltaic energy will increase from $3.5 billion in 2002 to $27 billion in 2012; from $5.5 billion in 2002 to $49 billion in 2012 for wind-driven technologies; and from half a billion dollars in 2002 to $12.5 billion in 2012 in the fuel cell sector. Public policy that favors clean, renewable energy will drive these investments, she said, adding that major corporations such as GE and Sharp Electronics already are investing heavily in sustainable energy.

Other speakers were Daniel Kammen, professor of public policy, professor in the Energy and Resources Group, and director of the Renewable and Appropriate Energy Laboratory at the University of California at Berkeley; Larisa Dobriansky, deputy assistant secretary for National Energy Policy at the U.S. Department of Energy's Office of Policy and International Affairs; Dominique Lallement, programme manager of the World Bank's Energy Sector Management Assistance Programme; Roger Raufer, advisor on environment and energy at the United Nations' Department of Economic and Social Affairs; and Steve Tessem, director of project development at Con Edison Development.
TAKINGS CLAUSE TAKES CENTER STAGE AT KEEDY CUP

The Court: Zellerbach Theater, Annenberg Center
The Case: “Washington Legal Foundation v. Legal Foundation of Washington”
The Issues: Did the state violate the takings clause in the Fifth Amendment? Is injunctive relief available to enjoin a state from such action?
Welcome to the Edwin R. Keedy Cup, an annual competition between two teams of third-year students who score the highest in Penn Law’s intramural brief writing and oral advocacy moot court. Jason Abel and Maria Gonzalez won the Keedy Cup, but not before a spirited debate. Abel also took the award for Best Oralist.

This is the backdrop to the case: The Legal Foundation of Washington, represented by Abel and Gonzalez, was the respondent. The nonprofit organization runs a state-sponsored program that places funds in real estate escrow accounts. The interest is used to fund legal services for the indigent. Petitioners Washington Legal Foundation argued that program administrators unconstitutionally took that interest. Justin Long and Elizabeth Kim represented the petitioners.

Kim argued that the state appropriated private property, and that the small amount of money involved is not germane to the case. Long, her legal partner, charged the state with infringing the rights of the minority to benefit the majority. He asked the court to stop the state from further takings. Abel countered, in part, that since the petitioners did not suffer a significant economic loss, a constitutional violation did not exist. He accused the petitioners of “bringing the case solely for political motivation because they did not like the program’s recipients.” Gonzalez then argued that even if there had been a taking, an injunction was not an appropriate form of relief under the Constitution.

Presiding judges were the Hon. Karen Nelson Moore, U.S. Court of Appeals for the Sixth Circuit; Hon. Barrington D. Parker, U.S. Court of Appeals for the Second Circuit; and Hon. Albert M. Rosenblatt, New York State Court of Appeals. Judge Rosenblatt called the presentations “oral advocacy at its very finest.”

JLEL PANELS FIND NOT ALL WORKERS ARE CREATED - OR TREATED - EQUAL

In a troubled economy, immigrants and other workers who may not enjoy the same benefits and legal protections as the rest of the workforce face stern challenges. A panel of experts explored the issues facing marginalized workers in a symposium sponsored in February by the Journal of Labor and Employment Law (JLEL).

Twelve academics, attorneys and legal activists discussed the gaps in American labor and employment law, the contraction of immigrant workers’ rights after 9/11, and efforts to improve the social, economic and legal status of so-called “fringe” workers.
CONTROL TRANSACTIONS TAKE CENTER STAGE

More than 30 scholars examined the intricate world of corporate takeovers from a wide range of angles during a two-day symposium in February on Control Transactions. Sponsored by the ILE and the University of Pennsylvania Law Review, with support from the Saul A. Fox Research Endowment and the Alfred P. Sloan Foundation, the forum featured papers and commentaries on issues such as “Managerial Incentives,” “Controlling Shareholders,” and “Checks and Balances on Corporate Law: Institutional and Bankruptcy.”

In his keynote address, Hon. E. Norman Veasey L’57, Chief Justice, Supreme Court of Delaware, offered his views on corporate governance, Delaware’s application of corporate law, and astute commentary on many of the papers presented at the symposium.


Other Penn Law participants included Professor of Law David A. Skeel, Jr., who presented “Creditors’ Ball: The ‘New’ New Corporate Governance in Chapter 11,” and Professor of Law and Real Estate Michael S. Knoll, who served as a commentator.

CORPORATE LAW PUT ON TABLE FOR DISCUSSION

Mergers and the New Federalism were the focus of an ILE roundtable on corporate law that brought together an esteemed mix of academics, attorneys, business executives and judges to the law school last April.


Participants included David M. Silk L’88, a partner at Wachtell, Lipton, Rosen & Katz, Joseph Garro L’84, managing director at Goldman Sachs & Co., and Raj Gupta, CEO, Rohm and Haas; and R. Franklin Balotti, director at Richards, Layton & Finger.
EDWARDS STUMPS FOR COLLEGIAL COURTS

When Harry T. Edwards joined the federal bench in Washington, D.C., in 1980, the court was fractious and riven by political factions. So much so that, when he first joined the court, a liberal judge approached him to ask if he could count on Edwards' support. Today things are different, as the court has become more of a model of independent jurisprudence.

Why the turnaround? Edwards, former Chief Judge and current Circuit Judge of the U.S. Court of Appeals for the District of Columbia Circuit, credits collegiality, which he described in a February lecture at Penn Law as an "atmosphere of civility and respect" free from political considerations.

Edwards, who published a paper on *The Effects of Collegiality on Judicial Decision Making* in the May 2003 issue of the University of Pennsylvania Law Review, deflected criticism that collegiality leads to acquiescence and reluctance to challenge colleagues' opinions.

In fact, Edwards believes collegiality fosters better - and more impartial - judicial decisions. It enables judges to focus on positive law, precedent, case record and the parties' arguments rather than on ideology, which tends to promote partisan decisions, particularly when judges feel beholden to the politicians who appoint them.

"The deliberative process is richer and fuller because of collegiality, so the decisions are the product of more rigorous, challenging and thorough discussion," he said.

Edwards mentioned one other benefit: Collegiality has reduced the need for dissents in the D.C. court because all viewpoints are aired and considered before decisions are reached.

MOCK COURT WEIGHS CORPORATE TAKEOVER CASE

Since his state is one of the epicenters of company incorporations, Vice Chancellor Leo E. Strine Jr. L'88 regularly makes and shapes corporate case law. He put that expertise to use last March when he presided over a mock court hearing on the Classified Board/Poison Pill debate at Penn Law.

Jay B. Kasner, a partner at Skadden Arps Slate Meager & Flom in New York, represented the plaintiff in the hypothetical case and Theodore N. Mirvis represented the defendant. Mirvis is a partner at Wachtell Lipton Rosen & Katz in New York.

During the arguments, students got an up-close look at the issues involved in corporate takeovers. A panel discussion moderated by ILE Co-Director Michael L. Wachter followed.
PUBLIC SERVICE

SPARER SYMPOSIUM TAKES ON TERRORISM AND THE CONSTITUTION

In the aftermath of 9/11, the U.S. has had to wrestle with the precarious balancing of our national security interests with core constitutional principles of equality, liberty, political freedom and free expression. That balancing act was the focus of this year’s Sparer Symposium, as leading constitutional scholars, litigators, and community leaders engaged in a vigorous discussion of civil liberties in areas including free speech, criminal justice, international human rights, and immigration law.

Among the panelists at the March symposium were several Penn Law School faculty members – Senior Fellow David Rudovsky, Professor of Law and Sociology Kim Lane Scheppele, and Professor of Law Seth Kreimer – as well as other leading academics including Georgetown Law School Professor David Cole and NYU Law School Professor Michael Wishnshine. Selected presentations will be published in the Journal of Constitutional Law.

The Journal of Constitutional Law and the Public Interest Scholars’ Program co-sponsored the Sparer Symposium.

PUBLIC SERVICE PROGRAM IN HIGH GEAR OVER SUMMER

Abetted by a record-breaking $52,000 raised by the Equal Justice Foundation (EJF), Penn Law funded more than 160 students in the Public Interest summer internship program.

Students worked with a broad range of national and international public interest organizations including Penal Reform International in Paris, the ACLU Prisoners’ Rights Project in Washington, D.C. and Earthjustice in Oakland, Ca.

Robert Toll, a member of Penn Law’s Board of Overseers, was once again a guest auctioneer at the EJF fund-raiser. More than 200 students and many alumni contributed to the success of this year’s event.

PUBLIC SERVICE PROS

A record 135 students were honored at the 7th Annual Public Service Recognition Event in April, underscoring the law school’s commitment to offering legal aid to the community. As proof of that commitment, nearly 60 percent of the 587 students who participated in the 2002-03 Public Service Program exceeded the 70-hour requirement.

At the event, Premal Dharia L’03 and Sarah Katz L’03 received the Henry Meacham Award for their outstanding efforts in public service. Dharia launched a prisoner’s rights clinic in collaboration with the Institutional Law Project and the Prison Society and spearheaded the Public Service Program’s Street Law program. Katz’ exceptional public service record includes chairing the Equal Justice Foundation and a clinic externship with the Criminal Defense Clinic.

Keynote speaker Robert Hayes, president and general counsel of the Medicare Rights Center in New York and legendary advocate for homeless rights, implored students to continue doing pro bono work throughout their careers. Hayes, an Honorary Fellow of Penn Law, commended the school’s commitment to public service, noting that it remains a leader in the field.

https://scholarship.law.upenn.edu/plj/vol38/iss2/1

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Behind the Scenes of Sports Law

FOUR ATTORNEYS TALK SALARY CAPS AND REVENUE SHARING

Would-be Jerry Maguires got a glimpse into the wide world of sports law when the Entertainment and Sports Society hosted counsels to the four major sports.

Students considering careers in sports received a crash course in salary caps, revenue sharing, and luxury taxes, which have become as much a part of the games as earned run averages, field goals, and free throw percentages.

Buck Briggs, assistant general counsel to the National Football League's Management Council and Sports Law adjunct professor at Penn, was the moderator. The speakers were Frank Coonelly, Dennis Curran, Rick Buchanan, and Bill Daly. Some entered the field by luck, some by design.

Curran, senior vice president and general counsel of the Management Council for the National Football League, said he did not court a career in sports. He was working for an airline that folded. One day he got a call from a former colleague at the airline who offered him a job. "I wish I could say I was trying to get into sports," Curran said. "It never crossed my mind."

Rick Buchanan, on the other hand, groomed for a career in sports. After law school he went to work for Paul Tagliabue, then a partner at Covington & Burling in Washington. Tagliabue is now commissioner of the National Football League. The NFL was Buchanan's major client, but when a job opened up in the National Basketball Association, he did a crossover move. Today he's the NBA's senior vice president and general counsel.

To some extent, Curran and Buchanan are the envy of their peers. Basketball and football have a salary cap. Major League Baseball does not. Coonelly, vice president and general labor counsel for Major League Baseball, conceded his job would be easier with a salary cap, but players remain opposed. So management negotiated a luxury tax in the last contract that requires teams to pay a penalty if their payrolls exceed $117 million. It has worked so well, Coonelly said, that the union is crying collusion and may file a lawsuit in response to the weak market for free agents in the off-season.

Still, baseball's labor situation—and financial health—is much better than the National Hockey League's. Hockey players receive a whopping 73 percent of league revenues—by far the highest figure in sports. Bill Daly, the NHL's executive vice president and chief legal officer, said runaway salaries and out-of-whack performance bonuses for young players threaten the game. With the league facing new contract negotiations in 18 months, "we've made it clear that we want to have fundamental change," Daly said.

Daly need only look at the National Football League to see how the labor situation can change. Two strikes in the 1980s nearly crippled the NFL, but the league recovered, thanks to a collective bargaining agreement in 1993 that imposed a salary cap and free agency. Today, the NFL, with a rich television contract and equitable revenue sharing that allows small market teams to prosper, sits on a pot of gold. "We think we have an excellent system," said Curran, who has been with the NFL for 23 years.
THERE OUGHTA BE A LAW LITERATURE

Call it a mute court. For some reason, lawyers don’t commit literature about their profession – a void that puzzles Brad Leithauser.

Leithauser, poet, novelist, and Harvard Law School graduate, came to Penn Law to ponder this disconnect in the first in a series of lectures on law and literature. He is the Emily Dickinson Lecturer in the Humanities at Mount Holyoke College, and a Guggenheim, MacArthur, and Ingram Merrill Grant winner.

“It would be hard to come up with two people who, in theory, are more focused on every nuance of every word,” said Leithauser, referring to writers and lawyers. “The potential is there for a much richer literature than we seem to have.”

Two of Leithauser’s favorite writers – Henry James and Cole Porter – were law school dropouts, and another, poet Wallace Stevens, graduated law school. Yet none of them drew on law as a subject, Leithauser said.

The convergence of law and literature, on the other hand, has found voice in Leithauser, who has mined his background to produce sprightly poems. As evidence, he read from “Two Summer Jobs” and “Law Clerk 1971.”

Edward B. Rock, Saul A. Fox Distinguished Professor of Business Law, and Kelly Writers House co-sponsored the event. Rock said he started the series because he thought it interesting to “push the frontier” of an emerging discipline: law and literature.

COLBY GIVES DRAMATIC READING OF CRUZAN “RIGHT TO DIE” CASE

Bill Colby was a young lawyer trying to find his footing on a new job when he got an assignment that forever changed his life, not to mention American law.

Colby, currently a fellow of the Midwest Bioethics Center in Kansas City, represented Nancy Cruzan’s family in the only “Right to Die” case to reach the U.S. Supreme Court. He wrote a book about the experience and, in March, came to Penn Law to talk about the case and to read from his book Long Goodbye: The Deaths of Nancy Cruzan.

He recounted the turbulent history of the case – the 1983 accident that left Cruzan in a vegetative state, the family’s decision to remove her feeding tube and let her die, and her doctors’ refusal to follow their wishes. That denial, backed in a decision by the Missouri Supreme Court, set off a legal storm and national debate about patients’ rights.

Emotions ran so high that when the U.S. Supreme Court agreed to hear the case in 1989, more than twice the number of amicus briefs were filed than in Roe v. Wade, according to Colby, who teaches at the University of Kansas School of Law. In 1990, the justices ruled against the Cruzans, but left room for interpretation and, ultimately, a new trial in Missouri. This time, the Cruzans prevailed. And in so doing, Colby said, reshaped end-of-life questions and gave patients more rights to direct their medical care.
As the U.S. Supreme Court prepared to hear the University of Michigan affirmative action cases, diversity issues became a focal point at Penn Law, sparking different viewpoints and presentations. In late June, the Supreme Court issued rulings that upheld colleges’ right to consider race in admissions but struck down Michigan’s use of a numerical system that awards additional points to minority applicants.

ATTORNEY FOR U. MICH. MINORITY STUDENTS FEARS ROLLBACK OF AFFIRMATIVE ACTION

Shanta Driver worries that the U.S. Supreme Court will set back racial equality if it requires the University of Michigan to reverse its policy on affirmative action.

That was the message from Driver, who represented student intervenors in one of the two cases before the court, when she spoke to the United Law Students of Color Council in February. In Grutter v. Bollinger, Driver argued that America promotes racism through the separate and unequal quality of K-12 education and bias in standardized tests. Driver expressed concern that the chief justices’ refusal to hear minority students’ testimony on the use of test scores for admissions ignores a crucial argument. She said such tests reflect and perpetuate discrimination and are not in any way a neutral measure of academic merit.

At issue in the case is whether race can be considered in college admissions.

ROOSEVELT AND PELL TAKE DIFFERENT SIDES ON HISTORIC UNIVERSITY OF MICHIGAN CASE

Assistant Professor of Law Kermit Roosevelt thinks racial diversity is a compelling state interest that deserves consideration in the University of Michigan case.

Terence J. Pell, president of the Center for Individual Rights, thinks otherwise, accusing the school of perpetrating a dual admissions policy that, in the end, does not serve minority students.

Roosevelt and Pell squared off in a debate sponsored by the Penn Law Federalist Society. Roosevelt teaches Constitutional Law at Penn. Pell represented a white University of Michigan student who claimed she was denied admission due to racial preferences.

In his argument, Roosevelt said the University of Michigan admits minorities to serve its goal: diversity. “Michigan wants to break down stereotypes by exposing students to members of other races,” Roosevelt said. He added that racial preferences are no different than preferences for athletes or alumni's children.

Pell responded: “Racial preferences are a false, feel-good solution to a terrible problem. They cover over the real problem, which is the breakdown of K-12 education at many schools that serve minority students.”

He said the University of Michigan unwittingly hurts black students, who may get in but drop-out at higher rates than other groups at the school.
Fabled Judge A. Leon Higginbotham got his just due at this year’s Sadie T.M. Alexander Commemorative Conference. A portrait of Higginbotham, who was Chief Judge of the U.S. Court of Appeals for the Third Circuit, was unveiled amid much fanfare. The portrait was a gift to the school from Robert Potamkin L’70, who was a law clerk for Judge Higginbotham.

The Hon. James T. Giles, Chief Judge of the U.S. District Court for the Eastern District of Pennsylvania, paid tribute to Higginbotham, recounting his fearless defense of Constitutional rights and courageous stands against discrimination. Dean Michael A. Fitts also spoke of the contributions of Judge Higginbotham, for whom he clerked. Higginbotham was a longtime member and president of the Philadelphia NAACP. He also was a member of Penn Law School’s Board of Overseers and taught courses in race and the law.

The conference explored the transition to new leadership in the black community. Sadie T.M. Alexander was the first black woman to graduate from the University of Pennsylvania Law School and the first black woman to be admitted to the Pennsylvania Bar.

STRUVE RECOUNTS HARD ROAD FOR WOMEN IN LAW

In an intellectual form of hazing, some law school professors used to ignore women in their classes on all but one day a year, when they would deign to call on them.

Catherine Struve recounted this sordid history of bias and told inspiring stories of women who broke the legal profession’s glass ceiling at the Second Annual Feminists of Penn Law Dinner last March, sponsored by the Feminist Working Group. Struve, assistant professor of law at the University of Pennsylvania, was honored at the dinner. In her heartfelt talk, she recounted several milestones: Arabella Mansfield becoming the first woman admitted to the bar (1869); Charlotte Ray being admitted to the bar as the first black female lawyer (1872); and Sadie T.M. Alexander entering Penn Law School as the first black female student (1924).

Still, she observed, the path to progress has been strewn with obstacles and slights. Although she graduated third in her class at Stanford Law School, Justice Sandra Day O’Connor only received an offer to serve as a stenographer at a law firm - and that was the best offer. Justice Ruth Bader Ginsburg endured a similar injustice. In 1959, she graduated from Columbia Law School at the top of her class - yet no law firm in New York would hire her.

With women composing one half of the J.D. class at Penn and one-third of American lawyers, there have been strides. But, Struve said, true equality still eludes women, who remain a minority in the upper echelons of the legal profession.
ASIAN STUDENT CONFERENCE PONDER CIVIL LIBERTIES AFTER 9/11

Civil rights evaporated for many Japanese-Americans during World War II – a lesson not lost on Penn Law’s Asian students who gathered in February for a daylong discussion of how 9/11 has affected individual liberties.

The 2nd Annual Conference of Mid-Atlantic Pacific American Law Students, hosted by the Penn chapter, featured panels such as “Immigrant Rights After 9/11” and “National Security versus Individual Rights?”, moderated by Penn Professor of Law Howard Chang. Also addressed were legislative efforts to protect Americans from potential terrorist activities of international students and the indictment of Lynne Stewart, an attorney who represented a convicted terrorist.

Keynote speakers Ron Daniels and Angela Oh rounded out the program. Daniels is executive director of the Center for Constitutional Rights, a nonprofit legal and educational organization dedicated to protecting and advancing the rights guaranteed by the U.S. Constitution and the Universal Declaration of Human Rights. Oh is a principal at Oh & Barerra in Los Angeles. She was appointed by President Clinton to the President’s Initiative on Race, and teaches Race and American Law at the University of California Irvine.

Here Comes the Clerk
HIGH NUMBER OF PENN LAW STUDENTS WORKING FOR JUDGES

Nearly 22 percent of Penn Law’s graduating class will begin clerkships this fall, placing the institution higher than ever among other elite schools. Last year the University of Chicago posted 24 percent of its students to clerkships, Harvard Law School, 21.9 percent; NYU School of Law, 16.2 percent; and Columbia Law School, 15 percent.

Penn students will clerk in the First, Second, Third, Fourth, Eighth and Federal Circuits, in District Courts throughout the East Coast and from California to Florida, and in premier state courts, including the Delaware Chancery Court and the Supreme Court of New Jersey. In all, 47 members of the class of 2003 will clerk this year.

“The high number of Penn Law students serving as clerks is a testament to the quality of the students and the education they receive here,” said Assistant Professor of Law Catherine Struve, who chairs Penn Law’s Clerkship Committee.

TEAM MAKES REGIONAL FINALS IN TRIAL COMPETITION

Kudos to a team of Penn Law students - Aisha Henry 3L, Tara Elliott 3L, and Dina Kulker 3L - who made it to the regional finals of the National Trial Competition in Philadelphia last February. To reach the finals, Henry and Elliott argued the prosecution side in Lone Star v. Richard Grouper, a kidnapping and felony murder case. Other team members were Sara Maurizi 3L, Rosanna Taormina 2L, and Mike Warner 3L.
LATINOS LOOM LARGE IN LAW AND U.S. CULTURE

It was a night of music, dance, and art as the Latin American Students' Association held its annual banquet and celebration of Latino culture in March. At La Gran Fiesta, students and officials noted the community's growing presence in the legal profession and other facets of American life.

Former Philadelphia City Solicitor Kenneth I. Trujillo, recently appointed to Pennsylvania Governor Rendell's transition team, was the keynote speaker. In one of the evening's highlights, Trujillo delivered an impassioned defense of affirmative action. He did so on the eve of the U.S. Supreme Court hearing on the University of Michigan's admissions policy.

Trujillo, a partner at Trujillo Rodriguez & Richards, said schools with diverse student populations best reflect society. "How can college graduates understand the world and have intelligent views on racial matters if they've never mixed with people of other races?"

The evening's theme was "Concerns of a Diverse Community."

DANGERS OF IMPOSING DEMOCRACY BROUGHT TO LIGHT

Yale Law Professor Amy Chua came to Penn Law in March to give a timely presentation that foreshadowed the difficulties America now faces in Iraq. In a talk sponsored by the Penn International Law Organization, she spoke about the dangers of democracy and the turmoil it can cause in countries not disposed to it.


PENN STUDENT TAKES BEST ORALIST AT JESSUP COMPETITION

Robert Mobassaly 1L took a third place award for best oralist at the Jessup International Law Moot Court Competition in Washington. Penn's team was left to right: Shannon Shah, Jacob Gurwitz, Bill Burgess, Mobassaly and Angela Migally.
BORDER CROSSING

By Larry Teitelbaum

Study of International Law Becomes de rigueur

J.D. students in Eric Feldman's class in Law and Society in Japan took part in an exciting "exchange" program last school year without ever leaving campus. Japanese judges, prosecutors and corporate attorneys enrolled in the LL.M. program shared their practical experience with Americans eager to decipher the nuances of the legal system in this recently troubled but still-formidable economic powerhouse.

In another classroom, Professor of Law Jacques deLisle taught a seminar on Law and Economic Reform in Contemporary China to Asian and American students every bit as enthused to debate Western and Eastern views of China's market reforms.
This cross-cultural commingling of ideas reflects the ongoing intellectual ferment at Penn Law. Firmly established as a temple of cross-disciplinary studies, the school is forging a reputation as a center of international scholarship as well. Few law schools boast a faculty as rich in international expertise as Penn or a curriculum as primed to prepare students for the globalization of the legal profession.

“We have as strong a faculty in Comparative Law as you will find at any law school in the country,” says deLisle, an internationally recognized expert on the law and politics of China. Penn Law’s faculty includes specialists in European Law, Post-Soviet Constitutional Law, Public International Law, and International Finance. And that expertise extends throughout the faculty as a growing number of professors teaching courses in areas such as Civil Procedure apply a transnational perspective to their research and instruction.

William Ewald, professor of law and philosophy, agrees wholeheartedly with deLisle. Ewald, an expert in European law, and a leading theoretician of comparative law, takes a broad historical view of the forces that created the climate for the study of international law. According to Ewald, the nineteenth century concept of nation-states has been losing its relevance. This old governing principle, where sovereign countries established insular laws and maintained secure borders, no longer makes sense in a world of mass migration, terrorism, genocide, epidemics and environmental disputes. “These issues cry out for some kind of international resolution,” Ewald says. “Many of these issues are simply too big for one state to handle on its own.”

Ewald points to the gathering strength of the European Union as another reason for American students to broaden their legal horizons. The EU has adopted a common currency, has expanded to embrace Eastern Europe, and is in the process of a melding of legal systems. “As European economies grow more integrated, American students will find they need to understand the systems in the core European countries,” Ewald says. “But, in a surprising way, that involves understanding legal history, and especially the tradition of Roman law, which is the substratum of the continental legal systems. That may sound surprising; but trying to understand what is going on in Europe today without knowing about Roman law is like trying to understand the Supreme Court without knowing about the Declaration of Independence.”

Comparative Law
A Must Today

In a corollary to form follows function, the school has built strengths in Comparative and Transnational Law to serve the needs of students, who, in today’s global marketplace, must understand the theoretical underpinnings of other legal systems and know how to transfer that knowledge into practice in the world of commerce. “We’re getting a stream of students who are coming into a world quite different from when an earlier generation was studying law,” says Feldman, assistant professor of law and an authority on comparative public health.

The rise of multinational corporations, the removal of trade barriers between countries, the easy movement of people and information across borders conspire to make the world smaller and more interdependent. In simple terms, financial and human capital moves more quickly and travels more widely today. That means Penn Law students – many of whom opt to begin their careers with major law firms on the East and West Coast – will find themselves working for employers who, out of necessity, maintain international offices.
Nearly half of the 250 largest law firms in the United States support international offices, according to a survey conducted by the National Law Journal two years ago. Locales vary from London, Paris and Berlin to Tokyo, Beijing, and Taipei, with practitioners at numerous points in between.

Such an environment, deLisle says, makes it de rigueur for students to grasp the commercial laws and structure of financial markets in other countries—no matter where they practice. "Students will have domestic clients investing abroad. They will have foreign clients with dealings in the United States who need American lawyers who have some familiarity with the client's home legal system, to explain American law effectively to those clients and to recognize the U.S. legal problems that can arise from the interactions of two very different legal systems."

Case in point. A few years ago, the R.J. Reynolds Tobacco Co. sold its international tobacco business to a Japanese company. The American law firms involved in that transaction required attorneys fluent in both the Japanese legal system and in American corporate law on mergers and acquisitions.

Studying Japanese law is essential, says Feldman, because "Japan remains the world's second largest economy and one of the United States' most important trading partners." Only after examining Japan's legal system in depth, says Feldman, can students appreciate the origins and complexities of that country's laws—a prerequisite to employment at firms with clients in the Pacific Rim.

On the surface, Japan's laws may look similar to America's, especially since this country wrote Japan's post-World War II Constitution, but looks can be deceiving, says Feldman.

To break the code, Feldman says, "You need to understand the political system; you need to understand the social relations; you need to understand the economic system and the history. You can't just pick up the Japanese Constitution and expect to make sense of it."

Professor of Law and Sociology Kim Lane Scheppelle, a renowned researcher and author who writes about fledgling Constitutional regimes in the Post-Soviet bloc, shares Feldman's view. "The study of comparative and international law is crucial for American students ...." says Scheppelle. "Well-educated lawyers must understand that there may be multiple methods of organizing political and economic institutions, and that whatever way is chosen must be sensitive to local conditions and responsive to local problems. ...Only thoroughly educated American lawyers can avoid the hubris of assuming that the only way they know is invariably the best of all possible worlds. At minimum, a well-founded belief that one's own system is the best must rest on a real comparison with other systems."

Students have ample opportunities to fulfill that dictum. The Law School bolsters its curriculum with nearly 30 courses and seminars on Comparative and International Law. Among the offerings are Comparative Civil Procedure, Post-Communist Law and Society, Comparative Constitutional Law, International Taxation, European Union Law, and International Trade Regulation, China and International Law, and Public International Law.

Where else, says Feldman, can students pursue interests in all facets of Comparative Law to the extent that they can at Penn. "There aren't very many law schools in this country where students who want to study Asian Law can have that need met. Almost no other place in the country has professors who specialize in both Chinese and Japanese law."

Adds Feldman: "Penn is also unusual in having two faculty specializing in European law, Professors (William) Ewald and (Friedrich) Kübler, and is one of the few schools with an expert, Professor (Kim Lane) Scheppelle, in the new field of legal transitions in Central and Eastern Europe."
Moreover, it would be hard to find another law school where there is such strong faculty interest and serious work on international and comparative law by scholars who are recognized authorities in other areas, including Geoffrey Hazard in transnational Civil Procedure, Stephen Burbank in transnational litigation, and Chuck Mooney, Edward Rock, and David Skeel in commercial and business fields.

Mooney, professor of law and internationally recognized expert in commercial law, says all aspects of commercial law have been subject to international and cross-border influence during the last thirty years, and at an increasing pace. So it important, he says, to keep current with changes occurring in the field.

"International sales contracts ... have long been a staple of commercial law," Mooney says. "But since the Vienna Sales Convention has become effective and widely adopted, the substance of cross-border sales law has become international."

At the same time, he says, the trend is toward adopting uniform laws worldwide in the areas of negotiable instruments and leasing and securities transfers. Projects are under way at The Hague Conference and at the International Institute for the Unification of Private Law to study ways to internationalize securities transfers.

Burbank, David Berger Professor for the Administration of Justice, and a respected authority on international civil litigation, says learning about procedure in other countries is valuable not only for what it teaches American students about those legal systems but for what it tells them about their own.

"A sophisticated appreciation of procedure, and in particular of its power, is possible only if a student is able to put the rules of procedure in larger context," says Burbank. "A comparative international perspective is extremely useful for that purpose, because it helps students see that litigation and hence the rules governing litigation play different roles in different societies, and thus that changing those rules may have consequences far beyond the courtroom."

Burbank continues, "Litigation plays a unique or virtually unique role in the United States, serving functions that in other societies are the province of social insurance or administrative law. That insight alone suggests that consequentially changing the rules governing litigation (including litigation finance) without providing counterbalancing reforms in such areas as social insurance or administrative law would constitute very radical social reform."

Age of Bucerius

In the arc of history, the study of Comparative Law is a relatively recent development. Law School Dean Michael A. Fitts compares the phenomenon to a century ago, when the school revised its curriculum to reflect changes in law practice. Before motor and air travel, people and businesses stayed put. With improved transportation and increased interstate commerce, Penn law graduates, who generally practiced law in Philadelphia and environs, had to know more than just Pennsylvania law; they had to know federal regulations and how state statutes applied to them. Fitts says Penn Law had to adapt.

"A similar process has occurred today on the international level, where the heightened movement of people and businesses and the development of international legal regimes informs much of the legal work students will he called upon to do," Fitts says.

The action these days is in commercial law, and no one wants to be where the action is more than Stephanie Prevost L'03. A psychology graduate from the University, she quickly figured out where the gaps where in her resume when she decided to attend law school. Prevost settled on a career in real estate law, but she did not have a business background. Kein (No) problem. She acquired the requisite tools at Bucerius Law School in Hamburg, Germany.

Bucerius, the first private law school in this hub of European finance and trade, provides a grounding in broad-based business law to American, Australian, Asian and European students who aspire to international careers in commercial law.
During the fall 2002 semester, Bucerius became Penn Law's first partner in an exchange program. Bucerius sends two German students here per semester and Penn reciprocates. Prevost, former senior editor of the Journal of International and Economic Law, was among the first two students to participate.

Recounting her experience, she says she found a class in international banking regulations extremely valuable. Taught by a British attorney who works for both American and British law firms, the class provided insight and cross-cultural perspective, as did her favorite course, in which primarily German lawyers talked about the problems, both legal and verbal, that arise when they work with their American counterparts.

Among the things she learned: “Americans have a tendency to be more direct and forceful at the beginning of negotiations, whereas European lawyers take it a little more slowly and aren’t as aggressive,” says Prevost, who is applying her overseas’ education at Bingham McCutchen, a Boston-based firm with financial clients and an office in London.

**International Students Teem to Penn Law**

But as Prevost’s classmates had discovered, you don’t have to go abroad to learn about other cultures: Penn Law students get to see how the other half lives and works right here on campus. Two-thirds of Professor deLisle’s seminar on China’s law and economy last school year were from China and Taiwan, sitting beside Americans, comparing notes and sharing knowledge.

As deLisle observes, “The number of LL.M’s studying in the United States has gone through the ceiling.” Approximately 80 were enrolled at Penn Law during the 2002-03 academic year, with a similar class size anticipated this year. “When I arrived here more than a decade ago,” says Ewald, “the LL.M. class was much smaller, about thirty-five students, and there was effectively no administrative structure. Denise McGarry (director of graduate programs) worked hard to build up the program, including starting up the summer program, where we bring in the students for a month of instruction before the regular year gets going. It paid off – the applicant pool has more than doubled, to 800.”

Students teem to Penn Law from countries such as Taiwan, China, Korea, Japan, France and Germany to learn the law of a legal system that no one can ignore, both because the U.S. government and private programs heavily promote the “rule of law” abroad in forms that reflect an American model and because of the sheer size of the U.S. capital market. Scheppele adds that international students come here because American legal ideas exert great influence in the world through the International Monetary Bank and the World Bank, both of which direct legal and economic reform in poor countries that are struggling to transition to democratic government and market economies.

On the flip side, what happens in Japan’s Nikkei Index or on the London Stock Exchange ripples through the market, affecting business decisions everywhere. Combine these realities with fading distinctions between Civil and Common Law systems and it’s easy to see why the future promises to bring more international students here and to raise Americans’ interest in international law.

Preparing for that not-so-distant future, Penn Law is working on an agreement with Waseda University School of Law, a top-rated institution in Tokyo, to begin a new exchange program. Discussions are also under way with another European school, and deLisle would not be surprised if Penn Law someday forms an alliance with a school in China. Fitts foresees adding an expert in Public International Law to the faculty, as the Law School continues to seek scholars who teach American law courses but bring a global perspective to those courses. This fall, Edward T. Swaine, assistant professor of legal studies at Wharton, will be a visiting professor, teaching Public International Law and a seminar on Comparative and International Federalism.

“We already have a tremendous range of expertise,” Feldman says. “We will by design and necessity continue to increase the range of course offerings, both because we think it’s important and as a response to what students want.”
Ken Willman L’86 recalls his role brokering a difficult negotiation between a Japanese client and a British company in which cultural differences were hindering progress.

The agreement was being blocked, in part, by the Japanese executives’ reluctance to make decisions during plenary sessions of the negotiating teams because of their fear of losing face in response to what they saw as aggressive British tactics.

“We tried to help the Japanese understand the British company’s approach even though, in their eyes, it seemed very pushy,” says Willman, a graduate of Penn Law School who is now a managing director of Goldman Sachs. Willman and his colleagues overcame the impasse by dividing the talks into smaller “break-out” sessions that were seen as less of a threat by the Japanese bosses.

“It was a situation where we were trying to become cultural translators,” he said in an interview from his office in London.

In the end, agreement was reached, thanks partly to cultural sensitivities nurtured by Willman’s years of international deal-making experience — he has worked in the United States for only four years of his 17-year career — and underpinned by the diverse environment of Penn Law which exposed him to a wide variety of cultural influences.

Moving from his native Seattle after attending the University of Puget Sound, a small liberal arts college in Tacoma, and coming to Philadelphia in 1983, was an enlightening experience, Willman says. “I underestimated the culture shock of moving from the west to the east of the United States. The experience of going to Penn and being with people from so many different backgrounds really broadened my perspective.”

Willman earned his J.D. from Penn Law in 1986 and went to work for the New York law firm Sullivan & Cromwell where he began his international career. Within his first year, he worked for a British brokerage, a French publisher and a New Zealand utility, and from 1989 to 1991 was based in the firm’s Tokyo office where he worked on a variety of assignments for Japanese, Taiwanese, Korean and Chinese clients.

He has worked on a range of capital markets and corporate finance matters including privatizations, mergers and acquisitions, corporate IPOs, and debt offerings in Europe, Asia and the United States.

In 1992, Willman joined Goldman Sachs in London and since 1999 has been general counsel of Goldman Sachs’ investment banking division, and global head of the bank’s Special Execution Group which handles new equity and fixed-income offerings, and advises on some aspects of M&A transactions.

Facilitating the free flow of capital and strengthening capital markets has been a major source of satisfaction for Willman. He highlights the Deutsche Telekom initial public offering in 1996 as a breakthrough because it involved generating unprecedented demand from individual German investors.
"We were really watching the emergence of a new equity market," he says. Before the IPO, "there was institutional involvement but very few individuals were stock investors. One of the objectives of the offering was to generate significant German retail demand."

That enthusiasm retreated with the bursting of the technology bubble but equity strategists are watching to see if it may now be poised to revive, in Germany and elsewhere, as markets seem to be starting to recover after a three-year slump, Willman says.

While economic authorities still have to deal with issues such as the rising U.S. budget deficit and increased unemployment, there are some encouraging signs, he says.

"We haven't necessarily turned the corner, but there's a level of activity in terms of transactions that has definitely improved in the past several months," Willman says. "I'm more cautiously optimistic than I have been for a while."

Life as an expatriate has added a dimension to the life of Willman and his family that he welcomes. After 11 years in London, he sees his children – ages 10, 8 and 6 – growing up with both British and American sensibilities.

"We want them to be comfortable in the culture where they live but also in the United States," he says. For his oldest child in particular, the events of 9/11 strengthened a sense of identification with the U.S.

The international experience has been an exciting enhancement to his life. "It's part of what has made me enjoy my professional career," he says. "I'm very confident that it has added a dimension to my personal and professional life that would not have been there otherwise."
EXPATRIATE VICKERY FINDS SUCCESS IN THAILAND

By Larry Teitelbaum

When Harold K. Vickery, Jr., L'66 decided to start a law firm in Thailand in 1975, he consulted an astrologer for an auspicious date on which to open his practice. Vickery has been following local custom and adapting his education to a different culture and legal system ever since.

His firm, Vickery & Worachai Ltd., provides legal advice to businesses on matters such as financing, contracting and regulatory issues. Areas of specialty include energy, communications and intellectual property rights. The rise of multinational corporations makes him a sought-after counselor for American and other foreign businesses operating in Thailand who need expert advice on Thai law and jurisprudence. And make no mistake; Thailand’s legal system is worlds’ apart from America’s. Civil Law rules the country and bureaucrats have wide latitude in interpretation. Into this exotic landscape walked Vickery 35 years ago – entirely by happenstance. To fulfill his military obligation, Vickery enlisted in the U.S. Air Force as the Vietnam War escalated. After a year stationed in North Dakota he was reassigned to a base in Thailand, where he adjudicated claims arising from U.S. Air Force actions that injured local people or damaged their property. In 1969, he was also one of the first military judges appointed – a position under which he presided at court martial hearings. When he left the service in 1971, Vickery, enraptured by the country, decided to stay on.

It was a smart career move. He spent but two years as an associate at a firm before striking out on his own. Judging from his partners at the time – a retired Thai Supreme Court Justice, a provincial court judge and Pranuan Thongbu, who earned his LL.M. at Penn Law in 1982 - he created a high-powered firm. Similarly, Vickery’s pedigree as a Penn Law alumnus puts him in good company. “For more than twenty years the United States has been a magnet for Thai students,” Vickery says. “Penn Law has attracted only a few to the LL.M. program, but they are among the best and the brightest. Penn’s small, but select, group of Thai graduates have become leaders in Thailand’s judiciary and bar.” Penn Law numbers approximately forty Thai nationals among its graduates, and what an influential group they are: Supreme Court justices, judges, managing directors, partners and professors.

Vickery traces his interest in Penn Law to a University of Pennsylvania sociology professor who spent his summers in Massachusetts next door to Vickery and his family in the 1950s and 1960s. The professor promoted Penn to him, and Vickery enthusiastically pursued entrance. Vickery says Penn Law taught him how to think, research and analyze legal issues – valuable tools no matter where you practice law.

Although basic legal principles stand firm, Vickery practices in a much different environment than when he began in 1972. “There are a lot more lawyers practicing today than when I started out,” Vickery says. “In addition, an explosion of firms with multinational practices has made expertise in many areas of law available almost anywhere.”

Nonetheless, Vickery says, there's still a place for homegrown knowledge. “True, the legal profession has gone global, but products provided usually remain local.”

Whether you are in Bangkok or Boston.
GOLDSTEIN LIVES COMPARATIVE LAW

By Larry Teitelbaum

Stephen Goldstein L'62 doesn't just teach comparative law. He has had the opportunity to live it.

The former Penn Law professor immigrated to Israel in 1976. In the years since, he has had the chance to witness, teach and write about a legal system other than the one in which he was trained.

So how does Israel's legal system compare to America's? Goldstein describes the Israeli system as a "mixed jurisdiction." "Israel's procedural law, both civil and criminal, is still heavily based on English law," says Goldstein, who holds the Chair in Procedural Law at the Hebrew University of Jerusalem. "However, our substantive private law has moved away from English law and is now based on continental European law, particularly German law, while our public law, particularly constitutional law, has been heavily influenced by American law."

Moreover, he notes that unlike the United States, Israel maintains separate religious laws that govern marriage, divorce and related family matters in the Jewish, Moslem, Christian and Druze communities. As Israelis debate the relevance of such laws in a modern democratic state, discussions also ensue about reforms to the judicial structure, changes in judicial selection, and the continued rise of class action suits, a matter of much litigation as well.

Twenty-seven years ago, Goldstein faced some difficult choices of his own. After graduating from Penn Law in 1962 (he also earned his undergraduate degree at Penn), Goldstein clerked for U.S. Supreme Court Justice Arthur Goldberg and worked for Wolf, Block, Schorr & Solis-Cohen in Philadelphia. Following Wolf Block, he spent ten years as a member of Penn Law's faculty. Thus, he had developed special ties to Penn and to the area - which made it difficult to take a job in Israel.

"I had been offered a professorship at the Hebrew University and decided to accept," says Goldstein, who spent a year in his adopted home on sabbatical before returning for good. "It was difficult to leave Penn, which had been my academic and professional home for many years, but the attraction of moving to Israel was very strong for me and my family."

Today he teaches courses in Israeli and Comparative Procedure as well as Comparative Judicial Systems. He also teaches American Law, covering topics such as federalism, political selection of judges, the jury system and constitutional adjudication.

From this vantage point, Goldstein is also well-qualified to compare Israel's legal education to the one offered in America. "There is a much greater variety of teaching methods than the more uniform American Socratic method - some are straight lecturers, others, as I do, mix lecture and discussion, and a few come close to the American model."

Curriculum departs from American-style as well. As a matter of course, Israeli students are taught to compare Israeli law with other countries. And the differences between American and Israeli students are significant.

Goldstein says, as in most countries, Israeli law students come right from high school as undergraduates. He adds that having served in the military, they begin their studies as mature adults, many of them married and with children. Because their parents do not support them, most students work, some at full-time jobs. Further interruptions occur when students report for up to 40 days of army reserve duty every year. "For all these reasons, Israeli students have less time to devote to their studies than do American students," Goldstein says. "But with all that, the quality of their work remains quite high."

The same could be said for the quality of Goldstein's work. A skillful analyst of Israeli law, Goldstein has provided commentary on issues ranging from child welfare to civil procedure to the state school system. He lectures abroad extensively and his work has appeared in more than 100 prestigious publications in Israel, Italy, England, Germany, Greece, Japan and the United States. He has also written a number of books and monographs on varied subjects including comparative procedural law, public education and law enforcement.

His diverse scholarship draws admiration from Edward B. Rock, Saul A. Fox Distinguished Professor of Business at Penn Law and a longtime friend of Goldstein's who visits him regularly in Israel.

"Steve is a major figure in both Israeli and comparative civil procedure," Rock says. "Over the years, as the Israeli legal system has become more similar to the U.S. system, Steve's ability to translate the U.S. experience has been invaluable to the development of Israeli civil procedure."

Just as Goldstein has been an invaluable member of the Penn Law community,
20 YEARS ON,
PENN LAW HOLDS
REUNION IN
EUROPE

By Peter Roth, QC

When a diverse group of lawyers associated with the Law School gathered for dinner in one of London's historic Inns of Court in 1983, none imagined that the occasion would plant the seed of what is now the flourishing Penn Law European Society. The occasion was the appointment of Penn Professor of Law John Honnold as the Goodhart Visiting Professor at Cambridge University. Several of his recent LL.M. students decided to celebrate this distinction by holding a dinner in his honour. The Alumni Office provided a list of all those from the United Kingdom who had an association with the Law School. Some had disappeared without trace, but a search through both legal and telephone directories tracked down most of them. The result was that 20 lawyers based in Britain, and one from the Netherlands, gathered with John and Annemarie Honnold in Lincoln's Inn for what was intended as a one-off occasion. When the Inn butler asked what time the dinner would end, I said that it would surely be over by 11 p.m. since most of the guests had never met before. At midnight, when everyone was still talking merrily at the dinner table, they had to be asked to leave so that the Inn staff could go home.

There was a demand to repeat the occasion the following year, albeit without a visiting Penn professor to celebrate. Annual dinners followed, the event rotating between Lincoln's Inn and the Middle Temple. Those attending were not only alumni – British and Irish LLMs as well as American JDs (and a few LL.Bs) who had come to work in London. There were also those who had taught at Penn (such as John Colyer QC – now Judge Colyer) and those who had lectured there (such as Sir Sydney Kentridge QC, an Owen Roberts lecturer in years past). When the ABA held its conference in London in 1985, this group hosted a large reception for visiting American alumni in the Reform Club, which many senior British legal figures attended.

To mark the occasion of the inauguration of the single market of the European Community in 1992, alumni from other European countries were invited to the annual dinner. The result was a gathering of more than 50 people, who were entertained by wonderful speeches from Judge Colyer and Penn Law Dean Colin Diver. Two years later, the event was held in the King's Inns in Dublin. It was there that a group of Austrian, Belgian, French, German, Italian, Norwegian and Spanish alumni, along with the Irish hosts and the British originators, decided to create PLES: the Penn Law European Society.

Since then, PLES meets annually, always in a different country. What began as just a dinner has developed into a weekend event, comprising a mixture of a well-arranged introduction to the local highlights (both historical and gastronomic) and an afternoon academic session in which papers are presented by a member of the Penn faculty and a lawyer or scholar from the host country. Most recently PLES has met in the restored Reichstag in Berlin and this June in the European Court of Human Rights in Strasbourg, France, where we heard fascinating presentations by Professor of Law and Sociology Kim Lane Scheppel and Michael O'Boyle, Registrar of the European Court of Human Rights, on the scope of protection for terrorist suspects under the U.S. Constitution and under the European Convention – which made for an interesting comparison!

PLES now has a constitution, allowing all graduates and faculty of the Law School, and others associated with it, who live or work in Europe to become members. The new president is Sir Nicolas Bratza, the UK judge in Strasbourg, and each country or region of western Europe has its own representative. In June 2004, PLES will meet in Switzerland. The gatherings are unlike the traditional kind of legal conference, for they bring together practising and academic lawyers and judges of different nationalities, ages and specialisms. Anyone who has attended one of these events can testify that they are exceptionally collegial and enjoyable. For further information on PLES, please contact Development & Alumni Relations at the Law School or the PLES secretary, Didier Goudant at didiergoudant@panoceaneenergy.com.
CUBA “EXPERIMENT”
A SUCCESS FOR
PUBLIC SERVICE STUDENTS

By Matthew Brady 2L

Cancun, it wasn’t. Fifteen enterprising students spent spring break in Cuba studying the legal system in one of the remaining strongholds of communism. Students met with Cuban leaders to discuss the country’s legal system and human rights’ issues. One student writes about the exhilarating experience.

Cuba had always been a desired destination for me. I spent the majority of my undergraduate years studying communist systems, primarily the Soviet bloc, and then later traveled through many of those countries to see firsthand how the people lived. So, when a group of 1Ls gathered in January to discuss a possible spring break public service initiative in Cuba, I was as eager as any in the room to learn about the legal structure of Fidel Castro’s ongoing communist experiment.

Less than six weeks later, a group of fifteen students and one administrator from Penn Law was en route to Havana for an eight-day pilot educational and public service initiative sponsored by Penn Law’s Public Service Program (PSP) and the International Law Organization (ILO). We received approval from both the U.S. and the Cuban governments. The U.S. Department of Treasury granted a license for educational exchange and the Cuban Interests Section located in Swiss Embassy in Washington, D.C. issued visas.

Our group traveled from Philadelphia to Miami where we boarded a charter flight direct to Havana with Christian missionaries. We were met at the airport in Havana by one of the three state-run travel agencies through which all foreign visitors must register. Our designated travel agent informed us that Cubans may legally use three currencies: the Cuban peso, the national peso, and the U.S. Dollar. I quickly learned our dollar is the strongest and most reliable currency used by locals, who did not see any contradiction in their communist regime openly permitting the use of capitalist currency.

The National Union of Cuban Jurists (UNCJ), which hosted our group, is the Cuban government’s vehicle for legal education and reform. It is a state-run nonprofit organization, and its membership comprises attorneys, judges, professors, and researchers. The UNCJ arranged discussions and meetings with representatives of the Cuban government, foreign nongovernmental organizations, and Cuban activists to discuss Cuban and international law, as well as possible placement for our group members.

Cuba does not have a bar association, but rather ‘colectivos’, which are state-run quasi-firms that specialize in particular areas of law. Colectivos form the basic units of the Cuban legal system and lawyers in the colectivos generally work in teams on projects. Our group met with a corporate finance colectivo that receives individual clients, charging Cubans a nominal fee but foreign and Cuban-American clients a flat $150/hour fee. We were told that attorneys are not permitted to practice outside colectivos, but I later met an independent lawyer, e.g. a lawyer forbidden from working in any colectivo. The lack of a bar association, the state-sponsored policy on a dual price structure and independent lawyers were several obvious differences between the Cuban and American legal systems.

Because of the close relationship between the UNCJ and the government, I believe some of our counterparts gave us “the party line” in discussions about voter rights, media law, family law, and freedom of assembly. In anticipation of such discussions, our group had identified two organizations through PSLAW.net as potential partners for public service projects: the Movement for Peace and Disarmament (MPDL) and the Cuban Committee for Human Rights (CCHR).

MPDL is a Spanish-based NGO with offices in seventy-three countries that works to foster political change. Circumstances in Cuba, however, have caused MPDL to undertake only programs of economic assistance. In fact, Cuban law prohibits foreign NGOs from receiving legal status, so MPDL operates on a conditional basis. The regional director told us the Cuban government could confiscate their materials at any moment, although he thought this unlikely to occur. We established a foundation for further cooperation with MPDL on potential public service efforts, including lectures, publications, and dissemination of information about legal issues in Cuba.

CCHR is one of the leading human rights organizations in Cuba. It attempts to educate Cubans about principles in the Universal Declaration of Human Rights (UDHR), to which Cuba was an original signatory, and advocates greater adherence to those rights. Like MPDL, CCHR does not have legal status in Cuba, which creates a precarious environment for operating. CCHR believes Cuba systematically violates certain rights such as freedoms of expression and assembly, arbitrary detention, and summary executions. Less than a week after returning to Philadelphia, news reports cited a sweep of journalists and human rights defenders in Cuba. These events confirmed for me not only that systematic violations occur, but also that public service efforts about human rights standards in Cuba must continue.

Upon reflection, I believe this first initiative was an overwhelming success. I spent my spring break learning about and discussing aspects of a foreign legal system, comparing it to the U.S. system, applying knowledge I had learned in classes, and growing closer to classmates. As a group, we established ties with the Cuban government, a foundation for educational exchange with University of Havana Law School, as well as possibilities for continued public service projects.

Matthew Brady is a second-year student at the University of Pennsylvania Law School. He has been a delegate to the United Nations Commission on Human Rights two times and spent his summer in Central Asia doing human rights training, monitoring, and advocacy. His e-mail address is: mbrady@law.upenn.edu. Tina Shaughnessy IL and Loren Stewart IL contributed to this article.

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A Gallery of International Scholars

C. EDWIN BAKER  
Nicholas F. Gallichio Professor of Law

Baker regularly participates in the seminar on Critical Philosophy and Social Science held annually in Prague. During the last half dozen years, he has spoken on media policy at international conferences in Vancouver, Oxford, Budapest, Haifa, Glasgow, and via videotape in Montreal. He prepared a report, which was published in Germany, for a comparative constitutional law conference on the subject of media concentration. This past year he prepared a report for the United Nations on free press principles and whether the U.N. should protect a Rwandan newspaper publisher charged with genocide and public incitement of genocide.

HOWARD CHANG  
Professor of Law

Chang focuses on the impact of international trade on environmental policy. He has written a series of articles defending the use of trade restrictions that promote protection of the global environment, as a matter of not only legal doctrine but also economic policy. His first article in this series was originally published in the Georgetown Law Journal, then reprinted and excerpted in other law publications. He has also analyzed labor migration from the international trade perspective, proposing that nations reduce legal barriers to labor migration as part of their negotiations to remove other trade barriers. His work in this line of research has appeared in several publications including the University of Pennsylvania Law Review.

STEPHEN B. BURBANK  
David Berger Professor for the Administration of Justice

Burbank has taught international civil litigation for more than a decade. During that period he has published a number of articles on that subject, comparative procedure and the role of treaties in the area of private international law. A member of the State Department study group that advises the American delegation to the Hague Conference on Private International Law in connection with a proposed treaty on jurisdiction and judgments, he presented a paper on aspects of the treaty at an international conference in Paris. The paper was published both in a book and in the American Journal of Comparative Law. A number of his suggestions for reform of U.S. law in that article are reflected in the current draft of a proposed federal statute on the recognition and enforcement of internationally foreign judgments under consideration by the American Law Institute. He is also an adviser to that project as well as a United States adviser to the ALI/UNIDROIT project on Principles and Rules of Transnational Civil Procedure. Since 1997, he has been a visiting faculty member at Goethe University, in Frankfurt, Germany; the University of Pavia, in Italy; and the University of Urbino, also in Italy.

JACQUES DELISLE  
Professor of Law

DeLisle teaches Comparative Law: China, Comparative Law: East Asia, Law and Economic Reform in Contemporary China, China and International Law, and Public International Law. He is an expert in contemporary Chinese law, China’s approach to international legal issues, and Chinese politics. DeLisle’s research focuses on the law and politics of the People’s Republic of China, Taiwan’s international status, the law and politics of Hong Kong’s transition to Chinese rule, transnational legal influences and public international law with an emphasis on China. His writings on these subjects have appeared in international relations journals, edited volumes of multidisciplinary scholarship, and Asian studies journals, as well as law reviews. His Op-Eds and commentaries on law, politics and foreign policy regularly appear in newspapers and specialized foreign policy and Asian affairs media. He is the director of Asia Programs at the Foreign Policy Research Institute, a member of the faculty of the Center for East Asian Studies at the University of Pennsylvania, and a member of the National Committee on U.S.-China Relations. He has served frequently as an expert witness on issues of P.R.C. and Hong Kong law and government policies. He is also a consultant, lecturer and advisor to foreign-assisted legal reform, development and education programs, primarily in China, including the Temple University-Tsinghua University Masters of Law Program.
WILLIAM EWALD  
*Professor of Law and Philosophy*

Ewald, an internationally recognized scholar in comparative law, specializes in European law, comparative legal philosophy, and public international law. He teaches Comparative Law and courses on European Legal Philosophy, Public International Law, as well as a course on the Foundations of the American Legal System, which introduces American law to the overseas LLM students. He is at present writing a book growing out of this course examining, from a comparative perspective, the character of American law, and is the author of an oft-cited article in the Pennsylvania Law Review on the philosophical foundations of comparative law, “What Was it Like to Try a Rat?” He was a Junior Research Fellow at The Queens College in Oxford, was a Jean Monnet Fellow at the Isituto Universitario Europeo in Florence, and held the Alexander von Humboldt Fellowship at the University of Gottingen in Germany.

ERIC FELDMAN  
*Assistant Professor of Law*

Feldman is completing a book—*Unfiltered: Tobacco, Policy and Public Health in Eight Nations*—in which he invited 15 scholars from the United States, Australia, Canada, Denmark, the United Kingdom, France, Japan and Germany to write about tobacco policy issues in those countries. He also conducted research last summer on tobacco litigation in Japan and Europe, and researched Japan’s medical malpractice system, particularly changes in malpractice litigation and proposals for reform. In May, he participated in a Private Conference/Roundtable at Harvard Law School entitled “Sharing Scholarship on East Asian Law.” In addition, he has served as a consultant to the World Health Organization, Global Programme on AIDS/Joint United Nations Programme on AIDS, and has been a visiting professor at Waseda University and Seikei University in Japan and at the Institut d’Etudes Politiques de Paris.

GEORGE C. HAZARD, JR.  
*Trustee Professor of Law*

Hazard presented the principles of Transnational Civil Procedure to the American Law Institute in May to the Working Group of UNIDROIT (International Organization for Unification of Private Law), and at a series of conferences in Europe. The idea is to establish procedures for legal resolution of commercial disputes in adjudication or arbitration in all modern legal systems. Has been a visiting professor at the Universite d’Aix-Marseille and is a member of Associazione Italiana fra gli Studiosi del Processo Civile.

MICHAEL KNOLL  
*Professor of Law and Real Estate*

Knoll is editing a book on international trade with Ron Cass, dean of the Boston University School of Law.

FRIEDRICH KÜBLER  
*Professor of Law*

A major force on corporations, banking and mass media, Kübler has written or co-authored more than 20 books or other independent publications and published more than 100 articles on contract and property law, corporations, banking and securities regulation, and mass media and legal theory. Many of these articles have compared American with European legal structures and developments. His textbook on German corporate law has, so far, seen five editions and has recently been translated into Spanish. He has served on the boards of the Deutscher Juristentag (the German institution corresponding to the ALI) and the German Association of Comparative Law. For five years he has been a Commissioner of the German Interstate Commission, which controls media concentration. He continues to serve on the board of the Hessian Public Service Broadcasting Entity, and is a member of the European Shadow Financial Regulatory Committee and the Frankfurt Academy of Sciences. In addition, he is a member of the ALI and the advisory board for the Center for Financial Studies in Frankfurt. In the last several months, he has lectured in Budapest on racist hate speech, discussed the regulation of financial markets at the American Academy in Berlin, and was...
FRIEDRICH KÜBLER (continued)

one of the organizers of the Multinational Banking Seminar in Frankfurt. He is Professor Emeritus at the University of Frankfurt/Main, where he has held several other positions: Dean of the law school; Founder and Co-Director of the Institute for Domestic and Foreign Mass Media Law; Director, Institute for Banking Law; and Professor of Law.

CHARLES W. MOONEY, JR.
Professor of Law

Mooney was elected as a corresponding collaborator to the International Institute for the Unification on Private Law (UNIDROIT), in Rome. He has represented the U.S. State Department at two diplomatic conferences: the UNIDROIT Convention on International Leasing and the recently concluded Cape Town Convention on International Interests in Mobile Equipment and the Related Aircraft Protocol. He also was a visiting scholar at the Japanese central bank, the Bank of Japan, in Tokyo, where he researched and wrote about the Japanese government securities markets. In addition, he has presented scholarly papers and made other presentations at academic conferences around the world, including: the Workshop on Commercial and Consumer Law, in Toronto; the Annual Meeting of the German Society of Comparative Law, Jena, Germany; the Conference on European Investment Markets, Genoa, Italy; the Oxford Law Colloquium on Cross-Border Security and Insolvency, Oxford, England; and the Conference on International Developments in Secured Transactions Law, in New York City. In addition, he has published seven articles on cross-border financing transactions and comparative commercial law.

NATHANIEL PERSILY
Assistant Professor of Law

Persily has been named an electoral expert for the United Nations. In that role he will serve as an election observer in foreign countries. He has also presented a paper on “Parties, Money, and Corruption” at an international conference on political parties and campaign finance at the University of London, and lectured on American election law to visiting election officials from China, Taiwan, and Hong Kong who were on a trip sponsored by the Carter Center.

HARRY REICHER
Adjunct Professor

Reicher serves as Director of International Affairs and Representative to the United Nations of Agudath Israel World Organization. He has argued cases before a range of courts and tribunals, including the High Court of Australia. These have resulted in numerous precedent-setting judgments in the areas of international law (environmental law and human rights), taxation, and corporate law. As an academic, he has taught a range of international law and taxation courses at law schools in Australia and the United States. At Penn Law, Reicher has taught International Human Rights, Law and the Holocaust, International Law and the Middle East Conflict, Law of the Sea, and Public International Law. He also is faculty adviser to the student team which participates in the Jessup International Law Moot Court Competition.

STEPHEN J. MORSE
Ferdinand Wakeman Hubbell Professor of Law

Morse teaches Criminal Responsibility in forensic psychiatry training programs in the Psychiatry Department at the Universidad Complutense de Madrid, which offers the only program of its kind in Spain.

CURTIS REITZ
Algernon Sydney Biddle Professor of Law

Reitz teaches International Trade Law and Sales and International Sales. His research centers on international commercial law, particularly the law administered under the aegis of the World Trade Organization. For more than 25 years, Reitz has been a member of the Uniform State Laws Conference, where he represents the Commonwealth of Pennsylvania.

His work as a Commissioner, which complements his teaching interests, has included participation in the recent revision of the Uniform Commercial Code and helping to transform the mission of the Conference to include taking an active role in the development of international private law in fields of Conference interest.
PAUL ROBINSON  
Professor of Law

Robinson has given scholarly lectures and assisted in criminal code reform throughout the world. Among his dozen books is an internationally-known Oxford monograph on criminal law theory. Robinson has also been a consultant to the Criminal Code of Belarus Drafting Committee and a United Nations consultant on a critique of the draft criminal code in the Ukraine. In addition, he was Sackler Professor at Tel Aviv University; Visiting Professor at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Fuchu, in Tokyo; Canterbury Fellow at the University of Canterbury in Christchurch, New Zealand; and a Harvard University Knox Traveling Fellow in Great Britain.

EDWARD ROCK  
Saul A. Fox Distinguished Professor of Business Law and Co-Director of the Institute for Law and Economics

Rock’s interests lie in the field of international venture capital and on the ways in which U.S. securities law facilitates foreign firms’ access to U.S. capital markets. He has also participated in the writing of a forthcoming book on comparative corporate law – The Anatomy of Corporate Law (Oxford University Press; co-authors: Reinier Knaakman, Paul Davies, Gerard Hertig, Henry Hansmann, Klaus Hopit, and Hideki Kanda). Rock was a Fulbright Scholar and Visiting Professor of Law at Hebrew University of Jerusalem in Israel.

EDWARD RUBIN  
Professor of Law

Rubin is a preeminent interdisciplinary scholar in the area of public governance, specializing in administrative law. Among other courses, he teaches Human Rights. He administered the Japanese-American Legal Studies program at Boalt Hall, Berkeley, and has served as a consultant to the governments of the Russian Federation and the People’s Republic of China.

KIM LANE SCHEPPELE  
Professor of Law and Sociology

Schepple is considered one of the pioneers in the study of comparative constitutionalism. Since the breakup of the Soviet Union, she has been working in Eastern Europe, examining the ways in which new constitutional regimes have developed there, particularly in Hungary and in Russia. She is completing a book, Democracy by Judiciary, which is about the Hungarian Constitutional Court. She served as Co-Director of the Program on Gender and Culture at Central European University in Budapest. She also works on finding solutions to constitutional crises around the world. To that end, she is examining the development of “constitutional consciousness” in Russia, both among experts in the field and the general public. Specifically, she has been examining the case law of the Russian Constitutional Court to see how it understands concepts like private property, equality under law, and social rights and fairness of taxation. In another project, she is researching the use of ordinary courts by civil society groups to make political statements—looking at two cases in particular: 1) the Vladimir Sorokin pornography prosecution in which a religious and moralistic youth group filed a criminal complaint against this famous writer to protest his works; and 2) a civil suit brought by survivors of the fall 2002 hostage crisis in Moscow to try to get the government to disclose the type of gas used in the rescue. She has also been working with the U.N. transitional authority in Afghanistan to propose ideas for the country’s new constitution. Among other courses at Penn Law, she teaches Terrorism and Democracy Constitutionalism, Comparative Constitutional Politics, Comparative Constitutional Law, and Post-Communist Law and Society.

REED SHULDINER  
Professor of Law

An expert in the area of taxation, Shuldiner has advised South Africa and Lithuania on behalf of the U.S. Treasury Department, and the Philippines on behalf of the International Monetary Fund.

DAVID A. SKEEL  
Professor of Law

Skeel writes with an international perspective on issues such as corporate governance and bankruptcy. He has published papers on those subjects in the Emory Law Journal and the Vanderbilt Law Review. He is working on several pieces related to sovereign debt issues.
WHO'S WHO OF LAW SCHOOL ALUMNI RECEIVE AWARDS

Six Penn Law progeny came home during Reunion Weekend in May to receive honors for their achievements. One legendary professor was also honored posthumously as a paragon of pedagogy and scholarship.

In a moment that resembled a Hall of Fame induction, Professor Emeritus Louis B. Schwartz’s daughter, Johanna, accepted the James Wilson Award, the Law School’s highest honor, on behalf of her late father.

Schwartz spent nearly forty years on the Penn Law faculty shaping the curriculum and molding the careers of a generation of students. Dean Michael A. Fitts praised Schwartz as a “ferocious intellect” and visionary who anticipated the importance of cross-disciplinary training for attorneys.

A Schwartz acolyte and former student added words of tribute. Lisa Scottoline L’81, one of four people to receive an Alumni Award of Merit, recalled how the regal Schwartz turned to the blackboard in class one day and wrote in three-foot-high letters the word IMAGINATION. Scottoline said that recollection informs her work. “I think of him all the time (as I stare) at that blank (computer) screen, ” said Scottoline, writer of nine mystery novels and winner of several national awards for fiction writing. Imagination is “the one thing you need ... as a writer and as a human being.”

Scottoline joined a who’s who of alumni to receive an award. The Alumni Award of Merit was also presented to David L. Cohen L’81, former Chief of Staff to Philadelphia Mayor Ed Rendell and current Executive Vice President of AT&T Comcast Corp. and Senior Counsel to CEO Brian L. Roberts; Robert M. Potamkin L’70, a business entrepreneur with a far-flung empire of business interests that includes auto dealerships, real estate, radio stations, television stations and Office
Depot stores in Poland and Hungary; and Richard E. Rosin L'68, a private practice attorney who has played an important role in bringing victims' rights to public attention.

Michael P. Williams L'96, Deputy Director, Community Legal Services in Philadelphia received the Young Alumni Award and Howard Gittis L'58, Vice Chairman and Chief Administrative Officer at MacAndrews & Forbes, received the Distinguished Service Award. Gittis is an active supporter of higher education at Temple, where he is Chairman of the Board, as well as at Penn.

"Penn Law has meant everything to me in my life," said Gittis, explaining his fealty to the school. "Everything that has been good in my career stems from the Law School."

Cohen voiced similar sentiments. "The group I'm privileged to be honored with says all you need to know about the Law School."

To Potamkin, the ceremony felt like a homecoming. Potamkin studied at the Wharton School and the Law School. "I often say, 'I learned more about business at the Law School than I did at Wharton'," Potamkin said.

Rosin, chair of the Equal Justice Foundation at Penn Law, expressed gratitude for receiving an award for his commitment to public service. "We all have an obligation to give back that which we have garnished," Rosin said.

After Law School Dean Fitts thanked David Richman L'69 for his service as president of the Law Alumni Society, Stella Tsai L'88 was elected to succeed him. Serving with her will be Tai Chang Terry L'80, first vice president; James Golden L'80, second vice president; Laura Ross Blumenfeld L'73, secretary; and Young Park L'90, treasurer.
State of the Law School Address

FITTS: PENN IS “BEST PLACE IN THE U.S. TO GO TO LAW SCHOOL.”

Citing an exemplary faculty and a stellar interdisciplinary program, Dean Michael A. Fitts proclaimed during his annual state of the law school address that Penn Law is well-positioned to train tomorrow’s lawyers.

“It’s the best place in the U.S. to go to law school right now,” Fitts told an alumni gathering. Fitts referenced the new opportunities students have to build on their analytic training and prepare for disparate careers in business, government, health care, and technology.

“We’re going to see our graduates working across the globe.”

Students have unprecedented options, he said, to cross campus and take courses at the Wharton School, Annenberg School for Communication, School of Engineering and Applied Science, and School of Medicine—all tops in their fields. And a good number are taking advantage of the opportunity. Twenty-nine students in this year’s graduating class alone (26 J.D.’s and 3 LL.M.’s) earned a Certificate of Study in Business and Public Policy from Wharton which gives them an edge practicing law in the global economy, Fitts said.

“The fact is, we’re living in a new world,” Fitts said. “It’s now the case that we’re going to see our graduates working across the globe.” To prepare students for international careers, Penn Law has begun an exchange program with Bucerius Law School in Germany. Recently, Penn Law agreed to establish a similar relationship with Waseda University’s Graduate School of Law in Japan, and plans to work with other schools.

Another reason Fitts is bullish on Penn Law is the excellent faculty—which continues to grow in size and quality. The school has added 15 professors in the last three years—a number that exceeds any other major law school.

As a result of the beefed-up curriculum and outstanding faculty, students are clamoring to attend Penn Law. Applications are up 50 percent in the last two years, Fitts said. And the quality of the applicants matches the excellence of the faculty. According to Fitts, the incoming class will have median LSAT scores of 169—which places them above the 98th percentile nationally—and 3.7 grade point averages.

“My goal was to be dean of a law school that wouldn’t hire me, but I seem to have become dean of a law school that wouldn’t admit me,” Fitts joked.

Fitts said the competition to get in and the rigors of study at the school do not dampen the experience, as students appear quite satisfied with their education at Penn Law. He noted that the school ranked third in an American Lawyer magazine poll that queried students on whether they would return to their law schools if they had to do it over.

That’s not surprising, given the strong faculty, cross-disciplinary programs, warm atmosphere and improved physical plant at Penn Law, Fitts said, alluding to Silverman Hall’s renovation, the approaching 10th anniversary of Tanenbaum Hall, and the recently refurbished Roberts Hall, which contains additional office space to house faculty.

All of which, Fitts reemphasized, puts Penn Law at “the very top of law schools.”
Classes Without Quizzes

SPORTS ATTORNEYS OFFER EXPERT COMMENTARY ON AMATEUR AND PROFESSIONAL ATHLETICS

College sports have become a cash cow for universities, but athletes get none of the milk. Should they be compensated? During a sports-related panel discussion called “Classes Without Quizzes,” that question drew an unequivocal response: yes.

Daniel Markind L'83, legal and business advisor to professional athletes, said he thinks college athletes deserve to get paid. He questioned the double standard in which coaches enjoy huge endorsement deals while players are “totally shut out” from any of the revenue they generate.

No argument from Buck Briggs, Assistant General Counsel to the NFL Management Council and Adjunct Professor and Thomas A. O’Boyle Lecturer in Law at Penn Law. Briggs considered it an interesting accommodation for the NCCA to allow athletes who are preparing for careers in the pros to buy insurance as a hedge against injuries.

Briggs spoke on an issue close to his heart. The NFL depends on major college programs to stock teams’ rosters through the annual draft. The league also relies, Briggs said, on the “twin towers” of revenue sharing and free agency for financial success. Revenue sharing is a boon to players and owners alike. Players will receive 65 percent of league revenue this season and owners will get an $80 million share from the $17.6 billion television contract. No disparity means parity among teams, said Briggs, who understandably sees a future for the league as green as natural grass.

Although the NFL has enjoyed 10 years of labor peace, contractual and other issues do arise between players and management. When they do, Stephen Burbank will be on hand to resolve them. Burbank, David Berger Professor for the Administration of Justice at Penn Law, was appointed Special Master of the NFL in November 2002. He said he has yet to hear a dispute, which probably speaks to the health of the NFL. Burbank did say that the collective bargaining agreement, on which he will draw for legal guidance, is the most complex legal document this side of the Truth and Lending Act.

You could forgive Burton Haines L'68, Chairman of the Board of the American Youth Soccer Organization, for thinking his league needs a Special Master. Haines said he spends a lot of time on child protection, making sure that volunteers do not have criminal records. But sometimes, he intimated, the league has to protect children from overzealous parents. Case in point. Two children in Los Angeles wanted to be on the same team; one of their fathers sought an injunction to make it happen. Fortunately, he said, the courts threw out the suit. In another effort to protect children, the league established the Kid Zone program, which requires parents to sign a Players’ Bill of Rights. The New York City Council has adopted the program, Haines said.

Markind’s clients are not quite as young as the children that cross Haines’ path, but, often in their late teens and from poor backgrounds, they remain a little green themselves. He advises his clients to invest wisely and guard against people who want to bilk them.

He said it can spell trouble “when you end up with huge amounts of money thrust at people who have no experience of being able to deal with it.”
CLASS OF 1978

Twenty-five years ago, newly minted Penn Law graduates set out on separate paths with a common goal: to lead interesting lives and fashion rewarding careers. Here we recount the career paths taken by six members of that class.

Avarita Hanson

Along her varied career path in law, Avarita L. Hanson has found a home in academe. In 2000, she joined the John Marshall Law School in Atlanta, where she is associate dean for academic affairs, associate professor of law, and chief academic officer for the JD program. She teaches trial and appellate advocacy, juvenile law, and client interviewing and counseling.

Hanson brings a wealth of experience to academia; she worked for a large law firm, started her own private practice, and held public service positions. She also brings the particular knowledge and understanding of having been first in a field.

As a student at Penn Law, she was among the first female students of color. She was active in the Black American Law Student Association (now the Black Law Student Association), and had the opportunity to meet revered African American attorneys like Sadie T.M. Alexander, Judge A. Leon Higginbotham, and Ralph Smith. "That was the beauty of it," she recalls, "the connections we had among alumni and other attorneys of color in the Philadelphia community."

As a newly minted graduate of Penn Law in the 1970s, Hanson found herself in the first generation of female attorneys who, she says, "wanted to have it all." The large firm she joined after graduation proved "unaccepting" of female lawyers who wanted both a career and a family, so she opened her own small private practice in her adopted state of Georgia. She enjoyed the autonomy, but was then enticed to become the Pro Bono Director for the State Bar of Georgia, Clerk to the Fulton County Board of Commissioners, executive director for the Examining Boards Division of the Georgia Secretary of State, and a part-time Fulton County Juvenile Court Judge. In the 1980s, she hosted "Legally Speaking," a public television program aimed at bringing legal knowledge to the general public and featuring female lawyers and lawyers of color.

Hanson remains an active supporter of the Black Law Student Association at Penn Law and the Georgia Association of Black Women Attorneys.

Richard P. Schifter

Early in his career, Richard P. Schifter specialized in bankruptcy law and corporate restructuring. Today he is a respected specialist in private equity investing.

After a one-year clerkship with the Hon. Max Rosenn of the U.S. Court of Appeals Third Circuit, Schifter joined Arnold & Porter's Washington, D.C., office and was named partner in 1986. In 1994, he moved to the Washington, D.C., office of the Texas Pacific Group, a Fort Worth private equity firm that invests capital in and sells established businesses. He finds the private equity business exciting, though the triumphs are more measured. "Litigation provides clearer victories and defeats," he says, "while in business, it's often a matter of degree."

Penn Law, he says, taught him to "think logically." He recalls civil procedure with the legendary A. Leo Levin, the Leon Meltzer Professor of Law Emeritus, as his favorite memory of his years at the Law School. Perhaps inspired by his classes with Levin, Schifter enjoys teaching and has conducted business seminars at the Georgetown University School of Business and the Harvard Business School.
Carol Springer

As a young graduate of Duke University, Carol Springer was interested in medicine and the law. So what did she do? She became both an attorney and a physician.

After earning her J.D. from Penn Law, Springer joined the Philadelphia office of Wolf, Block, Schorr & Solis-Cohen LLP where she specialized in health care financing. But she wanted to work more closely with health care, so she earned a degree from Penn’s School of Medicine in 1983 and became an ophthalmologist. She trained at St. Vincent’s Hospital, New York Hospital-Cornell Medical Center, and Memorial Sloan-Kettering Cancer Center, and practiced medicine in Juno Beach, Fla.

Even in medical practice, Springer found her legal education pivotal. “My law school experience provided me with superb training in the skills of clear and succinct speaking and writing,” she says. “These are virtues that... served me well both in my clinical courses during medical school, and later as a physician.”

Now retired and living in Palm Beach Gardens, Fla., Springer fondly recalls singing in the Law School’s light opera company (as an alto in the choir — “the traditional place for those who can’t really sing,” she recalls) and enjoying snacks from The Seed, a natural food store once across from the Law School. She also has fond memories of the first incarnation of LaTerrasse, a chichi restaurant that has found new life across the street from the Law School.

Springer is president of the board of directors for Easter Seals of Palm Beach County, where she got involved after her youngest child was diagnosed with autism and attended their pre-kindergarten program. The mother of four, she coaches girls’ soccer and supports the Girl Scouts and the Boy Scouts. In a lifetime of bright lights, a shining moment came when she was chosen to carry the Olympic Torch through her community for the opening of the 1996 Summer Games in Atlanta.

Nancy Watters

Although Nancy Watters’ career appears seamless, she actually took unexpected twists and turns along the way. A summer clerkship in her second year at Penn Law helped her land her first associate position after graduation, at Kirkland & Ellis in Washington, D.C., where she handled securities and commodities litigation.

Later, the Securities and Exchange Commission recruited Watters as senior counsel for the Division of Enforcement. She then joined Nutter, McClennen & Fish, rising to senior partner. After eight years at the firm, Watters took an unexpected and challenging step in a new direction by joining one of her clients, Tropix, Inc., a growing biotechnology firm, asked her to become the company’s general counsel and vice president of business development. In this position, she helped the firm build international alliances and increase sales.

“People just need to follow their heart and follow their gut and, remarkably, I think things turn out the way they want them to turn out,” she says.

Now retired, Watters continues to use her legal skills as an arbitrator of commercial disputes and securities cases for the American Arbitration Association. She also offers development assistance to the Greater Yellowstone Coalition, which works to preserve wilderness ecosystems.

Through the years, Watters has heard from graduates of other law schools about relentless professors and cutthroat competition among students. For Watters and her Penn Law classmates “that was far from the case,” she says, recently back from reminiscing at her 25-year reunion. “I think that Penn was really unusual. It was a very cooperative experience. Students really helped each other and had fun together, and I think that was true of faculty as well. . . . I really have terrific feelings about having gone to Penn.”
James E. Nevels

Talk about portfolios. In 1991, James E. Nevels launched an investment advisory business with limited start-up funds and an office on the third floor of his home.

Today, as chair and CEO of that business, The Swarthmore Group, based in West Chester, Pa., Nevels manages more than $1.3 billion in equity and fixed income assets for more than 100 national clients. The Swarthmore Group, a premier asset management firm, is one of the largest minority-owned businesses in the country. Its investments have grown consistently, even in a weak U.S. economy and a sluggish bear market.

“There are two things I believe in life are nearest and dearest to individuals: their families and making provisions for retirement,” says Nevels. “When people ask: ‘How will I provide the security for my family, for perpetuating the largesse that I may give to an institution or an endowment?’ The Swarthmore Group gets entrusted with all that.”

Nevels sharpened his skills at some of the most respected legal and financial institutions in the country: Ballard Spahr Andrews & Ingersoll, LLP, where he specialized in government and tax-exempt financing; Prudential-Bache Securities, Inc.; Smith Barney; and Harris Upham & Co., Inc.

He is also widely known for his commitment to education, making a highly personal effort to improve the quality of Philadelphia’s public schools. Since 2001, he has served as chair of the School Reform Commission of Philadelphia, charged by the Commonwealth of Pennsylvania with turning around the city’s troubled public school system. He also served as interim CEO of the Philadelphia School District from December 2001 to July 2002.

Nevels credits the “community of learning” at Penn Law with giving him the resolve and skills to ensure success in every facet of his career. “It did, in fact, shape my entire outlook and point of view in terms of confronting problems [and] problem-solving,” he says, adding that “the rigor and relative small size” of Penn Law allowed him to learn “good, serious critical thinking” and offered him “the opportunity to pursue a highly individualized regimen of training.” He says the deductive and inductive reasoning of his legal training has allowed him to “take an integrated approach (to decision-making), and that has stood me in very good stead.”

Alfred Putnam

As a student at Penn Law in the 1970s, Alfred W. Putnam Jr. thought he knew what he wanted to do after graduation. As a self-described “academic” in law school, he pictured himself practicing almost exclusively in the appellate courts. He enjoyed writing briefs, studying cases, and clerking for U.S. Court of Appeals judge Arlin M. Adams of the Third Circuit. He even enjoyed the Socratic method. “I liked the academic life of Penn Law,” he says. “I liked the give-and-take of the classroom. I actually thought it was an improvement over the lecture world of college.”

But trial work also proved to be Putnam’s calling. “If you had told me in law school that I’d be trying cases in front of juries, I’d have said, ‘It isn’t going to happen.’ Then I discovered that I could really try a case, and it’s been a great part of my career ever since.” Putnam is a partner at Drinker Biddle & Reath LLP and was elected a fellow of the American College of Trial Lawyers in 1997.

A second-generation alumnus of Penn Law (his father was Class of ’47), Putnam maintains strong ties to the school. He taught a course in appellate advocacy for several years, and in 2002 he was elected president of the University of Pennsylvania Law School American Inns of Court, which he helped co-found.

“I like to stay in touch with the law school,” Putnam says. “The younger lawyers really are talking about things that are active and new.” And Putnam would like to see more of them stay to practice in Philadelphia.

“Practicing law in the same firm in the same city for your entire career is not something that I think a lot of people do anymore,” he says. “My father did it, and I managed to do it. That’s been a pleasure for me. But I don’t know how easy it is for someone coming out of law school now . . . I wish more of our graduates could do it and would do it.”
PAPER CHASE OVER, GRADUATES HEAR CALL TO PUBLIC SERVICE

Justice Breyer Graces Graduation

The call to public service echoed through commencement as 245 J.D. students ended the paper chase and took home their coveted diplomas.

Speaking in the grand “chambers” of The Academy of Music, where 79 LL.M students also received degrees, Justice Stephen Breyer implored graduates to devote time during their careers to help others, whether through traditional pro bono work, legal reform efforts or government service.

“I’m asking you to help change a certain law firm culture,” said Breyer, who noted drops in pro bono work at major law firms, decreases in recent graduates’ pursuit of public or nonprofit careers, and disparities in what America spends on legal aid ($2 per citizen) to France ($5) and Britain ($15).

“How many young lawyers will search for a government job — when the comparative public/private salary gap has widened and young lawyers must repay school loans of $100,000 or more?” Breyer wondered.

Still, Breyer commended government service, saying he found it rewarding when, as a staff member on an obscure Senate subcommittee in 1974, he helped organize hearings on airline deregulation that led to cuts in average airfares and opened the skies to more people. “Public questions demand public participation ... The participation of lawyers is essential to preserve the democratic government that the Constitution foresees,” Breyer said.

Picking up the mantle of public service, former Newark (N.J.) Councilman Cory Booker, awarded an Honorary Fellowship at the ceremony, inspired students to reach out to the less fortunate, as he has done. While in law school, he said, he represented a poor and frail elderly woman who faced eviction from her apartment.

After considerable discussion, he recounted, the woman decided to fight the order because she thought it might help others if she won the case. Booker researched the case day and night but, sadly, it never got to court — she died of a heart attack before the hearing was held.

Using this story as a spark to ignite his call to public service, Booker beseeched the graduates to follow his example and use their educations to make a difference in the world. “Don’t be one of those people who is born an original and dies a copy,” Booker said.

Those words rang true to Class President Diana Spagnuolo. “We mustn’t convince ourselves that someone else will do the pro bono work,” Spagnuolo said. “Indifference is the worst offense of all.”

Spagnuolo said the 19,000 hours of public service performed by the graduating class over the last three years is a laudable precedent for students to build on in their careers. “Let this history influence our future ... Continue on this path of service and weave the ideals of tolerance, compassion, and ethics into the futures that await us.”
MEEKER INHERITS ADMISSIONS POST

Interim no longer proceeds his title. As of April, Derek E. Meeker is the Assistant Dean for Admissions and Financial Aid. As head of that office he recruits high-caliber students and enrolls incoming classes, making sure he draws a diverse student body. He is also Penn Law’s public face to potential students. Meeker represents the Law School at various student-related forums, and is a prime part of the school’s marketing team. What’s more, Meeker administers financial aid programs and merit scholarships, including the Levy Scholars’ and Dean’s Scholars’ programs. In that role he evaluates and selects candidates who will receive financial assistance.

Before coming to Penn as Associate Director of Admissions and Financial Aid in August 2002, Meeker was Assistant Director of Admissions at William Mitchell College of Law in St. Paul, Minn. Previously he was legislative aide to the Chairman of the Senate Judiciary Committee in the Ohio Senate and an Assistant Attorney General in the Ohio Attorney General’s office.

He earned a Bachelor of Science degree in Journalism from Ohio University, where he graduated cum laude; a J.D. from Capital University in Columbus, Ohio; and studied Comparative Law at St. Anne’s College at Oxford University.

Announcing his appointment, Dean Michael A. Fitts said, “Derek has uniformly impressed faculty, students, and staff with his understanding of and appreciation for Penn Law, and with his ideas, dedication and ability to get things done.”

Penn Law Journal recently sat down with Meeker to get his thoughts on his new job.

WHO GETS INTO PENN LAW?

We have one of the largest applicant pools in the country. It allows us to be very selective, so within our pool of 5,200 applicants there are probably a few thousand who are qualified.

There isn’t an ideal student, but there are certain qualities that we prize. Sterling academic records, strong LSAT scores, excellent writing skills — these are all obviously important. But these factors only tell part of an applicant’s story. We want students who will be interesting and engaging, who have initiative, discipline and strong leadership skills, who come from diverse backgrounds and have diverse perspectives.

The person who gets into Penn Law typically embodies many of these qualities. What really sets an applicant apart among many qualified candidates is uniqueness, someone who has taken some risks. We always see people who have studied abroad, done the White House internship, worked as a paralegal — all of which are fine, but common. We don’t always see a student who has spent a year engaged in dolphin research or a political science major who has written a screenplay or worked on Wall Street. It’s things that really jump out at us, that we think will add depth to the Penn Law community and perhaps provide a unique perspective.
WHAT MAKES PENN LAW SPECIAL?

The opportunities for interdisciplinary study. There are few universities that compare to Penn. It has, across the board, a number of the best programs in the country. Also, the Law School is an intimate place, very supportive and collegial. Students have a quality of life here that you won’t find at most other last schools of this caliber.

HOW HAS RECRUITMENT CHANGED?

Technology. The way we communicate. Our applicants are so sophisticated, technologically savvy and very visually-oriented. Law schools are now upgrading their Web sites because we’re dealing with a different generation.

WHY IS IT IMPORTANT TO RECRUIT INTERNATIONAL STUDENTS FOR THE LL.M. PROGRAM?

Primarily because the practice of law has become more global – another result of the Internet. Students who are going on to become attorneys have to be more sophisticated today, have a broader understanding of the world, of business, of technology and international affairs. Law has never been an isolated discipline, but it’s become even broader, so it’s important to be among people from different countries to gain new perspectives and insights.

HOW ARE YOU GOING TO PUT YOUR STAMP ON THE JOB?

Being personally involved really makes a difference to students, and that’s really important to me. Every student who’s here is going to know who I am because I make an effort to get to know everyone who is admitted to Penn Law. If I haven’t met with them personally, I’ve probably spoken to them over the telephone. They’re not just going to get a form letter from the dean of admissions. Also, I want to continue to help solidify Penn Law’s identity as the best school today to get a legal education that is rich in cross-disciplinary opportunities.

SNAPSHOT

A Peek at the Incoming Class

MICHAEL AREINOFF
Hometown: Monravia, CA

Michael is a 2003 graduate of Stanford University. A Philosophy major, Michael earned excellent grades in a rigorous curriculum that included completion of Ethics in Society, a selective, interdisciplinary honors program. He also served as a resident assistant and was active in various extracurricular activities. In the midst of his demanding coursework and campus activities, at the age of 19, Michael also started a camp, Camp Kesem, for kids who have a parent with cancer.

HOLLY FERNANDEZ
Hometown: Albany, NY

Holly is a 2003 graduate of the University of Pennsylvania. Holly’s superior academic record immediately stands out: she graduated summa cum laude. But what really set Holly apart was her interest in cloning technology and in-depth study of bioethics as an undergraduate student. The University of Pennsylvania’s renowned Bioethics Center and Penn Law’s strong health sciences curriculum seemed to be a perfect fit for this academically gifted student, who will be among the first Levy Scholars.

ARIAN STEWART
Hometown: Fort Washington, MD

Arian is a 2003 graduate of University of Maryland, but she is hardly the typical 22-year-old college graduate. Arian, a single mother, had just completed fall semester of her sophomore year of college when her 18-month-old daughter, Maya, was diagnosed with a rare type of cancer. Arian worked full-time while also caring for Maya and taking part-time evening courses. When Maya’s health improved, Arian returned to the University of Maryland as a full-time student, earning straight As in her last four semesters while volunteering her time as a tutor and SAT prep course coordinator.
The National Constitution Center opened in America's birthplace on July 4, with Penn Law as an important partner in this first-ever museum dedicated to the document of "We the People."

And what could be a more perfect union for the development of this "Smithsonian of the Constitution" than Penn Law and the new Constitution Center? With its superior expertise in Constitutional law, the Law School is a natural contributor to the NCC, which is destined to join the Liberty Bell as a major tourist attraction, historical focal point and educational force. The Center is located in Independence National Historical Park in Philadelphia.

Noting the Law School's contributions to the project, Dean Michael A. Fitts said, "The Center is original in its presentation and in its ability to reach someone new to the Constitution as well as appeal to the knowledgeable scholar. I am very proud of the significant roles that Penn Law faculty and students have played in this extraordinary endeavor. They have helped to create a center that will be known far and wide as the Smithsonian of the Constitution."

Steve Frank, NCC's director of research, sees great benefit in the synergy between Penn and the NCC. "I think that the two institutions...can do together a great many things that they can't do separately. Penn is a deep well of intellectual resources and the NCC is a unique institution for reaching out to a broad American public. In that sense, [the relationship] provides a bridge between the academy and the citizenry."

With the axiom "enter as a visitor, leave as a citizen," the NCC invites families, students, and scholars to increase their awareness and understanding of the Constitution, its history, and its relevance in their daily lives through interactive and multimedia exhibits like "The American Experience," which includes a history of the Constitution, and "Domestic Tranquility," a discussion area for scholars and visitors.

Visitors read headlines as they enter different areas of the museum. Each area contains additional explanatory text, interactive displays, and period objects. At the exhibit on the Reconstruction Amendments, for instance, people can read about the events and hear the debates that took place on the sensitive issues that followed the Civil War.

A centerpiece of the museum is the Chronology Wall. Professor of Law and History Sarah Barringer Gordon, a member of the NCC's advisory board and executive committee, said she is particularly proud of this exhibit, which speaks to the spirit of the museum because its conception sparked a Constitutional-style discussion among experts on how to portray the Constitution's history.

"The Constitutional historians and theorists on the advisory panel," Gordon recalls, "debated how to do this, where to put things, what kind of language to use, how to conceive of a chronology." The undertaking was not easy: "We worried very much for example about when, where, and how often to introduce slavery. How do you talk about that? How do you include this enormous flaw in the structure and the society
without trivializing it? How do you give appropriate balance to it?” Other debates centered on the treatment of women’s suffrage: “We didn’t just want a happy story,” she says “We wanted it really to mean something.”

With her colleagues on the advisory panel, Gordon, an NCC visiting scholar, combed through the exhibit labels and materials both for accuracy and to ensure a rich experience for every visitor. NCC market research indicated that eighty percent of visitors would be schoolchildren and families and twenty percent would be scholars with a considerable understanding of the Constitution.

“Those of us on the advisory panel and the executive committee are deeply committed to making sure the presentation of the Constitution is not too simplistic or uni-vocal,” says Gordon. “The scholars are very keen on making sure not only that the twenty percent is satisfied and enriched by the experience, but also that the eighty percent has a chance, if they want to, to dive deeper at any level.”

Congress approved the concept of the National Constitution Center with the Constitution Heritage Act in 1988. Not until the mid-1990s, however, did serious discussions about a museum begin. The appointment of Edward G. Rendell C’65, then mayor of Philadelphia, as board chair and Joseph M. Torsella C’85 as president, began to move the project from concept to reality. From the ground up, Penn has been quite involved in the development of the NCC.

In January 1997, under the direction of University of Pennsylvania President Judith Rodin, the NCC and Penn formed a partnership to turn the concept into something more tangible. Faculty at the Law School, along with the Graduate School of Fine Arts, the Graduate School of Education and Penn’s history department, helped shape the museum, create programs, and define the NCC’s role as an educational tool.

Richard R. Beeman, Professor of History and Dean of Penn’s College of Arts & Sciences, was involved with the project when it was just an unrealized idea. He recalls that former Penn Law Dean, Colin Diver, was “very supportive of the notion that Penn, with important input from the Law School, would provide a lot of the intellectual and academic foundation.”

As the NCC opens its doors to visitors, no law school in the nation is better prepared to lead important discussions about the vitality, endurance, and meaning of the Constitution than Penn Law. The school’s Constitutional law faculty includes: Matthew Adler, C.Edwin Baker, Frank J. Goodman, Seth F. Kreimer, Nathaniel Persily, Kermit Roosevelt and Kim Lane Schepppele, an NCC visiting scholar in 1998-99.

**NCC EVENTS AND PROGRAMS**

*Penn Law is a major player in the partnership that was established in 1997 between the National Constitution Center and the University of Pennsylvania. Here are several highlights of the joint programs of Penn Law and the NCC:* 

- Visiting Scholars Program: Each year two Constitutional law scholars may teach a seminar at Penn Law, give a public lecture on a constitutional topic, and engage in other activities that enrich both Penn Law and the NCC.
- In February 2002, Michael W. McConnell (now on the United States 10th Circuit Court of Appeals) inaugurated the Visiting Scholars Lecture Series with his lecture, “Establishment and Disestablishment at the Founding.”
- Recent and Upcoming Scholars:
  - Stanley N. Katz, Woodrow Wilson School of Public and International Affairs, Princeton, fall 2003
  - Professor Lillian R. BeVier, John S. Shannon Distinguished Professor of Law Class of 1963 Research Professor, University of Virginia School of Law, fall 2003
  - Sarah Burringer Gordon, Professor of Law and History, Penn Law, 2001 – 2002
  - Michael W. McConnell, University of Utah, 2001 – 2002
  - Kim Lane Schepppele, Professor of Law and Sociology, Penn Law, spring 1998 - 1999
  - Book Series: Professor Matthew Adler and [Stanley Katz] of Penn and Gordon Wood of Brown University are establishing a book series that focuses on Constitutional issues with the NCC.
  - The University of Pennsylvania Journal of Constitutional Law: The NCC co-sponsored the journal’s first conference, provided educational materials to participants, and anticipates future joint conferences with the Journal.
- Penn Law Constitutional Experts: Penn Law faculty experts are working with the NCC to provide news commentary on issues of the day.
- Penn Law Symposia and Conferences: NCC patrons and participants are welcome to join select Penn Law events that delve into Constitutional issues or can learn about many of these events on the NCC’s website.
- Penn Law Students: In addition to the interaction available through the symposia, visiting scholars seminars, and the Journal of Constitutional Law, the Law School anticipates creating additional opportunities for Penn Law students both to contribute their research and skills to the work of the NCC and to avail themselves of the resources of the NCC as this relationship develops.
At the core of the Constitution Center’s educational mission are scholarly programs, lecture and book series, and other projects (see sidebar) with Penn Law faculty and students such as Jason Abel L’03.

As editor of the Journal of Constitutional Law, Abel, now an associate at O’Melveny & Myers LLP in Washington, D.C., says he and his student colleagues have worked “to create a long-lasting relationship with the NCC ever since its inception,” helping to develop, among other things, the NCC’s interactive website.

What drew the Chicago native to Penn Law is exactly what the NCC hopes will draw visitors from the world over. “There is such a synergy between Constitutional law and Philadelphia — the birthplace of our Constitution and the birthplace of our country,” Abel says. It is also home to Penn Law’s “top-rata faculty,” exciting courses in Constitutional law, and the only journal of Constitutional law in the Ivy League. Altogether, Abel says, the combination of Penn Law’s Constitutional expertise and the NCC, all situated in Philadelphia’s cradle of liberty, creates “a trifecta of Constitutional scholarship that we’re all lucky to have.”

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**NCC EVENT**

**COURT DECISION ON SOFT MONEY BAN GETS CRITIQUE AT SYMPOSIUM**

*By Jon Hurdle*

Experts from around the country came to Penn Law in May to discuss the legal controversy surrounding campaign finance reform. Assistant Professor Nathaniel Persily organized the symposium in response to the recently released convoluted 1,638-page decision issued by a three-judge district court hearing challenges to the Bipartisan Campaign Reform Act, popularly known as the McCain-Feingold campaign finance law.

The law bans so-called “soft money”: large, previously unregulated contributions to political parties by corporations, unions and wealthy individuals. It also forbids corporations and unions from engaging in “electioneering communications,” such as television commercials referring to candidates within 60 days of a federal election.

At the symposium, co-sponsored by Penn Law and the National Constitution Center, participants attempted to explain and critique the decision, which upheld the ban on solicitation of soft money by federal officials and modified the ban on electioneering communications. Plaintiffs, led by Kentucky Senator Mitch McConnell, had argued that the law abridged the First Amendment rights of parties and other entities who wished to make political contributions and expenditures.

Trevor Potter, chairman of the Campaign and Media Legal Center, and former chairman of the Federal Election Commission, expressed the view at the symposium that the court concluded that politicians’ acceptance or solicitation of corporate and union money constitutes corruption.

A majority of the court concluded that in accepting soft money there is not only the appearance of corruption but also actual evidence of it, Potter said. “There is proof that access to federal officeholders is sold to the highest bidder and that members of Congress sometimes vote for donors’ wishes. These are not exactly dramatic findings but they drive home the reasons that this Act was passed.”

On the other hand, said Yale University’s Jonathan Krasno, an expert witness for the FEC, the two major parties are unlikely to be irreparably harmed if the Supreme Court upholds the ban on soft money for party-building activities. “The parties’ efforts to boost (voter) turnout rates have been largely ineffective,” he said.

Shortly after the symposium, the federal district court stayed its own decision, allowing McCain-Feingold to stand until the Supreme Court issues the final word on the constitutionality of the Act. The Court has agreed to hear the case in a special session in September.

Persily expects the Supreme Court to strike down the electioneering provisions of the Act while upholding much of the Act’s ban on soft money. However, personnel changes on the Court, he was quick to add, may lead it to strike down the entire law.
HOW DOES THE U.S. CONSTITUTION TRANSLATE OUTSIDE "THE LAND OF THE FREE AND HOME OF THE BRAVE?"

Professor of Law and Sociology Kim Lane Scheppele traverses the globe to help other countries develop constitutions and find solutions to constitutional crises. At present Scheppele is based in Russia, where she is examining the development of "constitutional consciousness", as the country undertakes legal reforms. She also studies other constitutional systems for clues on how to improve American laws.

Back home at Penn Law, Scheppele has taught a course on Constitutional Drafting. The course starts with the Philadelphia Constitutional Convention and proceeds through European constitutional development from the French Revolution to the Russian Constitution of 1993. So, no one is better equipped to answer this question: How does the U.S. Constitution translate to other countries, especially to those without a history of democratic government?

“I'm not a big fan of the idea that the American Constitution can be exported in its details. America's constitutional history is very specific and very unusual in international perspective and the structures of American government represented in the American constitution are very much a product of their time and place. Would we really want to export the unwieldy and complicated and under-defined structure of national government that we have? The American constitution has by and large worked well for the United States, but that may have been because (given our many political-cultural similarities to Britain), we might well have done without a written constitution at all. Only our system of judicial review really seems to require the written text; otherwise political institutions are so loosely defined that they have been able to change crucially over time under the same written plan. Powers of the branches ebb and flow as politics change; the American constitutional text is itself consistent with a presidentialist regime as it is with a parliamentarist one.

But if we were to write our own constitution over again, would we leave out administrative agencies, congressional committees (particularly conference committees), lower federal courts, the central bank, political parties? Despite the fact that most countries in the world now have written constitutions (a development that itself dates largely from the end of the Second World War), very few places in the world follow the American constitution in its details because most have realized that a more complete plan of government is necessary and that it is necessary for later harmonious politics to take more elements of the structure out of the realm of political bargaining.

Nonetheless, America was the first place to get a written national constitution as a result of a basically representative constitutional assembly - and that is what has been followed around the world. We shouldn't forget that America was followed just a few short years later, in 1791, by constituent assemblies that produced written constitutions in France and Poland. After that, holding a constitutional assembly to write a new constitution became the way to change government deliberately, though it took more than a century before such efforts were routinely successful. The American constitution has been a model more for the way it was written than for what it concretely contains.”
Worth The Paper It’s Written On
WHARTON CERTIFICATE
CONFERS BUSINESS
SAVVY

By Jennifer Baldino Bonett

Even in her first months of legal practice, Brenda J. Robinson L’03 can offer her clients expertise that sets her apart from her colleagues. She has an acute understanding of the business aspects of their cases which she gained while earning her J.D. at Penn Law. As she studied for her law degree, Robinson also completed coursework for a new Certificate of Study in Business and Public Policy at the Wharton School.

"Because of my strong interest in practicing intellectual property law," says Robinson, "having the opportunity to study technology and intellectual property from a business and management perspective enhanced my knowledge of the field and better prepared me to address the needs of my clients. A practicing attorney (who, incidentally, happened to be a Penn Law alum) once advised me that one of the keys to the successful practice of law is to know your client’s business. I believe that the knowledge that I gained from studying at Wharton will assist me in understanding the needs of my clients."

To earn the certificate, students must take four courses – one at the Law School and three at Wharton – all of which fit neatly into the current J.D. course load. Students do not need to take additional course hours to earn the certificate.

The Wharton courses must include one in the Business and Public Policy Department, and the others may be in areas of specialization like international operation of government, urban development and real estate, management, or health care and risk management.

Established in the 1999-2000 academic year, the Wharton Certificate is another huge step forward in Penn Law's effort to create a peerless interdisciplinary program. Increasingly, students receive joint degrees or take credits in economics, public policy, and the arts and sciences. Many are also earning MBAs while in law school. Which has led Dean Michael A. Fitts to wonder: How can we open up more such opportunities for Penn Law students?

To prepare students for a global economy, in which lawyers and business professionals cross paths more frequently, developing a course of study with the Wharton School seemed a clear choice.

"Throughout the University, there are excellent courses and departments compatible with law," says Fitts. "One of the most evident connections is between law and business. Where better for students at one of the world's top law schools to add to their knowledge and skills than at the internationally renowned Wharton School?"
School? It's a way of distinguishing the Law School within the University, and a way of distinguishing Penn Law among its peers."

Clearly, Penn Law students agree. There was substantial interest when the program was first offered in 2001-02, and it is growing: 11 percent of the students in the 2003 graduating class completed the requirements for the certificate.

Among those students was Michael Sherman L'03. "I thought it would be a great opportunity to take advantage of the resources that Wharton could provide and to expand on my legal education and ultimately my career," he said, just before graduating in May and heading to New York City as an associate at Willkie Farr & Gallagher. "I think the courses in the certificate program enable law students to think and study in an economic or business realm, which is a unique opportunity."

Elizabeth E. Bailey, the John C. Hower Professor of Business and Public Policy at the Wharton School, says the certificate program is a boon to both Wharton and Law students. "You get a really different perspective when you have law students and MBAs in the class," says Bailey, who chairs Wharton's Business and Public Policy Department. "MBAs benefit from understanding the perspective of law students and vice versa."

Janet Rothenberg Pack, Professor of Business and Public Policy and Real Estate, taught two spring courses — private economic development and cost-benefit analysis — that were peppered with law students. She says she and her students find the program mutually beneficial: "It enriches my experience; it enriches the class's experience." While she favors the "cross-fertilization" of knowledge between law and business students, Pack notes that some law students need to stretch to grasp the applied economics prevalent in Wharton courses. Although it may be a struggle, she says, eventually "they get it."

The number of students beating a path across Walnut Street to Wharton is striking, says Pack. "We just reach our limits," she says, noting that she has expanded her class size to accommodate more law students. Pack and her colleagues may need to make even more room. Outside Penn, word of the novel certificate program has spread quickly. "I have several friends who applied to the Law School during the three years that I was there," says Brenda Robinson, "and each cited the opportunity to study at Wharton as one of the factors that influenced their decision."

Pack promotes the Penn Law-Wharton relationship to prospective students as well. "In general, this kind of association is a good thing," she says. "It's something a large university can do and should do. It's the kind of possibility people come to Penn for. One of the important things that a major university provides is diverse peer group experiences, and a program like this broadens the peer group experience in a substantive way. If we didn't have a program like this there would be few opportunities for law students and MBAs to interact. They will have to work together as they go out into the world and their jobs. I think this is Penn's contribution to facilitating that interaction."
Chris Sanchirico, a visiting professor at Penn Law in 2002, has joined the faculty as professor of law, business, and public policy. He will teach Evidence, Civil Procedure, and Law and Economics.

Sanchirico comes to Penn from the University of Virginia School of Law, where he had taught since August 1999.

"I'm very excited to be joining the Penn Law community," Sanchirico said.

"During my visit here last fall, I found the students to be hard working, intellectually curious, and extremely personable. And I'm looking forward to teaching them—and learning from them—in the years to come.

He continued, "What especially attracted me about the faculty was their commitment to interdisciplinary research, whether that be law and history, law and economics, or law and psychology. I think it's safe to say that no other faculty in the country has been as successful in combining the methodological rigor of academic disciplines with the desire to say something useful about the special problems of law."

Commenting on Sanchirico joining the faculty, Penn Law Dean Michael A. Fitts said: "Chris is a real star in the field of economics and law. His use of economic analysis to illuminate important legal questions in evidence and civil procedure is totally unique, and places him at the very forefront of legal scholarship. We are absolutely delighted we were able to attract him here from the University of Virginia."

Sanchirico is an expert on game theory and its application to evidence and civil procedure as well as an internationally recognized theorist on economic law. His research work has been published widely in economic and law journals.

He has also been a consultant on tobacco litigation risk; an expert witness in the case of Bolick v. Roberts, heard in U.S. District Court for the Eastern District of Virginia; and a research analyst on international corporate finance for The First Boston Corp. He is a member of the American Law and Economics Association and the Game Theory Society.

Sanchirico earned an A.B. from the Woodrow Wilson School of Public and International Affairs at Princeton University in 1984, a J.D. from Yale Law School in 1994, and a Ph.D. in Economics from Yale University in 1994. He was an Olin Fellow at Yale Law School, a Leylan Fellow at Yale University, and a Woodrow Wilson Scholar at Princeton.
Matthew Adler, Professor of Law, was a Visiting Professor of Law at the University of Chicago Law School in the spring of 2003 and a Visiting Professor of Law at the University of Virginia Law School in the fall of 2002. In May 2003 Adler presented "Against 'Individual Risk': A Sympathetic Critique of Risk Assessment" to a faculty workshop at the University of Chicago Law School. Also in May 2003, Adler presented "Against 'Individual Risk'" to a faculty workshop at the Northwestern University Law School. In April 2003, he presented a comment at the first annual Constitutional Theory conference. The conference, which Adler co-organized with Rebecca Brown (Vanderbilt) and Barry Friedman (NYU), is an annual gathering of constitutional theorists that will rotate among Penn, NYU, and Vanderbilt. In January 2003, his co-authored paper (with Michael Dorf), “Constitutional Existence Conditions and Judicial Review,” was presented by Professor Dorf at the AALS panel in honor of Marbury's bicentennial. Adler and Dorf presented that paper in February 2003 to a law and philosophy workshop at Columbia Law School. He presented "Risk, Death and Harm" to a faculty workshop at Virginia in October 2002, and to a faculty workshop at the College of William and Mary School of Law in November 2002. In October 2002, he participated in a conference on Legal Transitions at the University of San Diego School of Law, where he presented "Legal Transitions: Some Welfarist Remarks."

PAPERS AND PUBLICATIONS


Anita L. Allen, Professor of Law and Philosophy, has been named Visiting Professor of Public Affairs and also Law and Public Affairs Fellow at Princeton University for the 2003-2004 academic year. Her book, Why Privacy Isn’t Everything: Feminist Reflections on Personal Accountability was published by Rowman and Littlefield in April. In June, Professor Allen spoke at a number of conferences including the 2003 Law and Society conference in Pittsburgh, on the topic of interracial intimacy; the ABA Section on Minority Lawyers Conference in Philadelphia, on homeland security and civil liberties; and at the AALS Mid-Year Meeting in New York City, on women in legal education. Allen also appeared on the CBS television program "60 Minutes" in June, in a segment on wrongful birth medical malpractice lawsuits. On July 2 Professor Allen was one of four scholars invited to speak at a symposium at Carpenter’s Hall to help celebrate the opening of the National Constitution Center in Philadelphia. Professor Allen has become an editor of the Journal of Law and Medicine, and has been named Treasurer of the Association for the Study of Law, Culture and the Humanities. She continues to serve on the advisory board of the Electronic Privacy Information Center, and the board of directors of The Bazelon Center for Mental Health Law, and the Family Planning Council of Philadelphia.

C. Edwin Baker, Nicholas F. Gallichio Professor of Law, gave the Mitchell lecture at the University of Buffalo in April on the topic: “What Good is the Media: Shaping the Media for Democracy.” His recent book, Media, Markets, and Democracy (Cambridge, 2002) was chosen, over eighty other nominations, for the 2002 McGannon Communications Policy Research Award for the most notable relevant publication published during the year. This book was also celebrated at a mini-symposium at Penn Law, where Baker responded to comments by Professors Seth Kreimer and Steve Shiffrin (Cornell Law). His article, “Media Concentration: Giving Up on Democracy,” 54 Florida L. Rev. 839 (Dec. 2002), an earlier version of which was published in Germany, in Uwe Blaurock, Medienkonzentration und Angebotsvielfalt zwischen Karrell- und Rundfunkrecht (2002), has led to his making a number of presentations on the subject of media concentration during May and June, specifically to a Senate Breakfast Briefing, with speakers including three U.S. Senators, two FCC Commissioners, and other panelists, hosted by New America Foundation at the U.S. Senate’s Russell Office Building; to the New York City Bar Committee on Communications and Media Law; and on Odyssey, an hour long discussion radio program produced and syndicated by Chicago Public Radio (WBEZ). His comments on "The Relation of the Press to Democracy," presented to a seminar on media policy held in Montreal in November, 2002, were published in Médias et vie démocratique. A presentation he made several years ago in Haifa was published under the title "International Trade in Media Products," in Niva Elkin-Koren & Neil Netanel, et al., The Commodification of Information (2002). In April, he presented the paper: “Gossip: The Central Meaning of the First Amendment,” at a symposium...
C. Edwin Baker (continued)
on Freedom of Speech held at Bowling Green University in Ohio. In December, 2002, Baker discussed the economics of the mass media with the Yale Information Society Group and presented a lecture, “Theories of Democracy and Press Freedom” to the Yale Law & Technology Society. And last fall, he presented a paper, “Rights Based Foundation of Legal and Moral Obligation” at Penn Law’s faculty retreat.

Stephen B. Burbank, David Berger Professor for the Administration of Justice, spoke on jurisdictional conflict and jurisdictional equilibration at a June 2003 conference in Barcelona that was co-sponsored by the Association of American Law Schools and the European Law Faculty Association. Also in June, Burbank was one of four keynote speakers at an AALS Conference on Civil Procedure, and he has agreed to publish a paper growing out of that presentation, which concerns the role of Congress in making procedural law, in the 2004 federal practice and procedure issue of Notre Dame Law Review. Burbank spent the summer working on that paper and another paper for an ABA-sponsored conference on “Vanishing Trials” to be held in December.

Howard F. Chang, Professor of Law, presented his paper “Risk Regulation, Public Concerns, and the Hormones Dispute: Nothing to Fear but Fear Itself?” at the Law and Public Affairs seminar at Princeton University in April 2003.

PAPERS AND PUBLICATIONS


Jacques deLisle, Professor of Law, presented “China’s Changing Legal System and the Environment for Foreign Trade and Investment” at a May 2003 Conference on Doing Business in China, sponsored by the Philadelphia Department of Commerce and the China Trade Center. Also in May 2003, deLisle presented “China’s Changing Motives for WTO Accession and WTO Participation” at a Harvard Law School Conference on East Asian Legal Studies, and was a participant in a colloquium on Just War Theory at the University of Illinois Institute of Law and Philosophy. In February 2003 he presented “Policy All the Way Down?: ‘Big Enough’ Intervening Causes, ‘Too Remote’ Causes and the Proximate Causation Limitation on Tort Liability (A Response to Richard Wright)” at the University of San Diego Law School Institute for Law and Philosophy conference on Theories of Compensation. As Director of the Asia Program at the Foreign Policy Research Institute, deLisle chairs the Inter-University Study Group on Asia, and is organizing, with the Institute for International Relations (Taiwan) and the U Penn Center for East Asian Studies, a Conference on Democratization and Liberalization in Greater China and its Implications for Governance and Foreign Relations (to be held September 2003).

PAPERS AND PUBLICATIONS

“SARS: Greater China and the Pathologies of Globalization,” Orbis (Forthcoming, Fall 2003)

“Varieties of Sovereignty and Cross-Strait Relations: A Conference Report,” Foreign Policy Research Institute, E-Note

“Illegal! Yes! Lawless? Not So Fast: The United States, International Law and the War in Iraq,” Foreign Policy Research Institute, E-Note

Eric Feldman, Assistant Professor of Law, is completing a book, Unfiltered: Tobacco, Policy and Public Health in Eight Nations. The book, funded by the Robert Wood Johnson Foundation’s Substance Abuse Policy Research Program, will be published by Harvard University Press. Feldman, the project’s principal investigator, contributed a chapter describing the legal and political issues of tobacco control in Japan, and co-authored the book’s introduction and conclusion. Fifteen scholars from the United States, Australia, Canada, Denmark, the United Kingdom, France, Japan and Germany contributed to the book, which includes studies of conflict over tobacco policy in those nations, as well as comparative analyses. He is also conducting research on tobacco litigation in industrialized nations. His study will look at the amount and intensity of cross-national influence in tobacco litigation - exploring successes and failures of various cases; considering the degree to which such litigation has compensated injured parties; and analyzing the reasons why different forms and amounts of litigation have arisen in different locales. In addition, Feldman has begun another research project that will explore medical malpractice litigation in Japan. He will study how medical malpractice has been resolved traditionally, as well as focus on the provision of malpractice insurance, changes in litigation rates, and reform proposals.
Claire Finkelstein, Professor of Law and Philosophy, presented a paper entitled “Intentional Action and the Deliberative Requirement” in Amsterdam last June at a conference on Reasons, Intentions and Morality. In April she presented a paper entitled “Contractarian Legal Theory” at the George Mason Faculty Workshop. In conjunction with Penn’s Institute for Law and Philosophy, she organized a conference called “Contract, Consent and the Law,” where she presented “An A Priori Argument Against the Death Penalty.” In August she spoke in Lund, Sweden on “Liability for Unintended Consequences,” on a panel on criminal responsibility.

PAPERS AND PUBLICATIONS


Geoffrey C. Hazard, Jr., Trustee Professor of Law, will be giving lectures next year at Hofstra University on judicial selection following the Supreme Court decision in Republican Party v. White; at Georgia State University on judicial elections; at UCLA on professional ethics; and at Valparaiso University, also on professional ethics. This past spring he was on sabbatical as a visiting scholar at Arizona State University.

Peter H. Huang, Assistant Professor of Law, presented “Effective Regulation of Affective Investing: Regulating Emotional Investing in Bipolar Securities Markets,” at the 2003 Annual Meeting of the Society for the Advancement of Behavioral Economics in July 2003; “Affective Investing and Effective Securities Regulation: Regulating Anxiety and Euphoria in Securities Markets” at the University of Virginia Law School in March 2003; and “Regulating Emotional Investing in Anxious or Exuberant Securities Markets” at the George Mason University Law School in March 2003.

PAPERS AND PUBLICATIONS


Douglas Frenkel, Practice Professor of Clinical Law and Clinical Director, participated in a workshop on clinical teaching methodologies for Chinese clinical teachers at Columbia Law School in April. Also in April, at the invitation of Catholic University’s Clinical Legal Education Oral History Project, he took part in an 80-minute videotaped interview on the evolution of clinical legal education, with emphasis on those aspects of Penn’s program that have distinguished it as a leader in the field. The aim of the project is to create a central archive of the clinical education movement with emphasis on its inception, growth and unique contributions to legal education. He also served in June as a panelist at a daylong professional education program on Mediation in Philadelphia sponsored by the ABA Dispute Resolution Section and Pennsylvania and Philadelphia Bar Associations’ Committees on Dispute Resolution.

Jason Johnston (continued)

PAPERS AND PUBLICATIONS


"Is Federalization Inevitable? A Political-Economic Analysis of the Centralization of Environmental Regulation" (in progress)

"Private Incentives for Public Goods: The Case of Conservation Easements" (with Gideon Parchomovsky) (in progress)

"Contract Default Rules as Standard Form Contracts: A Principal-Agent Approach to the Law and Economics of Bargaining Around the Law" (in progress)

"Thresholds, Tipping Points, and the Law: An Economic Analysis of Regulating the Non-linear World" (in progress)

"A Legal and Economic Assessment of Voluntary Environmental Regulation in the Metal Finishing Industry" (in progress)

Lec Katz, Professor of Law, was a commentator at the international conference of legal philosophers in Lund, Sweden.

PAPERS AND PUBLICATIONS


"Complicity and the Murderous Judge," Foundation Press (forthcoming)

Michael Knoll, Professor of Law and Real Estate

PAPERS AND PUBLICATIONS


Seth Kreimer, Associate Dean and Professor of Law, presented an address in March 2003 on "Free Speech in a Time of Terror" to Penn Law's Sparer conference on "Terrorism and the Constitution: Civil Liberties in a New America" and made a presentation on "Homeland Security and the Constitution" to the annual meeting of the Pennsylvania Bar Association in April 2003.


PAPERS AND PUBLICATIONS


https://scholarship.law.upenn.edu/plj/vol38/iss2/1

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**Alan Lerner**, Practice Professor of Law, was a small group leader in a discussion of “Lawyers and Professionalism,” at the annual joint meeting in May 2003 of the Association of American Law Schools Clinical Section and the Clinical Legal Education Association. In February 2003, Lerner led a series of workshops for residents at Children’s Hospital of Philadelphia on providing expert testimony in court. He was also appointed a co-director of the University’s Center for Children’s Policy, Practice, and Research (CCPRR) in April 2003. In the fall of 2002, Lerner made a presentation on the Interdisciplinary Child Advocacy Clinic as part of a Penn Law team that secured a Robert Wood Johnson Clinical Fellows site grant. The grant will permit the University, in cooperation with the Veterans' Administration Hospital, Children's Hospital of Philadelphia, and the University's various community partners, to create a multidisciplinary curriculum for selected post-doctoral physicians in health care and public policy.

**Howard Lesnick**, Jefferson B. Fordham Professor of Law, has written *Moral Education: A Teacher-Centered Approach*. The book will be published this fall by Allyn & Bacon. The co-author is Joan F. Goodman, Professor at Penn's Graduate School of Education.

**PAPERS AND PUBLICATIONS**


**Charles W. Mooney, Jr.**, Professor of Law, continues to advise the U.S. Department of State as it works toward eventual ratification of the Cape Town Convention on International Interests in Mobile Equipment and the related Aircraft Equipment Protocol. (The United States recently signed the Convention.) Mooney served as position coordinator and member of the U.S. delegation for the State Department at a diplomatic conference in Cape Town in October and November 2001, at which the Cape Town Convention and Aircraft Protocol were completed. In May 2003 he made a presentation on Revised U.C.C. Article 9 and bankruptcy law at an academic conference in New York City sponsored by the University of Kentucky College of Law, in Lexington.

**PAPERS AND PUBLICATIONS**


Charles W. Mooney, Jr. (continued)


"A Normative Theory of Bankruptcy: Bankruptcy As (Is) Civil Procedure" (in progress)

"Bankruptcy Meets Revised UCC Article 9, Case Study: Section 103 of the Durbin-Delahunt Bill" (with Harris) (in progress)

"Insolvency Law as Credit Enhancement: The Insolvency-Related Provisions of the Cape Town Convention and the Aircraft Protocol" (in progress)

Gideon Parchomovsky, Assistant Professor of Law

PAPERS AND PUBLICATIONS


"Selling Mayberry: Communities and Individuals in Law and Economics" (with Peter Siegelman), 92 California Law Review (forthcoming 2004)

The latter two papers will be presented at the Annual Conference of the American Law and Economics Association (ALEA) in September 2003

Nathaniel Persily, Assistant Professor of Law, organized a conference at Penn Law on the recent decision striking down parts of the McCain-Feingold campaign finance law. The symposium — "McConnell v. FEC: Understanding the Decision and Its Implications" — featured election law experts, including several of the political scientists who were expert witnesses in the case, lawyers involved in the case, a former chairman of the FEC, and various law professors. The webcast is still available at www.law.upenn.edu. Persily participated on the second of three panels (and chaired the other two). He spoke about the difficult constitutional issues raised by a law that attempts to target the corruption of state and federal political parties.

PAPERS AND PUBLICATIONS


"What the Public Thinks of Bush v. Gore and Why We Should Care" (forthcoming 2004)


"The Place of Competition in Election Law" (forthcoming 2004)


PAPERS AND PUBLICATIONS


“Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment” (as co-author, after Kevin Carlsmit and John Darley), Journal of Personality and Social Psychology (forthcoming 2003)


Kermit Roosevelt, Assistant Professor of Law

PAPERS AND PUBLICATIONS


David Rudovsky, Senior Fellow, participated in the national Holmes Debates on “War and Terrorism and Civil Liberties” in June at the Library of Congress.

PAPERS AND PUBLICATIONS


Louis S. Rulli, Practice Professor of Law, was honored in April with the Pennsylvania Bar Foundation Lifetime Achievement Award at the annual meeting of the Pennsylvania Bar Association. He is only the second person to receive this award, which is presented to an individual who has a long history of pro bono representation and leadership in the creation and continuation of pro bono programs. In May, Rulli served as program facilitator of the Tangled Title Summit in Philadelphia, a conference held for lawyers, title and real estate professionals, government agencies, community development corporations, and community leaders, that was organized to develop collaborative solutions to residential title problems that often lead to housing deterioration, vacancies, and homelessness. Also in May, Rulli served as a small group leader at the annual Clinical Legal Education conference in Vancouver, Canada, devoted to the subject of professionalism and the law.

Chris Sanchirico, Professor of Law, Business, and Public Policy

PAPERS AND PUBLICATIONS


“Evidence Law and the Limits of the Human Mind” (Manuscript, University of Pennsylvania Law School, Summer 2003)

Dina Schlossberg, Clinical Supervisor and Lecturer, presented “Professionalism in Community Development and Transactional Work” at the AALS Workshop on Clinical Legal Education in Vancouver, Canada, on May 16, 2003. She also served as a workshop planner. In addition, Schlossberg presented “Relationship with Other Professionals and Professional Organizations in Your Community/Community Development” to a conference entitled Teaching Practical Business Law and Running a Small Business Clinic, held and sponsored by Loyola University Chicago School of Law on April 25, 2003. She also presented “Promoting Justice Through Interdisciplinary Teaching, Practice and Scholarship” at Washington University School of Law on March 13-15, 2003,
Dina Schlossberg (continued)

where she was a conference planner and small group facilitator. Lastly, Schlossberg presented “The Pros and Cons of Forming a Non-Profit Tax Exempt Organization” at the State-wide Child Care Resource Developers Southeast Region Training for the Early Child Care and Education Committee Planning Group, held on April 22, 2003.

PAPERS AND PUBLICATIONS


David A. Skeel, Professor of Law, served as a commentator and panel moderator on May 1-2, 2003 at a conference at Princeton University called “Credit Markets for the Poor.” He also gave a keynote speech on “Back to the Future: the Present as Past in American Bankruptcy Law” at the Northwest Bankruptcy Institute’s annual conference in Seattle on April 25, 2003. In addition, Skeel chaired a panel and served as commentator on a panel on “The Anatomy of Corporate Law” held June 30, 2003 at the London School of Economics.

Catherine T. Struve, Assistant Professor of Law, was the keynote speaker at the Second Annual Feminists of Penn Law Dinner in March 2003. Struve received the 2003 Harvey Levin Award for Excellence in Teaching.

PAPERS AND PUBLICATIONS


Michael L. Wachter, William B. Johnson Professor of Law and Economics, and Co-Director of the Institute for Law and Economics, testified before the President’s Commission on the U.S. Postal Service in April 2003.

PAPERS AND PUBLICATIONS


PAPERS AND PUBLICATIONS


“(Mostly) Against Exceptionalism,” Proceedings of the Washington University Conference Series on Law & The Human Genome Project (Fall 2003)


“Cyberproperty, or the Case Against Software” (in progress)

“Ex-Ante Patent Law” (in progress)

“State First Amendment Interests” (in progress)
BURBANK BECOMES
NFL SPECIAL MASTER

While coaches game-planned for their opponents, Stephen Burbank quietly joined the National Football League in November 2002.

And though he will never don cleats, or make the highlight footage on ESPN Tonight, he will be a player. That's because Burbank, who is the David Berger Professor for the Administration of Justice, has been appointed to a two-year term as Special Master of the NFL. In that crucial role he will resolve certain categories of disputes that arise under the collective bargaining agreement, including review of the Commissioner's disapproval of a player contract and enforcement of anti-collusion provisions.

The role of Special Master was created in a 1993 consent decree settling litigation that alleged anti-trust violations by the NFL. As the third person to hold the job, Burbank brings a wealth of experience in mediation and arbitration, much of it regarding asbestos insurance obligations.

That he has not done similar work in professional sports, or professes mild interest in football, is not a drawback, according to Burbank. If anything, it is the perfect mind-set for the job. "One side or the other, or both, might be worried if somebody were a passionate fan," Burbank said. "That would incline them to favoring either the players or management." No, the only thing Burbank favors is finding the right outcome, based on a thorough and sound understanding of the collective bargaining agreement. For this task, he feels well qualified. "The (arbitration and mediation) skills are transferable," he said, explaining that he knows how to interpret a complicated agreement, listen carefully to both sides in a dispute, and reach a decision with dispatch.

"To me, it's intellectually interesting to know how professional sports are managed. "I had heard, and I have heard since, that among professional sports, professional football has been one of the best managed. It will be interesting to see how that plays out through the mechanisms for dispute resolution."

And though he has yet to tackle a dispute, Burbank did get a plum assignment of sorts: to attend the Super Bowl. "It's an interesting cultural event," Burbank said.
Assistant Professor of Law Catherine Struve inspires felicity and reverence. How else to explain the almost beatific language used by one of her students who saluted her at a recent gathering.

“She literally waltzes her students through the steps of Civil Procedure, case law and statutes ... bringing them into rhythm with the law and teaching them to move with it,” said Marianne Staniunas 3L, who considers Struve a mentor. “She simultaneously enables her students to understand their own thought processes and teaches them how to shape them.”

Staniunas made that observation when she introduced Struve at a dinner moments after the professor learned she had received the Harvey Levin Award for Excellence in Teaching. The award goes to a third-year teacher who is judged the best by the graduating class.

“It’s a particular delight to get this award from the class of ’03,” Struve said in an interview. “I started Penn Law at the same time that they did.”

Struve, a graduate of Harvard Law School, joined Penn Law from Cravath, Swaine & Moore, a Wall Street law firm where she was a junior member of the litigation department. On that job Struve immersed herself in cases, researching them as if she were doing a dissertation. Gradually she realized she wanted to write and teach. She accepted a position at Penn Law in 2000.

“It’s a real treat to teach at Penn,” Struve said. “The students are extremely smart. They’re very, very nice. They’re enthusiastic ... about coming to class prepared and having discussions about the material. It would be hard not to relate to them.”

In addition to Civil Procedure, Struve has taught a course in Federal Courts and a seminar on Statutory Interpretation. But what she has encouraged in her students more than anything is a love of learning. “Students are never afraid to hazard a guess, because there are no wrong answers in her class – only missteps,” said Staniunas.
JOHNSTON RAISES THE BAR FOR ACHIEVEMENT IN HIS CLASSROOM

When students talk about the experience of taking one of Robert G. Fuller Professor Jason Johnston's classes, it's sometimes hard to tell whether they're talking about studying law or training for the triathlon. They recall grueling nightly reading assignments, challenging class discussions, and final examinations unlike any taken in other classes. Indeed, Johnston comes across as a demanding coach who refuses to call it a day until each and every one of his students has crossed the academic finish line.

One might think that this hard-hitting approach might scare students away. Instead, it's had the effect of earning Johnston this year's Robert A. Gorman Award for Excellence in Teaching. Because while students agree that the classes they've taken with Johnston have been the most difficult of their entire academic careers, they also declare that a class with Johnston was one of their most rewarding educational experiences. "Assigning a huge workload doesn't necessarily make a class excellent," says Megan Canter 2L, who took Johnston's Natural Resources course in the spring. "In Professor Johnston's case, however, this technique absolutely brought out the best in students' classroom performance."

Peter Drum 2L, another member of the Natural Resources class, wholeheartedly agrees. He recalls that in the first few days of the course, students felt they had to come to class prepared and ready to engage in class discussion simply because Johnston demanded nothing less. "But by the end," he says, "nearly the entire class was well prepared because each and every one of us was interested – indeed excited – to come to class and participate. This interest is 100% attributable to Professor Johnston's teaching style."

A Penn Law professor since 1993 and the founding Director of the Program on Law and the Environment, Johnston says he enjoys teaching at the law school because the intellectual challenge in his classroom goes both ways. "Our students don't just sit in class waiting to be told what the arguments are. They are ready, willing and able to undertake the difficult task of learning how to make the arguments themselves, and have the courage, and good manners, to argue with each other and with me, all the while maintaining the highest standard of professional civility," he says.

Johnston feels that his achievement of this award is especially significant because it was established in honor of Kenneth Gemmill Professor of Law Emeritus Robert A. Gorman, who retired in 2001 after teaching at the law school for more than 35 years. "When I arrived at Penn, Professor Gorman was a law teacher of legendary ability. He set a standard for teaching that I am perhaps only now approaching," he says. And the students agree – raising the standard is what Professor Johnston is all about.
WHEN IT COMES TO TEACHING PROPERTY, HE'S THE "MANN"

To be mentioned in the same breath as one of Penn Law’s most beloved professors is an honor Bruce Mann appreciates.

Mann, who has taught at Penn Law since 1987, recently received the A. Leo Levin Award for excellence in teaching an introductory Property course. Levin taught at the Law School for nearly forty years.

“Leo Levin is one of the great treasures of the Law School,” says Mann. “I am delighted and honored to receive an award named for him.”

The A. Leo Levin Award will have company on Mann’s mantle. He has won two other awards at Penn: the Harvey Levin Memorial Award, given by the graduating class to an accomplished teacher, and the Lindback Award for Distinguished Teaching, presented to only eight professors throughout the University.

“Teaching is just enormous fun,” says Mann, who employs the Socratic Method to will students to think more analytically and to plumb all sides of an issue.

“I pose questions about things they (students) didn’t initially see … and I call on a large number of students so that everyone is involved and everyone has to pay attention. The Socratic Method, when used properly, shows students they are capable of more than they thought.”

His students welcome the challenge. “One would be hard-pressed to find another professor like Mann,” says Lindsey Drake 2L. “His tough-love approach embodies the perfect mix of intimidation, wisdom, and humor. It’s true that he expects a lot from his students, but he completely reciprocates.”

Although Matthew Brady agrees that Mann can be demanding, he views it as an expression of caring. “He takes sincere interest in his students’ lives and thus, he was a source of advice on professional and personal matters throughout the year. Consequently, I think Professor Mann epitomizes what a professor should be.”

The A. Leo Levin Award capped a heady period for Mann, whose book Republic of Debtors: Bankruptcy in the Age of American Independence, won the 2003 Shear Book Prize from the Historians of the Early American Republic, given to the best book published in the previous year on any aspect of the history and culture of the early American Republic. The book also earned this plaudit in the New York Review: “No one before has ever laid out the eighteenth-century transformation of ideas and laws concerning debt and bankruptcy as masterfully as Mann has.”

And no one, it seems, teaches Property as masterfully as Mann does.
REICHER’S EXTRAORDINARY COMMITMENT EARNs HIM ADJUNCT TEACHING AWARD

When Adjunct Professor of Law Harry Reicher taught his Spring 2001 Law and the Holocaust class, the only course of its kind to be offered at any law school in the country, he could have simply handed out reading assignments and delivered lectures. But Reicher wanted to bring the subject to life, so he took his students to see the play Judgment at Nuremberg on Broadway, where he had been invited to speak at a special post-performance forum with famed actors Maximilian Schell and Tony Randall.

That unforgettable trip is typical of Reicher’s extraordinary commitment to nurturing the intellectual growth of his students – surely one of the reasons he has won this year’s Adjunct Teaching Award, the recipient of which is based on student evaluations. An adjunct professor at Penn Law since 1994, Reicher teaches a broad range of courses including Public International Law, International Human Rights, and Law and the Holocaust. Nathan Marinoff L’98, a former student of Reicher’s, certainly isn’t surprised that current students would express such deep admiration for Reicher’s teaching. “He is that rare animal: an academic who passionately cares about his subject and his students, and who has the ability to effectively communicate these passions,” says Marinoff.

“That the award comes from the students themselves is what makes it especially significant to me – the students are what count,” says Reicher, who is the Director of International Affairs and Representative to the United Nations of the Agudath Israel World Organization, and the editor of the first-ever indigenous Australian casebook on international law. “What stands out about Penn Law students is that they often have highly sophisticated and inquisitive minds that are interested in going beyond the ‘bread and butter’ courses – the courses that directly lead to employment opportunities. It is only in a school with this kind of student that a course like Law and the Holocaust could be developed.”

Whether it is by offering advice on course and career options, writing in-depth recommendations, or simply by always leaving his office door open for a chance visitor, Reicher has gained a reputation as being one of the most accessible professors at the law school. He does not view this commitment to his students as merely a professional duty, however – his relationships with the students often last beyond the class and graduation. In fact, he can offer numerous cases where former students have written to him after they have become well established in their chosen professions to inform him that one or another of his classes played a significant role in forming their career paths. Marinoff can sum up this remarkable connection between professor and student in one line. “He has been my teacher both in and out of the classroom, and I am lucky to have been his student.”
PHILANTHROPY

TOLL EXPANDS ALBERT AND SYLVIA TOLL SCHOLARSHIP FUND

Robert Toll L'66, Chairman and CEO of Toll Brothers, Inc. the nation's leading builder of luxury homes, has turned his development expertise to the expansion of the Albert and Sylvia Toll Scholarship Fund, which Toll established in 1991 in honor of his parents, and of his father's love of the law. He has added a significant additional contribution to the fund, which provides scholarships for incoming students.

This additional contribution brings the law school's ability to attract the best and the brightest of students another step closer to Toll's goal of ensuring access to a world-class law education to anyone who qualifies for it. "I believe that anyone who wants to go, and gets in, should not have to struggle to both pay for and succeed at the Law School. I believe a scholarship should be provided for anyone and everyone who has a need," says Toll, who, with his wife Jane GSE'66, has been a longtime champion for education. In 1990 the Tolls joined the Say Yes to Education Program at the Graduate School of Education, an academic intervention program that works to inspire an interest in higher education in at-risk, inner-city students at an early age. The Tolls guaranteed the cost of college or technical school tuition for 58 third graders at the Harriet Elementary School in West Philadelphia -- on the condition that the children graduate from high school. To help them prepare for college, Jane worked with the children one day each week, and the Tolls also provided full-time counselors, teachers' aides and summer programs for the children. These efforts certainly paid off -- 32 of the children went to college.

Toll's exemplary commitment to promoting education and supporting the many causes he believes in is seemingly boundless. He serves on the Board of Directors of the Southeastern Pennsylvania Chapter of the American Red Cross, Cornell Real Estate School, Seeds of Peace, Abington Hospital, and Beth Shalom Synagogue. And, when he finds a spare moment, Toll is a tireless contributor to the future of Penn Law. A valuable member of the Law School's Board of Overseers for over a decade, he has served as guest auctioneer for the school's Equal Justice Foundation Auction and participated on the Diver Committee. Along with his desire to give back to the school which he says taught him invaluable life lessons, Toll has a more immediate reason to be concerned with ensuring the success of Penn Law for generations to come -- he has seen his own daughter, Rachel L'03, recently pass through the halls of Penn Law.

With this expansion of the Albert and Sylvia Toll Scholarship Fund, and with his remarkable dedication to promoting education and supporting the growth of the law school, Robert Toll is paving the way for the students who wish to follow his example -- and become the builders of a better tomorrow.

SHUSTER TURNS HIS INTEREST INTO PUBLIC SCHOLARS INTEREST FUND

Throughout his career, Morris M. Shuster W'51 L'54 has displayed a deep commitment to serving the public interest by championing the rights of consumers. Through his relationship with the Public Service Program at Penn Law, he has displayed a similar commitment to enabling future generations of students interested in public service to become leaders in their field. Now, Shuster has created the Shuster Public Interest Scholars Fund, which will provide full tuition to incoming Public Interest Scholars.

These scholars can look to Shuster's own career for an inspiring example of successful, influential leadership in both the public and private sectors. As a past president of the Philadelphia Trial Lawyers Association, he was a longtime advocate for the rights of victims of injuries. As a class action litigator with Chimicles & Tikellis LLP of Haverford, Pennsylvania, Shuster has successfully vindicated the rights of individuals in class actions against banks and insurance companies. As an officer of the court, he has accepted appointments from the Third Circuit and the Pennsylvania Eastern District to recommend candidates for the federal bench. He also served as chair of the Commission on Judicial Selection and Retention to evaluate candidates for the state and federal benches. And, as a member of the Advisory Committee for the Public Service Program at the Law School, Shuster was responsible for the development of a pro bono project which connects students with mentors from their fields of interest.

Shuster has been a frequent member of the adjunct faculty at the Law School since 1981; he was the Thomas A. O'Boyle Adjunct Professor of Law in 1995. As an educator, he has strived to raise the level of advocacy and professionalism for soon-to-be new lawyers through thoughtful analysis and self-evaluation. The 1994 recipient of the Law School's Alumni Award of Merit, Shuster has also been an avid supporter of clinical education at Penn Law, helping the school establish the Shuster Moor Trial Courtroom.
DORKEY ESTABLISHES TORYS SCHOLARSHIP FUND

Charles E. Dorkey III L'73 has established the Torys Scholarship Fund to provide merit- or need-based financial support for two first-year students based on their academic record. Dorkey serves as managing partner and head of the litigation unit at the New York office of U.S.-Canadian business law firm Torys, which represents large and mid-sized industrial companies, service companies, and financial institutions in U.S. and cross-border transactions and litigation. "Torys is a great believer in supporting legal education," says Dorkey, who hopes that students who benefit from the scholarship will take full advantage of their relationship with Torys by participating in the firm's summer associate programs and learning about recruitment opportunities.

Since graduating, Dorkey has displayed an extraordinary commitment to supporting the future of the law school. A former member of the school's Board of Overseers, Dorkey is active in both the Law Alumni Society and Reunion. He also supported the school's establishment of the Colin S. Diver Distinguished Chair in Leadership. "So much of my success as a lawyer has depended on my education at Penn Law, and I wanted to give back," he says.

A member of New York Mayor Michael R. Bloomberg's Advisory Committee on the Judiciary, Dorkey has served as lead counsel in a number of significant cases involving major multinational companies in both the United States and abroad. He has also authored a number of articles on securities and corporate litigation, which have appeared in leading legal journals. Among his many professional affiliations, Dorkey is a member of the Committee on Federal Courts of the Association of the Bar of the City of New York, director of the Empire State Development Corporation, and director of the New York Parks and Conservation Association.

WITH JACOBY SCHOLARSHIP, OPPORTUNITY KNOCKS FOR STUDENTS WITH BUSINESS INTEREST

Richard A. Jacoby W'61 L'64, a business entrepreneur who has played a role in the real estate and retail development of the Greater Philadelphia region, has established the Richard A. Jacoby Endowed Scholarship Fund so that future Penn Law graduates can follow in his footsteps. The scholarship will be awarded to an incoming student who shows exceptional talent and expresses an interest in entering the business field after his or her graduation from Penn Law. The scholarship is intended to help disadvantaged students, especially minorities.

"The doors into the business and law fields are beginning to open significantly for people from diverse backgrounds, and I wanted to do my part to help this process along," says Jacoby.

Jacoby, who recalls his experience at the law school as "the most exhilarating educational experience" of his life, is pleased that his commitment to encouraging a cross-disciplinary education matches up well with the existing curriculum at Penn Law, where 11% of the members of the class of 2003 graduated with a Certificate in Business and Public Policy from Wharton. Established in 2001, this increasingly popular program supplements the J.D. curriculum with courses in business-related areas such as urban development, real estate, management, and health care.

After graduation, Jacoby practiced tax law for six years at Philadelphia-based Wolf, Block, Schorr & Solis-Cohen. He then became a principal at Kravco, a regional shopping center development company based in King of Prussia, Pa. Jacoby went on to form real estate development firm Trilogy Development Co., and served as its president until last year. Jacoby currently invests in start-up companies in the Delaware Valley area.
1950s

**Henry Ruth L'55** has co-authored a new book with Kevin R. Reitz L'82. *The Challenge of Crime: Rethinking Our Response* has been recently published by the Harvard University Press. The book explores what the authors consider a revolution in American response to crime in the past 35 years and the need to rethink policy and results in light of this change. Ruth serves as counsel to Unisys Corporation in Arizona.

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**BLANK ROME ALVIN S. ACKERMAN PRIZE ESTABLISHED**

The Philadelphia-based law firm Blank Rome has established the **Blank Rome Alvin S. Ackerman Prize** in memory of Alvin S. Ackerman L'57, who served as administrative partner in the firm’s Media office for 15 years, where he specialized in municipal law and local government. The fund will be used as a graduation prize to the student who has made the most consistent progress over the three-year J.D. program at Penn Law. The fund will also be used for the purchase of books for the Biddle Law Library.

Fred Blume L'66, Managing Partner and CEO at Blank Rome’s Philadelphia office, remembers Mr. Ackerman as “a deeply committed member of his community and an excellent lawyer who always did good work – not just good in quality, but good because it affected his community in positive ways.”

Mr. Ackerman served on the boards of Temple Israel of Upper Darby and the Institute for Experimental Psychiatry and Haverford State Hospital. He was also active in the American Bar Association; Pennsylvania Bar Association and Delaware County Bar Association; and the Lawyers’ Club of Delaware County.

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1960s

**Stuart F. Feldman C'58 L'61** was featured recently in the *Philadelphia Daily News* as a pivotal figure in the development of the new National Constitution Center in Philadelphia. Feldman, who is on the Board of Trustees for the Center, drafted a proposal for a Constitution-related museum and study center in 1984. Feldman is President of the GI Bill Alumni Association.

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**Oscar B. Goodman L'64** was reelected as mayor of Las Vegas. Having captured 86% of the vote, Goodman will enter his second 4-year term with the largest margin of victory in national history for a large city mayor in a major election. Goodman, who played himself in the 1995 movie “Casino”, has been recognized by the *National Law Journal* as one of the “15 Best Trial Lawyers in America”.

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https://scholarship.law.upenn.edu/plj/vol38/iss2/1
Joe Frankel L'65 has retired from his position as Vice President and New Jersey Counsel for New Jersey Government Relations at Prudential Financial. Frankel worked with Prudential Financial for 33 years.

William H. Lamb L'65, senior partner at Lamb, Windle & McErlane of West Chester, Pennsylvania, has been appointed Pennsylvania Supreme Court Justice, filling out the term of retiring Justice Stephen A. Zapalla.

Stephen R. Wojdak L'65 has been renamed to the board of the Pennsylvania Convention Center Authority. He is President and CEO of S.R. Wojdak and Associates, a consulting firm specializing in legislative and governmental affairs, health care, and strategic communications.

Bob Levin L'67 announces the publication of his new book, The Pirates and the Mouse, about the mammoth 1960s lawsuit for copyright and trademark infringements brought by the Disney Corporation against a group of cartoonists. The book has been published by Fantagraphics.

Michael J. Kline L'69, partner at the Princeton, New Jersey law firm Fox Rothschild O'Brien & Frankel, was elected to the Executive Committee of the firm. As Chair of the firm's Corporate Department, Kline concentrates his practice in the areas of corporate and securities law.

Allan H. Starr L'69, partner and chair of the executive committee at the law firm of White & Williams in Philadelphia, was quoted in an article from The Philadelphia Business Journal announcing the merger of White & Williams with NJ-based law firm Wright, Pindulic & Hamelsky.

Howard B. Hander '68 has joined the New Jersey law firm Greenbaum, Rowe, Smith, Ravin, Davis & Himmel as counsel in the Real Estate Department. Hander was formerly of Dollinger & Dollinger in Pennsylvania.
1970s

Charles J. Bloom L'71 delivered a feature presentation at a Pennsylvania Bar Institute seminar entitled "Prosecuting and Defending Customer Claims against Stockbrokers." He is a partner at Stevens & Lee in Valley Forge, PA, where he concentrates his practice in complex corporate litigation.

Steven L. Friedman L'71 has been appointed to the Board of Directors of Regulatory DataCorp International, a New York-based, privately held company, owned in part by Goldman Sachs. Friedman is Co-Chairman of the Litigation Department at Dilworth Paxson in Philadelphia.

John E. McKeever L'72, senior partner at the Philadelphia law firm Piper Rudnick, has become a member of the Board of the Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit civil rights legal organization in Washington, DC.

Stephen A. Madva L'73 has been named Chairman of the Philadelphia law firm Montgomery, McCracken, Walker & Rhoads, where he had formerly acted as Vice Chairman. Madva concentrates his practice in antitrust law, commercial litigation, and products liability.

Kell M. Damsgaard L'74 has become a fellow of the American College of Trial Lawyers. Damsgaard is a partner in the litigation practice group of Morgan Lewis & Brogkis in Philadelphia.

LOYOLA U. NEW ORLEANS SCHOOL OF LAW APPOINTS BROMBERGER GL'71 AS DEAN

Brian Bromberger GL'71 has been named dean of Loyola University New Orleans' School of Law. Bromberger, a native of Australia, formerly served as associate dean for academic affairs and professor of law at University of North Carolina at Chapel Hill. An accomplished scholar, Bromberger has written four books and numerous articles and received a prestigious Ford Foundation Graduate Research Scholarship. In Australia he was the director of the Center for the Study of Law and Technology at the University of New South Wales. He has also served on boards and a tribunal that focused on mental health issues and was a part-time lecturer at the New South Wales Institute of Psychiatry and at the School of Medicine.
Ian Comisky L’74, partner in the Commercial Litigation Group of Blank Rome, has been appointed chair of the Committee of Special Projects of the ABA Section of Taxation. Comisky is a former Assistant U.S. Attorney for the Southern District of Florida.

Michael B. Lang L’75 has joined the faculty of the Chapman University School of Law in Orange, California, as Professor of Law and Director of the LL.M. in Taxation Program at the college. Lang was most recently Professor of Law at the University of Maine School of Law.

Isa Allentuck Lang L’75, has become Head of Information Services at the Chapman University Law Library. With her husband Michael Lang L’75, she is the compiler of the Index to Federal Tax Articles.

Don M. Blumenthal L’76 combines technical, legal and policy work as Director of The Internet Lab, a Bureau of Consumer Protection facility of the Federal Trade Commission which prevents Internet-based fraud and deception and protects Internet privacy.

Kenneth S. Gallant L’77 has been elected to the inaugural Council of the International Criminal Bar for the International Criminal Court. He is a Professor at the University of Arkansas at Little Rock’s William H. Bowen School of Law, where he serves as Clinic Director.

Robert D. Lane, Jr. L’77, has become a member of the Board of the Center City District, a provider of services to the downtown region of Philadelphia. He is a partner at Morgan Lewis & Bockius in Philadelphia.

David F. Simon L’77 has been named Senior Vice President and General Counsel for the Jefferson Health System in Pennsylvania. Simon formerly served as Chief Counsel for the Pennsylvania Insurance Department in Harrisburg, PA.

James E. Nevels L’78 WG’78 has been presented with the 2003 Atlas Award by the World Affairs Council of Philadelphia. Nevels is the founder and CEO of The Swarthmore Group, an independent investment advisory firm based in Swarthmore, Pennsylvania.

William L. Henn, Jr. L’79 has co-founded a new minority-owned firm in Baltimore, specializing in public finance. A former partner with Piper Rudnick in Baltimore, Henn, along with two other Piper Rudnick partners, created McKennon, Shelton, & Henn as a minority- and woman-owned enterprise with the full support of Piper Rudnick.

M. Kelly Tillery L’79, Senior Partner at Philadelphia law firm Leonard, Tillery & Sciolla and chair of the firm’s Intellectual Property and E-Commerce group, has been appointed to serve on the National Arbitration’s Forum Intellectual Property Arbitration Panel. The National Arbitration Forum is a leading national provider of neutral arbitration, mediation, and other alternative dispute resolution services.
1980s

Gregory Berry L'80. Professor of Law at the Howard University School of Law, was selected as the 2003 School of Law “Professor of the Year,” along with receiving a “Distinguished Faculty Author” award from the President of Howard University.

Roxanne Khazarian L'80 has been appointed General Counsel of Kaplan, Inc., an educational test-preparation service based in New York. She was formerly of General Counsel to the Ethan Allen home furnishings company.

Clifford Scott Meyer L'81 has joined the Philadelphia firm Montgomery, McCracken, Walker & Rhoads, where he concentrates his practice on nonprofit, educational, and religious institutions.

Kevin R. Reitz L'82 has co-authored a new book with Henry Ruth L'55. The Challenge of Crime: Rethinking Our Response has been recently published by the Harvard University Press. The book explores what the authors consider a revolution in American response to crime in the past 35 years and the need to rethink policy and results in light of this change. Reitz is a professor at The University of Colorado School of Law.

Michael J. Biondi L'83 has been named Chairman of Investment Banking at Lazard, a Paris-based investment bank. Biondi formerly served as Chairman and CEO of the international law firm Dresdner Kleinwort Wasserstein.

Allan B. Duboff WG’84, L’84, a partner at Richman, Mann, Chizever, Phillips & Duboff in Beverly Hills, was elected Chair of the Business and Corporations section of the Los Angeles County Bar Association.

Eugenia (Jenny) McGill L’84 currently does free-lance consulting on law and social development issues for the Asian Development Bank and other development organizations. Recent projects include social impacts of international trade agreements, human trafficking in South Asia, and gender and ethnic minority issues in Laos. McGill worked previously for Cleary, Gottlieb, Steen and Hamilton in New York and Hong Kong, and for the Asian Development Bank located in the Philippines.

Teresa Gillen L’85 has been named policy director of Gov. Edward G. Rendell’s C’65 Department of Community and Economic Development. Gillen was formerly Chief Operating Officer of the National Community Capital Association.

David Hoffman L’85 has been named an honorary chairman to the Business Advisory Council to Congress. He recently formed his own intellectual property law firm, Law Offices of David. L. Hoffman, in the Los Angeles area.

Kenneth Trujillo L’86 has been appointed to the Board of Directors of the Pennsylvania Intergovermental Cooperation Authority by Gov. Edward G. Rendell C’65. Trujillo is a founding member of the Philadelphia law firm Trujillo Rodriguez & Richards, where he represents companies and public entities in complex litigation.

Tobey M. Daluz V'87 has joined Delaware-based Ballard, Spahr, Andrews & Ingersoll as a member of the Litigation Department and a member of the Workouts and Failed Transactions Group. She also serves as Managing Partner. Daluz is the founding Director of the International Women’s Insolvency and Restructuring Federation.

Mark A. Sereni L'87 has been unanimously reelected as President of the Delaware County Trial Lawyers Association. Sereni is a partner in the Media, Pa. law firm DiOrio & Sereni, where he concentrates his practice in the field of civil litigation.

James W. McKenzie WG’86 L'87 rejoins the Business Transactions Practice at the Philadelphia law firm Morgan Lewis and Brockius. McKenzie focuses his practice on IPOs, securities and corporate law matters.

Frank Tobolsky L’87 delivered a course entitled “The Essentials of Office and Leases in Pennsylvania” at a seminar presented by the National Business Institute. He owns the law firm of Frank N. Tobolsky, P.C. in Philadelphia.

Tom O’Neill L’90 has co-authored with Simon Charbit LLM’00 two articles on conflicts between French law and practice and the Sarbanes Oxley Act of 2002, which appeared in the publications *Option Finance* and *International Business Lawyer*. He is a partner in the Paris office of Linklaters.

Antonio Ponvert III V’90 has been named a partner at Koskoff, Koskoff & Bieder in Connecticut. Ponvert focuses his practice on complex individual and class action litigation, constitutional law, civil rights, public benefits, criminal trials and appeals. He is also a member of the Criminal Justice Act Panel of the U.S. Court of Appeals, Second Circuit, and a Cooperating Attorney of the Connecticut Civil Liberties Union.

Tony Boswell L’91 has been appointed Senior Vice President of Ethics, Compliance and U.S. Government Relations at AMEC, a London-based international engineering services firm.

Scott A. Coffina L’92 has joined the Philadelphia firm Montgomery, McCracken, Walker & Rhoads, where he concentrates his practice in commercial litigation, government investigations and white-collar crime.
**ALUMNI BRIEFS**

**1990s**

Nicole D. Galli C'89 L'92 was recognized as one of Philadelphia's top “40 under 40” for 2003 by *The Philadelphia Business Journal*, in the publication's annual list of the region's most promising young professionals. Galli is counsel in the Philadelphia office of Pepper Hamilton, where she focuses her practice on intellectual property litigation and counseling. Among her numerous community and civic activities, Galli is on the Board of Directors of The Career Wardrobe, a nonprofit career development organization that serves the Greater Philadelphia area.

Marc H. Supcoff L'92 has formed his own law offices specializing in construction law and commercial litigation in New Jersey, where he relocated after practicing as Associate-Principal at Zetlin & De Chiara in Manhattan.

Linda M. Zimmerman L'92 was made partner at the Salt Lake City office of Dorsey & Whitney, where she has practiced as an attorney since 2002. Zimmerman will continue to practice in the firm’s corporate group, where she concentrates on commercial lending, private equity and M&A transactions.

Andrew J. Merken L'92 has joined the Boston office of Burns & Levinson as a partner and a member of the firm's Corporate Group and Intellectual Property Group. Prior to joining Burns & Levinson, Merken was a partner in the Business and Finance Department of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo.

Wendy Beetlestone L'93 has been appointed General Counsel of the Philadelphia School District. Beetlestone was formerly a partner at Schnader Harrison Segal & Lewis in Philadelphia.

Naomi Biswas L'93 has been promoted to member at the Boston office of Mintz Levin, where she formerly served as attorney. Biswas specializes in intellectual property law. Prior to joining Mintz Levin, Biswas was an associate at the intellectual property law firm Synnestvedt & Lechner in Philadelphia.

Salvatore G. Rotella L'93 has joined the Philadelphia office of Cozen O'Connor, as a member of the Health Law Group of the firm’s Business Law Practice. Prior to joining Cozen O'Connor, Rotella worked as Chief Compliance Officer and Regulatory Counsel for the District of Columbia’s Department of Mental Health.

Michael Kelsen L'94 has been named one of Philadelphia's top “40 under 40” for 2003 by *The Philadelphia Business Journal*. This annual list is comprised of the region's most promising young professionals. Kelsen is Managing Director and General Counsel of Katalyst, a technology-focused investment and advisory firm.
Carl Messineo L’94, co-founder of the Partnership for Civil Justice Legal Defense and Education Fund, was featured in an article from the Washington Post about the Partnership’s role in defending activists’ rights in the D.C. area.

Jennifer A. Bromley L’95 was a featured speaker at Abington Senior High School’s Women’s Career Day. Bromley, an Assistant U.S. Attorney in Philadelphia, was invited to speak at the Pennsylvania private high school by Paul S. Auh L’95, who currently teaches 11th-grade English there.

Meenu T. Sasser L’95 has been named shareholder of Florida law firm Gunster, Yoakley & Stewart, where she has practiced for over seven years. As a member of the firm’s Litigation Department, Sasser concentrates her practice in the areas of commercial law, intellectual property and general civil litigation.

Andrew J. Soven C’89 L’95 has joined Philadelphia law firm Reed Smith as a member of the litigation group, where he concentrates his practice in financial services class action litigation, employment law, and commercial litigation.

Alix R. Rubin L’96 has been named recipient of the 2003 Volunteer Lawyers for Justice “Attorney of the Year” award. Rubin is counsel in the litigation department of Lowenstein Sandler in Roseland, NJ.

Miguel del Pino L’97 was recognized as one of Argentina’s top “40 under 40” for 2003 by Latin Lawyer Magazine, in the business law publication’s annual list of the country’s most promising young professionals. Del Pino is an associate at Marval, O’Farrell & Mairal, one of Argentina’s oldest and largest law firms, where he focuses his practice in corporate and antitrust law.

Maria Cecilia Pasman L’97 was recognized as one of Argentina’s top “40 under 40” for 2003 by Latin Lawyer Magazine, in the business law publication’s annual list of the country’s most promising young professionals. Pasman focuses her practice in banking and capital markets as an associate at Estudio O’Farrell in Buenos Aires.

Elizabeth C. Surin L’97 has become a named partner in Philadelphia immigration law specialty firm Morley Surin & Griffin. She was formerly a partner at Drinker Biddle & Reath in Philadelphia.
ALUMNI BRIEFS

1990s

First Lieutenant Craig Barrett L'98 is Assistant Staff Judge Advocate at the United States Marine Corps Base at Camp Lejeune in North Carolina. As a member of the Legal Assistance Department at Camp Lejeune, Barrett supervises the execution of wills for Marines and their dependents, as well as providing general counsel for service members.

Jason B. Daly L'98 has joined Boston-based Hinckley, Allen & Snyder as an associate in the Litigation Practice Group. Daly previously practiced as an attorney at Hale and Dorr in Boston.

William P. Robison L'98 has joined Sachoff & Weaver, Ltd., as an associate in the firm's Litigation Department. Robison concentrates his practice in complex commercial litigation. Prior to joining Sachoff & Weaver, he was an attorney at Dechert in Philadelphia.

Eric Martins L'99 has been named a director of the New Jersey office of Public Affairs Management LLC, a national public affairs and government relations firm. Martin was formerly a member of the Government Affairs Department of Drinker Biddle & Shanley in Philadelphia.

Christopher Mora L'99 has been accepted to Harvard University's Kennedy School of Government, where he will pursue a Master's Degree in International Trade and Finance. He served on active duty in the U.S. Navy JAG Corps from 1999-2003, first as a litigator and then as general counsel to naval commands across the Gulf Coast. Among other medals and awards of distinction, Mora recently was awarded two Navy-Marine Corps Commendation Medals for his work as general counsel and as team leader for a major Navy real estate project, and the National Defense and Global War on Terrorism Medals for his mobilization of commands for Operation Noble Eagle, Enduring Freedom and Iraqi Freedom.

Niamh (Mary) O’Leary-Liu L'99 has become Legal Counsel to Nausch, Hogan & Murray, Inc., and is based at the international insurance brokerage firm's St. Thomas, US Virgin Islands office. Prior to this move she worked in-house at a financial consulting company on Wall Street.

Tara Rachinsky L'99 has joined intellectual property law firm Woodcock Washburn in Philadelphia as an associate. As a biotech and pharmaceutical attorney who has authored numerous scientific publications, Rachinsky specializes in patent preparation and prosecution, domestic and international trademark prosecution and registration, technical licensing and transactions, and intellectual property counseling and litigation.

NEW LAW SCHOOL WEBSITE MAKES DEBUT

With all the progress occurring at Penn Law, it stands to reason the Website would change too. And it has. The new site has more substance and is more accessible. It’s also easier to navigate, with links to the precise information alumni need. Plus, it sports a sleek new design. To wax nostalgic, alumni can take a virtual tour of the school and see the landmarks, or watch a slide show to revisit Philadelphia. Of interest as well are the class notes on your classmates’ activities and a news section with reports on the faculty and alumni and changes at the law school. Please go to www.law.upenn.edu to see for yourself all of the improvements to the Website.
2000s

Sara M. Beauvalot '03 has been named the recipient of the Philadelphia Trial Lawyers Association's 2003 James J. Manderino Award for Trial Advocacy. The award is presented annually to a graduating law student who has shown outstanding achievement in trial advocacy.

Daniel R. Garodnick '00 has formed a committee to run for the City Council on Manhattan's East Side in 2005. Garodnick is with Paul, Weiss, Rifkind, Wharton & Garrison in New York.

Paul A. Saydak '02 has joined the Detroit office of Miller, Canfield, Paddock & Stone as an associate in the Business and Finance Group. He is also a member of the International Business and International Trade and Customs Groups.

RECENT PENN LAW GRAD WINS LEGAL WRITING AWARD

Michael Bacchus, who graduated in May, was among ten law students nationwide to win one of The Burton Awards For Legal Achievement. Awards go to students who demonstrate clear and effective writing without using legalese. Considered the premier award of its kind, the program has been endorsed by the Association of Legal Writing Directors, which is comprised of current and former director of legal writing programs at law schools throughout the United States.

DID YOU KNOW YOU CAN E-MAIL YOUR NEWS FOR THE NEXT ISSUE OF THE JOURNAL?

alumnijournal@law.upenn.edu
AN INVITATION TO ALL PENN LAW GRADS TO USE THE BIDDLE LAW LIBRARY

By Paul George

As director of the Biddle Law Library, I am frequently asked two questions by our alumni: Do you still need all those books and can I use the library? The answer to both question is yes. We'll save the first for another day and use this brief article to invite you to take advantage of the Biddle Law Library, either while you are in Philadelphia or from your offices in other cities and states.

At Penn Law we are proud that the Biddle Law Library has one of the best academic law library collections in the country. Our collection includes more than 760,000 volumes with strengths in numerous areas of American law, legal history, and foreign and international law. We hope you will find a way to take advantage of our collection and services, either in person or electronically. The library's catalog, LOLA, is searchable through the internet, and you may find it on the library’s home page at http://www.law.upenn.edu/bll/. For a minimal fee, you may borrow materials through inter-library loan, as part of our Ex-Libris program, which is also accessible through the home page.

One of our unique strengths is our collection of materials from the American Law Institute and the National Conference of Commissioners on Uniform State Laws. The NCCUSL materials, located at http://www.law.upenn.edu/bll/ule/ule_frame.htm, provide you electronic access to drafts, amendments and different versions of numerous uniform and model laws. The ALI collection consists of materials drafts and documents relating to the various restatements of the law issued by the American Law Institute and materials on uniform laws and legislative activities such as the Uniform Commercial Code. While the archives themselves are housed in Biddle and are not available electronically, aids to find these resources are available at http://www.law.upenn.edu/bll/specoll/alifindaid1.htm. Frequent users of these materials include attorneys seeking to find the intent of particular sections of a model law or restatement. If you need assistance with these materials, please contact our archivist at (215) 898-5011.

For those of you in the Philadelphia area, we sincerely hope that you will return to Penn Law and take advantage of the Biddle Law Library in person. Access is free. The library’s hours are posted on our web page at http://www.law.upenn.edu/bll/about/libraryhours.htm. The print collection is at your disposal as are numerous electronic databases which can be accessed through the library’s network. Several members of the reference staff hold law degrees and you should feel free to ask for their assistance. We will tell you the same thing we tell the current students: we thrive on your questions and we want you to give us new challenges.

Now that I’ve answered in a little more detail one of the two most frequently asked questions, I hope to see more of you in the library. When you come to visit, please take time to stop by my office to say hello. Maybe we’ll have time to have a good discussion on the role of books and computers in libraries.

Paul George can be reached at pmgeorge@law.upenn.edu.
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<td>1957</td>
<td>Charles Sovel W'54</td>
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<td>1958</td>
<td>William C. Massinger C'50 The Hon. Allen G. Schwartz</td>
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<td>1959</td>
<td>Robert D. Carroll Thomas Moorhead Joseph F. Strain C'53</td>
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<td>1961</td>
<td>Lorraine E. Torek</td>
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<td>1965</td>
<td>Bruce E. Lacross</td>
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<td>1966</td>
<td>Charles L. Oldt</td>
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<td>1968</td>
<td>Russell J. Epprecht Bruce Joel Jacobsohn W'65 Jonathan S. Paulson C'65</td>
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<tr>
<td>1980</td>
<td>Andrew D. Bershad C'77, G'77</td>
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</table>
People use the word “legend” indiscriminately, but it applies to Judge A. Leon Higginbotham, who fought against discrimination and left an indelible imprint at Penn Law and on the entire country. Higginbotham was Chief Judge of the U.S. Court of Appeals for the Third Circuit, president of the Philadelphia NAACP, adjunct faculty member and chair of Penn Law’s Board of Overseers. To commemorate his achievements, Penn Law has hung a portrait of Higginbotham at the top of the stairs in the Great Hall, near Law School founder, James Wilson. The portrait, unveiled at the Sadie T.M. Alexander Commemorative Conference, was a gift to the school from Robert Potamkin L’70, who was a law clerk for Judge Higginbotham.
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