

et al.: Penn Law Journal: Soldier of Misfortune

PENN LAW JOURNAL

UNIVERSITY OF PENNSYLVANIA

FALL 2007 VOLUME 42, NUMBER 2



Soldier of Misfortune

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PENN LAW JOURNAL

FEATURES

Soldier of Misfortune

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BY LARRY TEITELBAUM

Who says there are no second acts in American life? Adrian Cronauer, L'89 is working on his third act. You know him as the antic military disc jockey who inspired the movie, "Good Morning, Vietnam." But the former broadcaster and attorney is now on a mission of mercy that's brought his life full circle: He helps families of MIAs and POWs close the book on their loved ones' lives — in the ultimate expression of *semper fi*.

Beyond the Big City

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BY MICHAEL CALLAHAN, ROBERT STRAUSS, AMARA ROCKAR, AND JOHN GILLESPIE

These days, the pull of New York, Washington and other big cities is too much to resist for most alumni. But fame and fortune (well, at least fortune) beckon in locales far from the madding crowd, as demonstrated by four alumni who live and work in the smaller towns of Pennsylvania and Wisconsin.

Yesterday's News

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BY LARRY TEITELBAUM AND EDWARD N. EISEN

Newspapers are an endangered species, victims of new technologies that are overtaking the form and making them look moribund. But the art of news-gathering is not dead. Far from it. The news business just needs a transfusion. Fortunately, Alberto Ibarguen, L'74 is on hand to provide it. Ibarguen, head of the Knight Foundation, is leading the charge into the new digital future. Hello, cell phones. Goodbye, tabloids.

Investing in the Penn Law Mission

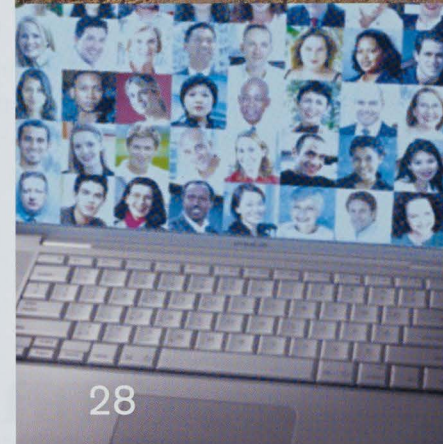
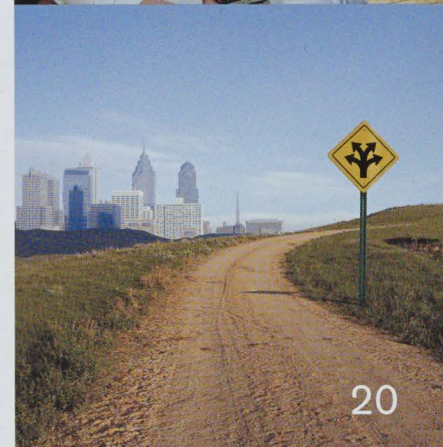
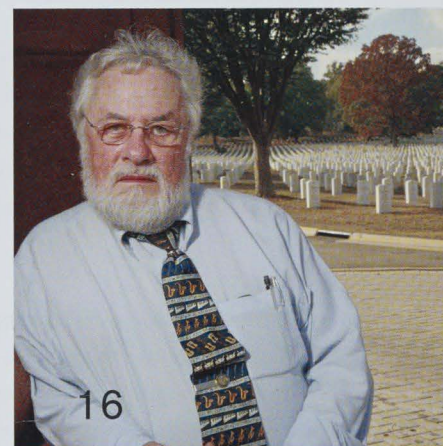
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BY LARRY TEITELBAUM

Paul Haaga, Jr., L'74, WG'74 thinks Penn Law School is a blue-chip investment. And he plans to lead the Penn Law board with the same energy and resourcefulness he brings to his day job. Which is a very good thing, considering his company manages \$1.2 trillion in mutual funds.

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FALL 2007

VOLUME 42, NUMBER 2

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CORRECTIONS

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A MESSAGE FROM THE DEAN



MICHAEL A. FITTS
Dean and Bernard G. Segal
Professor of Law

I AM A NEWS JUNKIE. The newspaper reading habit is ingrained in me. I like nothing better than perusing political stories with my morning coffee. But there's a new generation of news consumers who would rather watch the news on television, or view streaming video on their computer screens. They don't look forward to the thud of the newspaper landing on their doorsteps. And therein lies a dilemma for the nation's newspapers, which are losing readers the way Rust Belt cities are losing population.

The question is, How can newspapers survive in a digital age?

In this issue, we seek answers to that question from Alberto Ibarguen, L'74, a newspaper veteran who was publisher of the *Miami Herald*. Today, Ibarguen heads the Knight Foundation, which aims to improve communities and maintain the quality of the newspapers serving them. In that capacity, he's leading an effort to fund innovations in the digital delivery of news. So far, companies are stepping forward with ideas such as creating news content for cell phones to producing software for citizen journalism. The outcome of these efforts could point the way to a new future for an industry in decline.

Speaking of newspapers, the subject of our cover story is no stranger to the press. Millions of people know the name Adrian Cronauer, L'89, the inspiration behind the box-office smash, "Good Morning, Vietnam." The film's success propelled Adrian onto the feature pages of the nation's newspapers — and helped pay his way through Penn Law School. (He graduated at the tender age of 50.) Adrian has come full circle in his life. Forty years after serving in Vietnam, he periodically finds himself back in Saigon. Only this time he's not there to entertain the troops. Adrian is on a much more solemn mission. As a special assistant in the Department of Defense, he briefs families on efforts to find soldiers missing in action or taken prisoners of war. And, curiously, he's back in the news.

Worlds away from Saigon (or New York or Washington, for that matter) live four alumni who are also featured in this issue. They chose to return to their hometowns, and have flourished in Madison, Wis., and in Hazleton, Hermitage and Lancaster, Pennsylvania. They prove that, in the digital age, it doesn't matter where you live. Success follows you everywhere, especially when you're armed with a Penn Law education.

Mike



THE BRIEF

LAW SCHOOL

NEWS & EVENTS

Israeli Supreme Court Leans on International Law in Age of Terrorism

IN A 2005 CASE, the Supreme Court of Israel rendered an unusual ruling for a country besieged by terrorism. The justices decided that terrorists should be treated as civilians and afforded protection under the Geneva Convention.

As Dorit Beinisch, president of that Supreme Court, noted in the inaugural **HOLT LECTURE**, it was the first time any national court applied the protocol to terrorists.

“Our guiding principle is that the battle against terrorism must be fought within the law,” she said in explaining the decision.

Justice Beinisch used the Holt Lecture to describe her Court’s daily challenges. She declared no other court in the world operates in such a “permanent state of emergency” nor faces so many cases that require a fine balance between safeguarding human rights and protecting national security.



(LEFT) Justice Beinisch delivers first Holt Lecture. (RIGHT) The Holts hold a gift they received in honor of their role in creating the Holt Lecture.

“Our guiding principle is that the battle against terrorism must be fought within the law,” says Beinisch.

To adjudicate cases in the occupied Palestinian territories, the Court relies on international law, she said. However, Justice Beinisch said it is difficult to be definitive because international law remains silent on the rights of terrorist organizations. So, the Court has had to interpret existing humanitarian laws when considering Israel’s policy of targeting terrorists who plan or launch attacks.

Using the Geneva Conventions as a guide, the Supreme Court of Israel extended civilian protection to terrorists, with the proviso that they don’t “take a direct part in hostilities,” said Justice Beinisch. Even then, she continued, terrorists must be spared attack if less harmful actions can be taken. She also said the Court ruled that attacks on suspected terrorists are subject to thorough and independent investigation, and compensation should be paid if the suspect is harmed and proven innocent.

In another decision cited by Justice Beinisch, the Supreme Court of Israel struck down the army’s use of an early warning system. Under this procedure, the army enabled citizens to leave a building with suspected terrorists. Beinisch said the Court ruled that the potential use of citizens as “human shields” violated international law.

Justice Beinisch also discussed one of the most controversial issues facing her court: the security fence. Israel constructed a security fence to close off its border with the West Bank and prevent terrorists from coming across. The fence has provoked more than 100 challenges from both Palestinians and Jewish settlers, she said. In one such case, petitioners argued that the fence restricted movement, limited farming, and cost them land. The Court, she said, found in favor of the petitioners and ordered the government to change the route of the fence in affected areas.

Military commanders went one step further and reconsidered the entire route.

Defending these decisions against criticism, Beinisch said: “The professionalism and independence of the judicial system obligates us, as judges, to exercise objective judgment unaffected by public pressure ... “Our premise is that the law is not silent before the guns of war.”



Penn Law’s first Sharswood Fellow, Nadia Sawicki, L’04, GR’04

Grooming Academics with New Fellowship Program

WHEN PHYSICIANS SLIP a needle in the arm of a Death Row prisoner, they are operating under a very different set of legal and ethical principles than the Hippocratic Oath that counsels doctors to “do no harm.” As Penn Law’s first Sharswood Fellow, Nadia Sawicki, L’04, GR’04 will spend this year examining the intersection of law and medical ethics.

In doing so, she will not only be the first Sharswood Fellow, but one of the few in the country to participate in a Law Review-led program to groom legal academics. The Sharswood Fellowship was established by the *University of Pennsylvania Law Review* after its editorial board discovered that only a small

Lee Holt, Jr., L’51 and his wife, June, (pictured left) created a program, of which the Holt Lecture is a part, to prepare Penn Law students for work in the global economy. Lee Holt traveled the world as an executive with Air Products and Chemicals, Inc.

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percentage of Penn Law alumni enter academia. The fellowship, which funds a year of research, writing and teaching in residence, is designed to counter that trend.

As editor in chief of the Law Review last year, Justin Danilewitz, L'07 played a major role in the development of the Sharswood Fellowship. He proposed the idea to the Law Review's editorial board and got approval from Dean Michael A. Fitts. He said the plan is to recruit someone every year with the potential to contribute to academic scholarship.

Professor Ted Ruger, who co-chaired the appointment committee with professor Wendell Pritchett, said Sawicki stood out because of her teaching experience. While a graduate student in the Penn Bioethics program, she was a popular undergraduate teaching assistant in the History and Sociology of Science department.

Sawicki has built on that experience by spending the last three years as an adjunct professor in the department, while working full-time as an associate at Wolf Block Schorr & Solis-Cohen LLP. During the fall semester, she will concentrate on research and publication, which are prerequisites for teaching.

"Law schools now want to see a proven track record of publication before someone is hired as a first year law professor," Ruger explained. Sawicki, who has published several health and bioethics papers, will study physician participation in executions. She hopes to identify the principles that guide physicians in situations outside their normal professional practice.

In the spring, Sawicki will teach an upper-level seminar on public health law, focusing on state efforts to compel people to behave in ways that improve public health.

"It's an amazing opportunity," said Sawicki. "I'm especially pleased that I'm the first Fellow to help shape... what the Fellowship will look like in the future."

Applications for the 2008-09 academic year are now being accepted. For more information on the fellowship, including eligibility and application criteria, please visit the Law Review's online home, www.PENNumbra.com, and follow the link for the George Sharswood Fellowship.

Criminology Experts Examine Legality of 'Stop and Frisk' Program

A MAYORAL CANDIDATE'S proposal to create a police "stop and frisk" program in Philadelphia, which had the highest murder rate among top ten cities last year, drew cries from

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critics who called it unconstitutional and racist. But Penn Law professor Stephanos Bibas defended the idea at a seminar on gun violence.

At the Law School forum last July, the former New York City prosecutor reminded that the Warren Court gave police authority to stop people of "reasonable suspicion" and conduct pat down searches when necessary.

"Stopping and frisking is something police have been doing for decades and they do it everywhere, including here," said Bibas. "The real question is how much? How aggressively are you encouraging the police to do this?"

A similar program under former Mayor Rudy Giuliani reduced gun deaths in New York. While the procedure inflamed tensions between police and minorities, Bibas said police did confiscate illegal weapons. "You're catching a lot of guns but you're also inconveniencing a lot of innocent people. There's a set of trade-offs."

Philadelphia police already face challenges battling a culture of "no snitching" in which witnesses to violent crimes are threatened about talking to authorities. The stop and frisk plan could further alienate police from citizens in the neighborhoods they patrol.

Answers to these concerns may lie in the research of Penn professor Lawrence Sherman, director of the Jerry Lee Center of Criminology. The stop and frisk strategy “has to be tightly focused on a statistical analysis of where and when gun crimes are most likely to occur,” Sherman said at the seminar. Working with a veteran undercover police officer, Sherman developed a series of body language signs that provide clues on whether a person is carrying a concealed weapon.

Bibas concurred, adding, “The more that (stop and frisk) is data-driven and based on objective factors...the less likely decisions will be made on a factor like race.”

Roe v. Wade Redux

JUDGE A. RAYMOND RANDOLPH, JR., L'69 presented a fascinating “what if” at this year’s **SEGAL LECTURE**, discussing an unpublished opinion rendered in the first abortion-rights case to reach a federal court.

The opinion was written by his mentor, the Honorable Henry Friendly, three years before *Roe v. Wade*. Judge Randolph was Judge Friendly’s clerk on the case, which involved a challenge to laws banning abortion in New York.

According to Judge Randolph, plaintiffs argued that the constitutionally protected “zone of privacy” established by *Griswold v. Connecticut* was broad enough to encompass a right to abortion.

Judge Friendly, who was a legendary member of the U.S. Court of Appeals for the Second Circuit, rejected this argument. He wrote, “The type of abortion the plaintiffs particularly wish to protect against government sanction is the antithesis of privacy.

“The woman consents to intervention in the uterus by a physician, with the usual retinue of assistants, nurses, and other paramedical personnel ... While *Griswold* may well mean that the state cannot compel a woman to submit to an abortion ... it is exceedingly hard to read it as supporting a conclusion that the state may not prohibit other persons from committing one.”

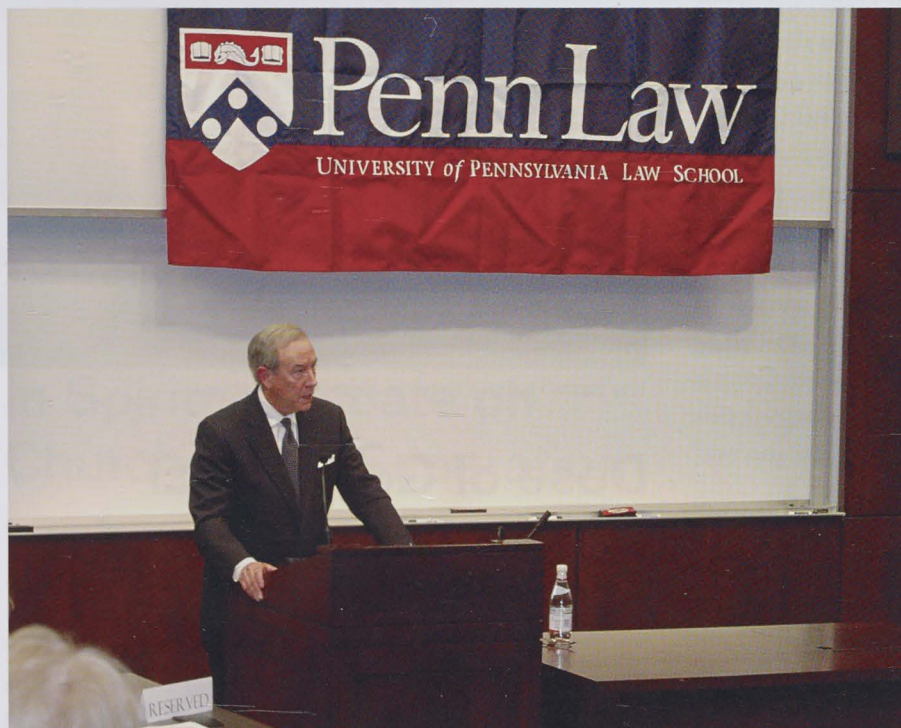
Judge Friendly also objected to the argument that the Constitution protects a person’s right to do what she pleases as long as the act does not harm others. Adopting this principle, Judge Friendly wrote, would invalidate a number of criminal statutes, including those against attempted suicide, homosexual conduct, and drunkenness. Furthermore, he argued that the New York state legislature could “rationally conclude that the fetus deserved protection.”

Years later, Judge Randolph, now a member of the U.S. Court of Appeals for the District of Columbia Circuit, is left to speculate about the “what ifs” of the abortion debate.

“I have often wondered,” Judge Randolph said during his lecture, “whether his (Judge Friendly’s) New York abortion opinion, had it been published, might have had a decisive difference on the lower federal courts where abortion cases were pending and, ultimately, on the Supreme Court.”

But that was not to be.

The New York legislature amended the state’s abortion statute to allow abortion on demand during the first twenty-four weeks of pregnancy. The three-judge court dismissed the case.



Judge A. Raymond Randolph, L'69 talks about Judge Henry Friendly’s unreleased abortion opinion.

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NEWS & EVENTS

Penn Law Students Work on Reducing School Violence in Philadelphia

TOO OFTEN, THE PHILADELPHIA school system makes headlines because of student violence rather than achievement. But a group of Penn Law students is trying to stem the violence and encourage schoolchildren to resolve conflicts peacefully.

The student volunteers used mediation as a tool in their efforts for Project PEACE, a government program begun in Pennsylvania in 1999 after the mass shootings at Columbine High School.

One of the participants, Marium Jabyn, LL.M.'07, a native of the Maldives, spent four days last March offering mediation training to students at James Rhoads Elementary School in West Philadelphia. She didn't know what to expect when she walked into the classroom. When she worked with schoolchildren back home, they were combative. So she worried that the Rhoads students might not like outsiders telling them what to do.

But to her surprise, the opposite occurred. The children were so eager to learn that they were willing to stay late for the training on a day when the rest of the school went home on early dismissal. "They knew that they had lots of problems and this was something they really wanted to do," Jabyn recalled.

Project PEACE was started by former Pennsylvania Attorney General Mike Fisher. The Philadelphia school system enacted the program in 2004, centering efforts at the George Sharswood Elementary School in South Philadelphia, where the program has reduced conflict.

Encouraged by the reception at Rhoads, David Trevaskis, executive director of Project Peace, hopes to try the program at other schools. At Rhoads, children learned interpersonal problem solving, mediation, and to listen to one another. Using a series of scripts designed for Project Peace, the volunteers also exposed students to a model system of adjudication and provided examples of alternative conflict resolutions.

"The script teaches the kids to work in pairs and act as conflict managers, whether they're on the playground or the cafeteria, and solve their classmates' problems before the issues become violent," says Brad Jacobson, a former fellow of the Penn Law Public Service Program.

Although the acronym in Project PEACE stands for "Peaceful Endings through Attorneys, Children and Educators," Trevaskis considers the participation of law students a valuable resource

for the program. "We have limited resources and budget, so law students are a great help for us."

After group presentations, the volunteers divided the children into small groups to practice mediation. "The kids I worked with had lots of solutions," said Jabyn. However, these solutions didn't always take into consideration the feelings of others involved. "If I pointed out that the solution wasn't necessarily fair to the other person, then they'd get thinking." Only by working together were the children able to arrive at a solution everyone could agree on.

Shortly after the end of the Project PEACE training, Rhoads counselor Marsha Weiford had students at her office door asking when they could start working as recess mediators. "They were all gung-ho about it. It was wonderful," she said. Weiford gave the student mediators clipboards and pre-printed forms of possible conflicts that were likely to come up during recess.



The Sayre Health Center in West Philadelphia

Dose of Good Legal Advice Opens Doors for New Health Center

CURTIS JEWELL, L'06 was more familiar with Black's Law Dictionary than Gray's Anatomy. Yet he played a vital role in the construction of the Sayre Health Center, which opens this fall in West Philadelphia.

As a student in the Entrepreneurship Legal Clinic, Jewell helped guide the board of Sayre Health through a labyrinth of legal hoops on its way to achieving nonprofit status and qualifying for federal grants.

Former Penn Law clinical professor Dina Schlossberg drafted the articles of incorporation and wrote the center's bylaws. With her guidance, Jewell expedited the 501(c) (3) application process. "You really have to crystallize what the organization's about so you can present a clear picture to the IRS," said Jewell, who is now an attorney with Hogan & Hartson LLP, in Baltimore.

"I learned a good deal about nonprofit formation," said Jewell, who put in 30 to 50 hours on the project. "I learned about working with clients to assist them in reaching their goals. And I learned that there is good corporate *pro bono* to be done in our communities, which I think is the lasting lesson."

What differentiates the center is its dual purpose. Neighborhood residents will receive medical treatment, while students at Sayre High School will have a chance to volunteer and learn about careers in health care.

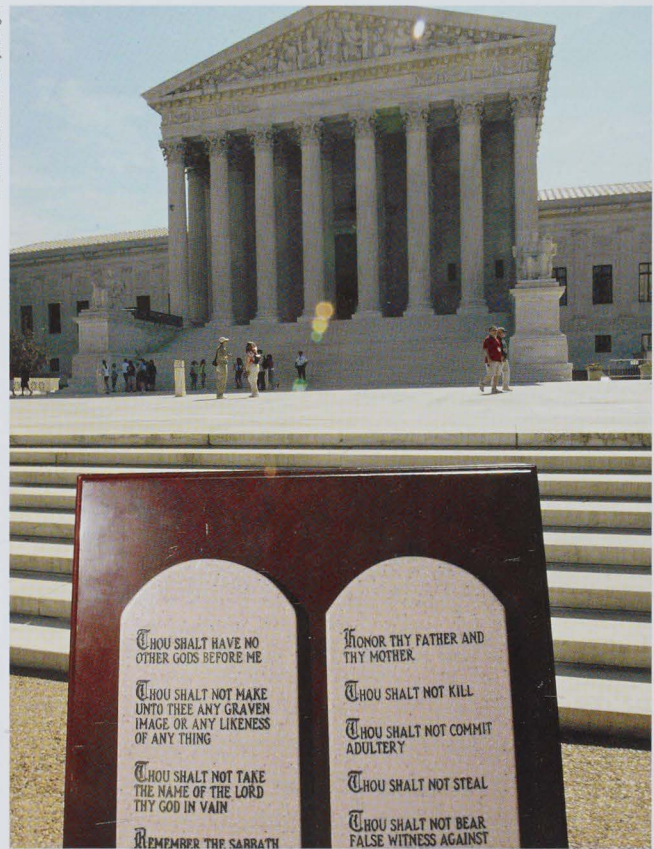
"It's really a nexus of opportunity," said Kent Bream, a physician at the University of Pennsylvania Hospital and Sayre medical director. "The community needs health care, and the health system needs health care workers. The best place to get them is from the community nearby. We're building a pipeline between those two because there was a disconnect."

Built to provide services to an underserved population, the 4,110 square foot health center will be housed in five converted classrooms in the Sayre High School campus. Doctors expect to treat up to 2,100 patients a year.

No Common Ground in Spirited Debate on Church-State Separation

IN WHAT SEEMED A ROLE REVERSAL, the reverend opposed school prayer while the professor supported the practice. Rev. Barry Lynn, executive director of Americans United for Separation of Church and State, said public schools should remain neutral and not promote religious expressions, while Pepperdine University Professor Douglas Kmiec contended that preventing children from reciting prayers amounts to government-sponsored secularism.

© Win McNamee/Getty Images



During a debate last March on the separation of church and state, Rev. Lynn and Kmiec clashed on this and many other issues. The two began by sparring over everything from Thomas Jefferson's 1802 letter on the "wall of separation" to the 1954 insertion of the words "under God" into the pledge of allegiance. "For me, when you add two words that only have a religious meaning, you are doing precisely what the framers said you shouldn't do," said Rev. Lynn. The pledge of allegiance, Kmiec countered, is not a liturgical exercise but rather "a brief historical summation" of the nation's founding principles which includes the existence of a supreme being.

The latter half of the debate, organized by the Federalist Society and the American Constitutional Society, focused on government funding and *Hein v. the Freedom From Religion Foundation*, a Supreme Court case that had been argued the day before. The case concerned President Bush's initiative to use federal money to fund services provided by faith-based organizations. Lynn's organization had filed an amicus brief on behalf of the foundation, arguing that taxpayers had standing under the establishment clause to challenge the program.

Kmiec, one of the nation's leading experts on constitutional law, asserted the legality and fairness of the faith-based initiative.

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In his opinion, religious Americans had been forced to either relinquish their guiding principles or face exclusion from participation in public programs — reducing them to second-class citizens.

The debate was moderated by Penn Law Professor Sarah Barringer Gordon, who at one point thought the two could agree on tax credits for religious schools. Lynn provoked audience laughter with a good-natured but resounding “No!” He said school vouchers are a form of direct funding that he considers unconstitutional.

Full Calendar of Student-Journal Events

Positive Approaches to Constitutional Law and Theory

IN ITS SYMPOSIUM THIS YEAR, the *Journal of Constitutional Law* explored the impact of positive theory on constitutional law doctrine. Among the participants were Penn Law professors Theodore Ruger and Stephen Burbank; former Penn Law professor Nathaniel Persily also took part. Burbank and Ruger spoke about positive theory and substantive constitutional law, while Persily shared his analysis of public opinion on controversial constitutional issues. Other topics were agenda setting by the Supreme Court and institutional constraints that influence decision-making.

The Journal of Labor and Employment Law Now Covers Business Law

THE JOURNAL OF LABOR AND EMPLOYMENT LAW has changed its name to the *Journal of Business and Employment Law*. The name change reflects the publication's expanded mission to address business law issues. In keeping with this expansion, the symposium this year examined executive compensation. Jill Fisch, a visiting professor at Penn Law, took part in a panel that explored the ethics of executive compensation, and Paul Kimbol, C'67, L'72, a partner at Dechert LLP in Philadelphia, joined the debate about new regulatory provisions governing executive salaries.

Investor-State Disputes

THE JOURNAL OF INTERNATIONAL ECONOMIC LAW tackled the challenges of investor-state disputes during its symposium last February. Penn Law assistant professor William Burke-White moderated discussions on transnational litigation and international investment treaties. Gabriel Bottini, counsel for the Office of the Solicitor General of Argentina, delivered the keynote address. Drawing on his experiences representing Argentina in litigation, Bottini shed light on the challenges posed by the increasingly complex investment disputes between countries trading in a global economy.

APALSA Conference

IN THE PAST 20 YEARS, Asian Americans have made significant inroads into the legal field and currently make up the largest minority group at Penn Law. Recognizing these accomplishments, the organizers of this year's Mid-Atlantic APALSA conference sought to answer the question, “What's next?”

During the conference's four panels, speakers discussed issues affecting the Asian-American community as well as the future of Asian-American attorneys working in academia, international fields, and at major firms. Professor Christopher S. Yoo, who joined the Penn Law faculty in July, was a member of the “Asians in Academia” panel. Judge Doris Ling-Cohan, the first Asian-American woman elected to the New York Supreme Court, and Judge Denny Chin of the Southern District of New York were the keynote speakers. The February conference hosted nearly 200 students from 17 law schools.

La Gran Fiesta

LONG BEFORE CONGRESS ACTED, the Latin American Law Students Association took on immigration reform at its second annual symposium last February. Panelists from academia, the nonprofit sector and government debated the merits of different approaches to immigration reform. Keynote speaker Anthony D. Romero, executive director of the American Civil Liberties Union, provided an overview of the history of immigration in America and discussed the importance of legal work in protecting the rights of every individual in the country.

Journal of Law and Social Change Becomes Newest Student Publication

THE JOURNAL OF LAW AND SOCIAL CHANGE, which is devoted to issues of social justice, has become the newest school-supported student publication after 14 years of independent operation. “We are really seeking to create a public interest presence on Penn’s campus,” said Marla Conley, co-editor in chief. She said the semiannual publication will increase by approximately 100 pages every year for the next three years.

In conjunction with its debut as an official publication, the Journal hosted a panel discussion on America’s civil rights challenges. Moderated by Penn Law professor David Rudovsky, the panel included four civil rights litigators: Penn Law professor Regina Austin, Chandra Bhatnagar, L’01, staff attorney with the Human Rights Program of the American Civil Liberties Union; Mary Catherine Roper of the Philadelphia ACLU, and Susan Burke of Burke Pyle LLC. Burke is lead counsel in a class action suit against the government contractors who tortured prisoners at the Abu Ghraib prison. This year the Journal plans to hold a symposium on America’s drug war.

Frattone Looks Forward to Launching Careers as New Head of Career Planning & Placement

HEATHER WEISS FRATTONE, W’94, L’98 joined the Law School last July as associate dean of Career Planning & Placement. Frattone has a wide array of professional experiences in legal practice and policy and comes to Penn Law with a thorough understanding of the career challenges facing students and graduates.

Prior to joining the Law School, Frattone served as executive director of Policy and Planning in the Chief Executive’s Office at the School District of Philadelphia, where she directed policy development for school district programs. She also worked in the White House Office of Legislative Affairs under President Clinton. After serving in the Clinton Administration, she returned to Penn Law and received her J.D. As a law student, Frattone interned with The Honorable Marjorie Rendell, serving as a clini-



Heather Weiss Frattone, W’94, L’98

cal student in the Public Defenders Association, and becoming a Louderback legal writing instructor. After graduation, Frattone joined Dechert’s litigation department and then worked in government relations and litigation at Kleinbard, Bell & Brecker.

“Penn Law graduates are taking exciting leadership roles in all areas of society. I am interested in working with all Penn Law students and graduates to find a career that is a good fit for them,” said Frattone.

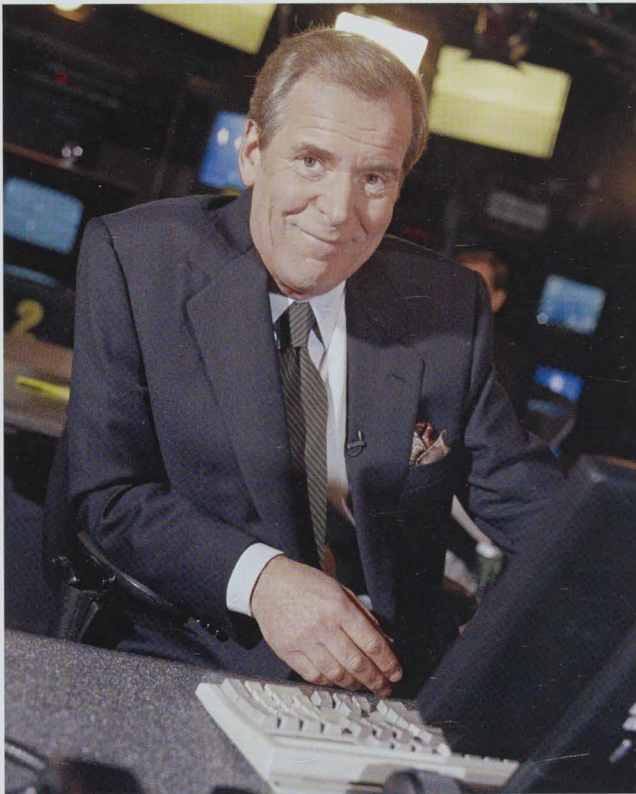
Frattone noted that increasing numbers of students and alumni are pursuing cross-disciplinary and alternate career paths, which is much more common than when she was a student. She said she wants to open students’ eyes to their own career development. “The world is hungry for the talents that we foster here at Penn Law,” she said. “I look forward to helping our students and alumni identify the many avenues that match these talents and their individual interests and skills.”

New Peter Jennings Project Aims to Clarify Role of Constitution in American Life

IT’S THE YEAR 2017 and the Supreme Court must decide whether to overturn the conviction of a child trafficker. The

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Anchorman Peter Jennings poses for a photo before he goes on the air on December 11, 2001 in New York City.

defendant, a British foreign national, claims his Fourth Amendment rights were violated when investigating FBI agents hacked into the United Kingdom's DNA databank and obtained his genetic profile.

What sounds like the plot to the latest science fiction thriller is actually a case written by students of Professor Kermit Roosevelt for a futuristic moot Supreme Court session at the National Constitution Center in March. As part of the Peter Jennings Project for Journalists and the Constitution, the session tested the Constitution's ability to offer protections against abuses of our rapidly-advancing technology. The project, named in honor of the late ABC news anchor, aims to foster a deeper understanding of the Constitution and its role in American life.

No stranger to the real-life Supreme Court, Professor David Rudovsky represented the fictional foreign national, Paul Martin. Rudovsky argued that Martin had a right to expect that his DNA would not be viewed except for health reasons or domestic criminal investigations. "There's a historical irony here: the Fourth Amendment was adopted in reaction to the writs of assistance that were imposed on the United States by the British government."

Miguel A. Estrada, who represented George W. Bush in *Bush vs. Gore*, spoke for the government. Estrada contended that the

Fourth Amendment does not apply in the case of a search of a foreign government's property. "This has more to do with venue than technology," he said.

In the end, the seven moot Supreme Court justices ruled to uphold the conviction. They decided that the search and seizure was permitted because the property belonged to the United Kingdom. Judith Kaye, Chief Judge of the State of New York, presided as Chief Justice, while the Honorable Arlin Adams, L'47, Christopher Lewis of BlankRome, Alfred Putnam, L'78, Majorie O. Rendell, CW'69, Dolores Sloviter, L'56, and Kermit Roosevelt served as associate moot justices. The sole dissenter was Justice Sloviter.

Janeira and Linder Win Keedy Cup Competition



JENNIFER JANEIRA, L'07 and Craig Linder, L'07 won the Keedy Cup last January in a spirited debate about a school desegregation plan in Seattle that was before the U.S. Supreme Court.

Janeira also won Best Oralist. She and Linder competed against Niall O' Donnell, L'07 and Aretae Ortiz, L'07.

The case came before the Supreme Court after a group of parents filed suit against the school district because their children were not, or might not be, assigned to the school of their choice due to a number of factors including race. The parents contended that the school district violated the Equal Protection Clause in its use of what amounted to a racial quota. The school district argued that its plan is constitutional because, among other reasons, it promotes the educational benefits of diverse school enrollment.

Judges were the Honorable Danny J. Boggs, U.S. Court of Appeals for the Sixth District; the Honorable Carl Stewart, U.S. Court of Appeals for the Fifth Circuit; and the Honorable Norma L. Shapiro, L'51, senior district judge for the Eastern District of Pennsylvania.

The Keedy Cup, named after the late Penn Law Dean Edwin R. Keedy, culminates the Law School's intramural brief writing and oral advocacy moot court tournament. Four second-year students with the highest scores are selected for the competition.

THE BRIEF

PUBLIC SERVICE

Sparer Keynoter Says International Court Needs More Support To Stop the Crisis in Darfur

JUAN M. MENDEZ, a special adviser to the United Nations on the prevention of genocide, criticized the international community for its inaction and silence on the Darfur crisis. Speaking at the 26th annual Edward V. Sparer Symposium in March, Mendez said the Security Council should have forced the Sudanese government to comply with a resolution calling for the International Criminal Court to investigate the 2003 massacres.

"We have given away cards that we could've used in negotiating with Khartoum to better protect and assist the more than three million Darfuris who are now totally dependent on international assistance," said Mendez, the keynote speaker at the forum on international judicial responses to violence.

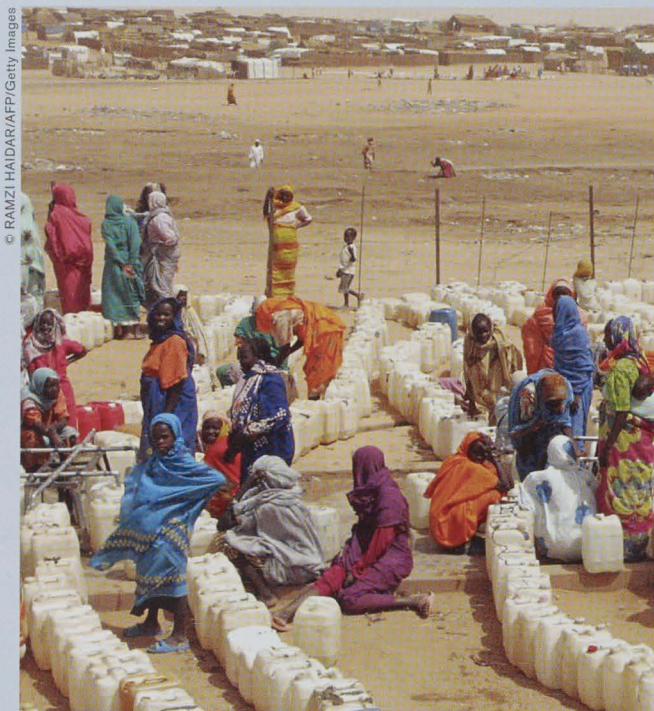
Up to 200,000 people have been killed in Darfur during the conflict between the government and rebel forces, and nearly two million refugees have fled across the border or been displaced. In recent months, African nations have pledged peacekeeping troops, amid calls for more involvement of Western countries.

Mendez said he visited Darfur in 2004 and 2005. He saw firsthand how the lack of accountability fueled fear and instability, and raised the specter of more crimes. The trips, he said, convinced him to join the effort to refer the case to the International Criminal Court (ICC).

Subsequently, the U.N. passed a resolution in April 2005. Since then, neither the Security Council nor the member states have forced Sudan to recognize and cooperate with the investigation. Consequently, said Mendez, it has been hard for the ICC to ensure the security of its investigators as well as witnesses.

A former Amnesty International "Prisoner of Conscience" in his native Argentina, where he was jailed twice by the military junta for representing political prisoners, Mendez knows the powerful effect international pressure can exert on a corrupt regime. He said the weak response to the Darfur crisis has strengthened President Omar al-Bashir's hand by shielding potential defendants from the reach of international prosecution.

Still, Mendez sees the ICC playing an important role in breaking the cycle of impunity. He said the threat of prosecution in the Ivory Coast has diminished the use of hate speech to instigate crimes. And in Uganda, he said, ICC indictments of five



© RAMZI HAIDAR/AFP/Getty Images

Displaced Sudanese women queue at a water point in Abu Shouk camp, close to Al-Fasher, the capital of the war-torn Sudanese northern Darfur region.

rebel fighters inspired peace negotiations aimed at ending the two-decade-old conflict.

Ending on a note of hope, Mendez said: "At least we're on the right track."

EJF Auction Raises \$47,000

THE EQUAL JUSTICE FOUNDATION (EJF) raised nearly \$47,000 at its auction last February. Attendees bid on items such as lunch for two with Governor Rendell, naming rights to a character in Lisa Scottoline's next book, a punch ballot signed by *Bush v. Gore* lawyers, and private rowing lessons on the Schuylkill River. Robert Toll, L'66 served as auctioneer.

The EJF auction supports the summer Public Interest program, which provides grants to students for internships at nonprofit organizations. This past year, 13 students received full and partial grants. Also this year, EJF awarded its first Summer Jackson-Healy Award in recognition of a graduating student's commitment to public interest work. Mani Golzari, L'07 received the \$5,000 award.



Isaac Corr , senior managing director of Eton Park Capital Management, says lawyers are a good fit for investment industry.

No Hedge in Corr 's Message to Law Students: The Investment Industry Needs You

WHEN BRISTOL-MYERS' stock plummeted in 2006, following word of a federal investigation into the company's efforts to protect the patent for Plavix, administrators at Eton Park Capital Management turned to Isaac Corr  to determine whether to keep its shares in the drug company.

Nervous investors wanted to know if the courts would uphold the patent of the top-selling anticoagulant and prevent a competitive generic from entering the market.

As it turns out, he made the *Corr ct* call.

"Every day, lawyers evaluate the merits of patents and consider the propriety of preliminary injunctions," Corr  said in his LAW AND ENTREPRENEURSHIP LECTURE last February.

"Why not do that in the context of a hedge fund?"

The senior managing director of Eton Park, which manages global investment funds, used Bristol-Myers as a case study for his proposition that lawyers have a vital role to play in the investment industry.

Bristol-Myers troubles began when Apotex, a Canadian pharmaceutical company that produces generic drugs, challenged the Plavix patent. Plavix sales exceed \$5 billion a year.

Apotex made an agreement with Bristol-Myers not to market its generic until 2010. But the Federal Trade Commission, and several state attorneys general, blocked the settlement. Furthermore, after the CEO of Apotex disclosed a secret deal designed

to circumvent regulators, federal agents raided Bristol-Myers' offices, causing the company's stock to drop from \$26 per share to below \$20, wiping out \$12 billion in market capitalization.

Seeing an opening, Apotex announced an at-risk launch of its generic. Suddenly Bristol-Myers depended on a preliminary injunction to bar Apotex from entering the market. Gearing for the court fight, Eton Park brought in experts to help Corr  understand the technical issues. "I know more about stereochemistry than I ever knew in high school," said Corr .

Corr  calculated that the judge would uphold the Plavix patent and grant a preliminary injunction. He was right. Bristol-Myers' stock rallied. And Corr  proved why lawyers are so important to investors.

"The financial markets are pretty bad at evaluating legal risk," he said. "(A lawyer) can generate attractive returns by finding situations where a company's valuation is significantly affected by a certain legal outcome."

Evolving Role of Independent Directors

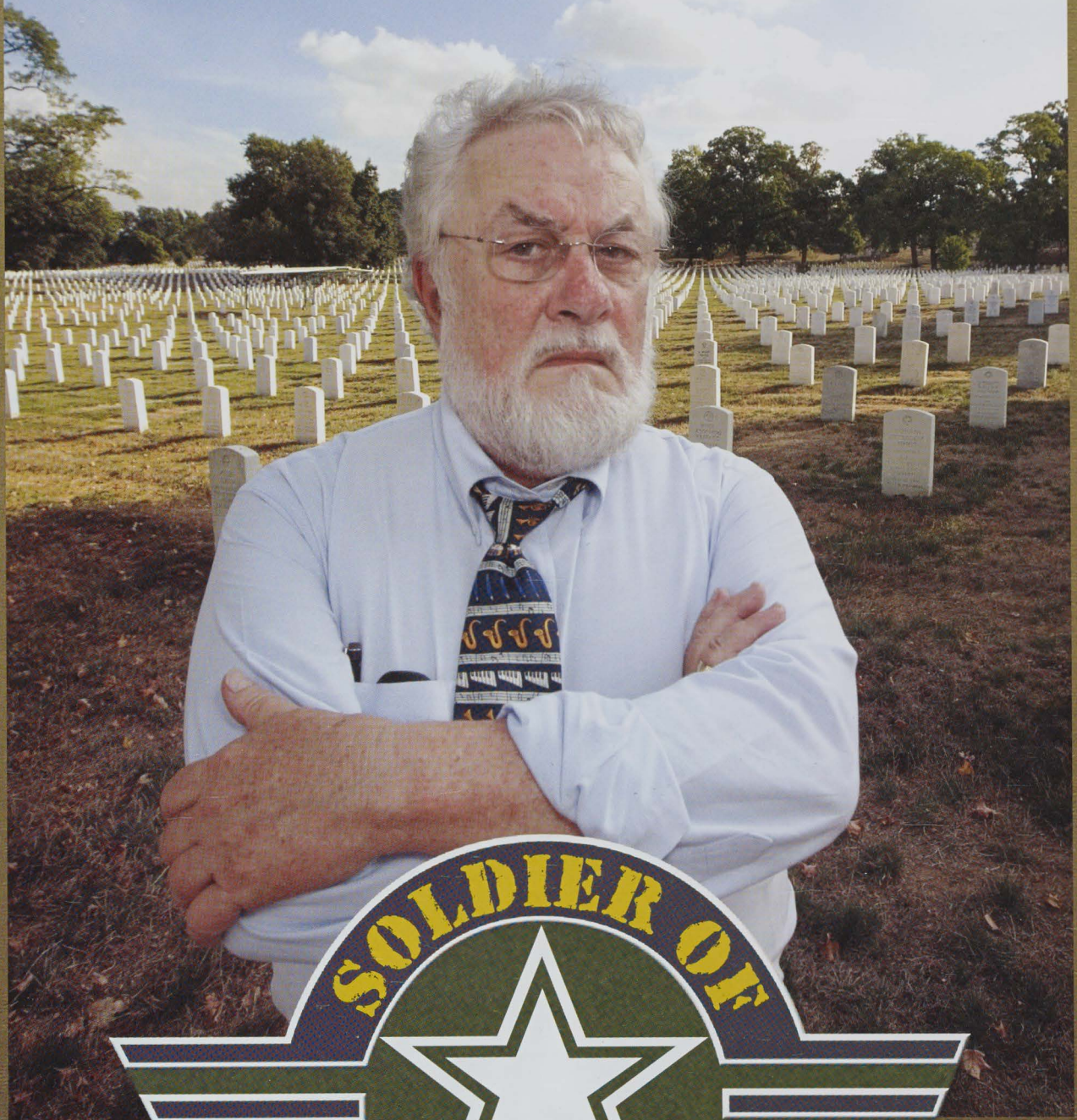
THE TOPIC FOR THIS YEAR'S series of Chancery Court panels was the evolving role of independent directors in corporate governance. The panels were moderated by Leo Strine, Jr., L'88, vice chancellor of the Delaware Chancery Court, and Penn Law professor Michael L. Wachter, co-director of the Institute for Law and Economics. The March discussion focused on how corporations should organize their board committees in light of new legal and financial mandates. Addressed in the April panel were the changes of labor's influence on investment markets through the years and the corporate governance initiatives that are in labor's best interests.

Examining Corporate Voting System

THE INSTITUTE FOR LAW AND ECONOMICS hosted another successful Corporate Roundtable in April. This year all panels and discussions focused on the corporate voting system. Penn Law Professor Edward B. Rock participated in the morning discussion along with commentator Vice Chancellor Leo E. Strine, Jr., L'88, of the Delaware Chancery Court. Rock, who is co-director of the Institute for Law and Economics, also served as moderator for the afternoon panel with Penn Law Professor and ILE co-director Michael L. Wachter. The afternoon panelists explored problems with the corporate voting system and potential remedies. A. Gilchrist Sparks III, L'73, partner at Morris Nichols Arsht & Tunnell LLP, was among the panelists.



The Institute for Law and Economics traveled to the deal-making capital, New York, for this year's Deal Day. The topic was "Monitoring Hedge Funds: Investor Due Diligence." Brian Gavin, senior managing director of The Blackstone Group L.P., was the presenter. Commentators included Timothy L. Barefield of Pershing Square Capital Management L.P., George Martin of Dechert LLP, and Gerald Rosenfeld of Rothschild North America.



Adrian Cronauer turned his
Vietnam service into movie gold.
But the sequel is even better.

BY LARRY TEITELBAUM

Twenty years after the biopic "Good Morning, Vietnam" turned him into a star on the college lecture circuit, Adrian Cronauer, L'89 spends his days far from the glitter of Hollywood. In an anonymous building near the Pentagon, Cronauer works on rescue missions. Not the kind which end with hometown parades, marching bands, welcome home banners, or teary reunions. For him, success means a body lost in time returns to the earth at Arlington National Cemetery.

As a special assistant in the U.S. Department of Defense, Cronauer burns thousands of miles in his job, helping to put a period on one of the most portentous sentences in the English language: "We regret to inform you..." In town after town, he and his colleagues brief families about efforts to locate the remains of soldiers missing in action or taken prisoners of war. Often it's been years since relatives have heard anything about their loved ones.

In his varied career, the Pittsburgh native has been a lawyer, a news anchor, the voice of radio commercials, the subject of a movie and, oh yeah, an assistant to Mister Rogers before he became a children's icon. However, for this Vietnam vet, nothing approaches the psychic satisfaction of helping military families make peace with their loss. "It's probably one of the most rewarding things I've ever done," states Cronauer, a spokesman for the Defense Prisoner of War and Missing Personnel Office. "This means a lot to me because of what it means to people who are trying to fill that hole" in their lives.

About 88,000 veterans are listed as missing in action. The majority fought in World War II, although nearly 10,000 of them are still unaccounted for from the Korean War and Vietnam. Many of their remains are never found and identified. Understandable considering the ravages of time and the rough terrain in which some soldiers fell or crashed.

So, closing the circle on these cases requires intense forensic work, as Cronauer explained a few years ago, when he stood before a platoon of military lawyers in training. Speaking at The Judge Advocate General's Legal Center and School in Virginia, Cronauer likened the challenge to mastering the complicated numbers game Sudoku. He mentioned the more than 600 people engaged in the effort. He referred to the labs in Hawaii, Maryland, and Texas, and the operations in Russia

and Southeast Asia. And he described the grit and the grime and the science involved — the excavation of earth, the piecing together of rusty shards and remnants to identify belt buckles, flight suits, and ejection seats; the compiling of oral histories to establish time and place of death, the maintenance of giant electronic databases with the names of the missing soldiers and their branch of service.

★ FIGHTING THE ELEMENTS ★

All of this technology and manpower is employed in a fight not just against time, but against the most formidable enemy of all: the elements. In a recent interview, Cronauer explained that the job gets even tougher when nature erodes the evidence. Try finding clues amid a weathered coral reef in the South Pacific, or recovering traces of a tooth, a bone fragment or a dog tag from a mountainside crash site where the fighter jet disintegrated on impact. You might as well pan for gold at Sutter's Mill.

Still, despite the odds, investigators strike gold now and then, such as when they discovered thirteen World War II Marine Raiders killed in battle on the Gilbert Islands while attempting to divert the Japanese from Guadalcanal. Every year investigators manage to identify upwards of 100 people, but all too often searches come up empty. For example, they're still looking for Navy pilot Michael Scott Speicher, a captain shot down in the first Gulf War. Which makes you wonder what drives the 68-year-old Cronauer to pursue such a sad mission when he could retire and play with his grandchildren. Love of country, yes. Duty, sure. But, above all, the answer is Vietnam.

Cronauer was 11 credits short of graduating from American University, where he majored in broadcasting, when he joined the Air Force in 1962. In the space of a few years, he went from

SOLDIER OF MISFORTUNE

working at radio stations and studying to serving in Vietnam. Cronauer remembers Saigon as a peaceful outpost when he arrived in 1965. But then the North Vietnamese attacked American destroyers in the Gulf of Tonkin and the war escalated, turning Saigon into a frenetic danger zone.

Airman Cronauer spent a year in Vietnam as a disc jockey for a military radio station. To boost the morale of homesick kids, he mimicked an American radio station by playing rock 'n roll music, doing weather forecasts (abruptly discontinued when the military discovered enemy forces were using them to plan operations), and giving news reports. Sometimes, the reports hit close to home.

"The Vietcong blew up the radio station a couple of times and they blew up hotels where we lived," recalls Cronauer. "It was a guerilla war so no matter where you were, you were in danger." And Cronauer had a few close calls. One night, shortly after he and three or four mates finished dinner and left a floating barge restaurant, the Vietcong exploded a mine that raked the side of the boat and sprayed shrapnel everywhere. He saw heads detached from torsos — the gore of war.

While Cronauer came home in one piece, some of his buddies did not. Of the 58,000 Americans killed in the Vietnam

War, more than 8,000 died during 1965 and 1966, the years Cronauer served.

★ HIT MOVIE ★

Cronauer mined this "materiel" to conceive, in 1979, a plot for a TV sitcom. No bites. The war was barely over and the wounds too fresh. He then rewrote the script as a TV movie of the week. This time, Robin Williams read the treatment and saw a star turn and an opportunity to improvise as a wisecracking, truth-telling disc jockey in a story filled with pathos. Five rewrites and several years later, Cronauer found himself, unbelievably, in a darkened room in Hollywood watching a rough cut of the movie, thinking to himself, "Son of a gun, they actually made a movie out of this." "

And not just any movie, but one with legs. "Good Morning, Vietnam" has become a staple on the rental market and a cable television evergreen, extending, Cronauer jokes, "my 15 minutes of fame went well beyond 15 years."

By the time of the movie's release in 1987, Cronauer was in law school. He entered in his late 40s, seeing an opportunity to shed his static broadcasting career and use his

Adrian Cronauer, L'89 with Robin Williams, who portrayed him in "Good Morning, Vietnam." The film was very good to both: Williams earned an Oscar nomination; Cronauer gained fame.





**CRONAUER JOKES,
“MY 15 MINUTES OF
FAME WENT WELL
BEYOND 15 YEARS.”**

Adrian Cronauer, L'89 playing it cool as he spins records as a disc jockey for a military radio station in Vietnam.

background to advise clients about emerging technologies such as satellites and fiber optics. He says the first semester was “the hardest thing I had done since basic training.” But he survived and even made the Law Review. No doubt his cut from the movie and the money he earned on the lecture circuit eased his pain, paying his way through law school. He graduated without owing a dime.

At this point, Cronauer had been a news anchor, radio station manager, golden-throated pitchman. He even opened letters as an assistant to Fred Rogers, who was just starting out in Pittsburgh with a show called “The Children’s Corner.” (“Rogers was so shy he wouldn’t appear on television himself,” preferring to “play the organ and work the puppets,” notes Cronauer.)

Cronauer could have happily practiced communications law for the rest of his years, living off the vapors of his movie. But then 9/11 happened.

★ NEW MISSION FOR CRONAUER ★

And 9/11 changed everything, not just for the country, but for Adrian Cronauer. The terrorist attacks on the Pentagon and the Twin Towers proved a call to action. Cronauer, who campaigned for President Bush, had been asked to work on MIA/POW issues for the administration. He hedged. But after a night of watching planes crash into American buildings, he turned to his wife, Jane, and said, “‘You know, if I were about 30 years younger, I might go back into the military.’ She said,

‘Adrian, has it occurred to you that if you take that job, you might be able to make more of a contribution than you ever could in uniform?’ I thought about it and said, ‘You know, she’s right.’”

Which is how Cronauer finds himself working on MIA and POW issues, with the itinerary of a diplomatic attaché, traveling to Hanoi, Saigon, Seoul, Kuwait, Iraq, Geneva, Bangkok, Moscow, and Hawaii. He feels an obligation. It’s his way of giving back to the men and women who served this country and sacrificed their lives.

Cronauer served in the Air Force, not the Marines, but he’s internalized their slogan *semper fi*, which means “always faithful.” In the spring of 2004, Cronauer, speaking to the group of military lawyers in Virginia, said America spends more money (\$106 million per year), time and effort on retrieving lost soldiers than any country in the world. He described a news conference in the Middle East during which a Defense official revealed that only one American was still missing after Operation Desert Storm. The incredulous reporter asked, “You’re going to all this trouble, coming all the way over here, devoting all these resources, just to account for one person?” The official replied, “Yes. And what does that tell you about America?”

The same thing it tells you about Cronauer who, two decades after “Good Morning, Vietnam” stormed the country, wakes up every morning with a sense of mission, a desire to fill gaping holes and salve the wounds of those left behind. Only because it’s right. **PLJ**

BEYOND THE BIG CITY

While the majority of graduates head to New York, Washington and other metropolitan centers, intriguing opportunities await those who trod a different path, and embrace small-town living. These four alumni spurned traffic jams and skyscrapers in favor of short commutes and pastoral surroundings — and have no regrets.



For Roda, There's No Place Like Lancaster

By Michael Callahan

In his 1940 novel "You Can't Go Home Again," Thomas Wolfe explores the fate of George Webber, who writes a book about the people of his small Carolina hometown, only to face their enmity when he returns. Disillusioned, he flees, vowing never to come back. For a while, it looked like Joe Roda, L'74 was destined to mirror Webber's destiny.

Raised in bucolic Lancaster, Pa., Roda was blessed with an Ozzie-and-Harriet upbringing, a big family with seven siblings that enjoyed road trips, faithful churchgoing, and Rockwellian Thanksgivings. Roda won a football scholarship to Villanova, transferring his sophomore year to Harvard; from there it was on to Penn Law. His future was set: He would join the Lancaster law practice of his father, Frank. "Penn was an excellent school and it was also in Pennsylvania, so at the time it offered me the chance to see my father in action," Roda recalls of his dad, a

successful attorney, who had a large practice in Philadelphia as well as one in Lancaster.

But on July 25, 1973, Frank Roda, attending a convention of trial lawyers in Miami, suffered a fatal heart attack at the age of 47. Sitting in his room at the Graduate Towers, where he was staying during a summer internship with the U.S. Attorney's Office in Philadelphia, Joe Roda got the news that his father was gone. "I had looked forward to returning to work with my dad," he says. "Now the prospect of going back to Lancaster was a painful one."

While Roda's mother and siblings were still there, the young attorney couldn't bear the idea of going back, unsettled by the prospect of seeing memories of his father in every corner of Lancaster County. So he accepted a clerkship with Eastern District Judge Clarence Newcomber, took an apartment near

BEYOND THE BIG CITY

Rittenhouse Square, and decided to look to the future, not the past.

He ended up joining the firm of prominent Philadelphia litigator Harold Kohn, C'34, L'37 thrust into the exhilarating minutiae of antitrust and securities class-action cases. He also became well versed in media law, working with fellow Penn grad David Marion, W'60, L'63 handling legal matters for Philadelphia Newspapers, Triangle Publications, the Walter Annenberg-owned publisher of *TV Guide*, and *Parade Publications*. "I got to read the galleys of *Parade* magazine six weeks in advance."

"Looking back now, I was just this 31-year-old opening this thing in a familiar town. Maybe there was the advantage of youthful naivete."

Roda laughs, "so I knew all the gossip before anyone else."

But the lure of hometown never receded. Roda was back in Lancaster many weekends, especially in good weather ("There's no better place to play golf," he says) and the idea of moving back slowly

bubbled to the surface. "People know you because of your father and family, and they know you were born and raised here, so they'd call. It finally got to the point where more than half of my caseload was out of Lancaster or nearby parts." The tipping point came one day in March 1980, when Roda

Joe Roda, L'74 down on the farm which he calls home.



looked up from his desk in Philadelphia and declared, “I will never rest unless I give this a shot.”

In short order, he became engaged to Dianne Nast, who also was an attorney with Kohn’s law firm, and says today he could not have moved home without her support and agreement to continue to commute to her job in Philadelphia.

Buoyed by both her commitment and his joy in returning home, he didn’t have enough sense to be nervous when he hung his shingle in September 1980 to build a practice from scratch in Lancaster. “Looking back now, I was just this 31-year-old opening this thing in a familiar town,” he says. “Maybe there was the advantage of youthful naivete.”

Call it what you want, but it paid off. While many of his peers thrived on the hustle bustle of hopscotching around to prestigious firms in major metropolitan cities, Roda found his fulfillment, professionally and personally, back where he started. Today he handles primarily complex litigation and trials, such as his current high-profile case involving an antitrust action against a pharmaceutical giant charged with blocking generic distribution of one of its signature drugs. He made headlines last year when he won a \$28 million judgment against the Amtrak and Norfolk Southern railroads after two boys were badly burned through electrocution playing on an idle train near Lancaster. (The case is currently on appeal.)

Dianne joined his firm as a partner in 1995 (the firm is now Roda Nast). Away from the office, Roda, 58, enjoys life on his pastoral 50-acre farm, which boasts, among other amenities, a tobacco barn converted into an indoor basketball court and a front lawn that doubles as a regulation-size soccer field. (Roda’s coached several of his kids’ soccer teams.) While there have been trials — most notably, the death of his son, Michael, in a diving accident in 2004 — Roda feels giving up the big-city glamour of a city practice for life as a country lawyer has been the key to his happiness. “It’s being able to simply enjoy the course of a day, to handle extracurricular things without being trapped in your car on a commute,” says Roda, who manages to stay in touch and occasionally golf with his former classmates working for big-city law firms. “Time is precious.” While he confesses to occasionally dragging his laptop into bed, he says the downtime is pure. “I love bustling cities,” he says. “They’re very stimulating. But I always enjoy retreating to the homestead. For me, this just clicks.”

So perhaps Wolfe was wrong. A fact that Frank Roda no doubt knew all along.

MICHAEL CALLAHAN IS THE ARTICLES EDITOR AT PHILADELPHIA MAGAZINE.



Ruthanne Beighley, L’76 takes a break from work to enjoy ice cream.

The Sweet Life of Ruthanne Beighley

By Robert Strauss

To reach Ruthanne Beighley’s office you drive down a country lane in Hermitage, Pa. and follow your nose. En route the intoxicating aroma of vanilla and batter begins to saturate the air. Soon you come upon the corporate headquarters of the Joy Cone Co., the source of this pleasant, enveloping smell.

Life is sweet for Ruthanne Beighley, L’76. As general counsel for the largest ice cream cone maker in America, she spends her days amidst waffle and sugar cones and ice cream scoopers. Better yet, she avoids the time-consuming and nerve-wracking commute that exhausts her big city colleagues. She’s spared the traffic cones, fender-benders, and the advisories, and there’s no such thing as rush hour. In short, the drive from Hermitage to her home in neighboring Sharon is a snap. “I am never on a road that is a parking lot. Ever,” says Beighley. “I relish the ease with which I can get around.”

After all, there's not much to negotiate in these western Pennsylvania burghs. Hermitage's population is 17,000, Sharon's 15,000. "It's hard to be more small town than we are here," says Beighley. "But this is where I grew up and I love being here."

Beighley's big-city interlude began after a failed marriage, which forced her to re-evaluate her life. She grew up in Jamestown, which is even tinier than Hermitage or Sharon. Some 80 miles northwest of Pittsburgh and about 25 miles from Sharon, Jamestown has a population of 636, smaller than that of the Law School. "My high school class had 39 (students), which is about as small as you could get," says Beighley. After graduating from high school, she got married and had two children quickly. By 1970, she was divorced. "I had these two little girls, ages 6 and 4, and had not worked outside the home. I didn't even have a driver's license.

"But I thought I was college material, so I changed my life," she says. She went to Thiel, a small college in nearby Greenville, majoring in philosophy. "I had in my mind that I was going to be a lawyer, not a teacher, which is why I chose philosophy. I got excellent grades, so I got into Penn."

She left her children with her parents her first year and lived in the dorms, but remarried after that year and changed her situation again. "My husband rented us an apartment at the Rittenhouse Claridge, right on Rittenhouse Square. It all worked out quite well," she says.

Beighley says she always intended to come back home. She had worked for a firm in Mercer County in the summer and joined it after graduation. A year later, she and two other lawyers put up their own shingle in Greenville, doing general practice, though Beighley mostly did family law and estate planning, with a smattering of personal injury and workers compensation cases. In 1984, she went solo, opening an office in downtown Sharon. On the side, she moonlighted for the Joy Cone Co., which was founded by her husband's family in 1918. In 1995, the family asked her to abandon her practice and become general counsel.

"It wasn't an easy decision," she said, noting concerns about working with her family. "They had been in business for most of the century and never had an in-house counsel. I would say I second-guessed myself at the time, but it has turned out wonderfully."

From her office above the factory floor Beighley can hear the clatter of machines cranking out cones in what the company says is, at 340,000 square feet, the largest ice cream cone manufacturing facility in the world. Joy Cone supplies Dairy Queen, McDonald's, supermarket chains and Wal-Mart. The company

produces two billion cones a year, employing 400 people in Hermitage and another 125 in a facility in Flagstaff, Ariz. Beighley says she loves the variety of her job -- from writing con-

tracts, to monitoring an ESOP plan and 401(k) for employees, to human resources and corporate governance work. She also answers legal questions for employees gratis when she has spare time. She has confidence in the company. ("We have a superior product, so I can really work believing that we give quality.") And this makes the work easier.

"In a small town, too, you really can get involved and know you are doing something," she says. "You contribute to United Way, but you also see close-up what the United Way agencies do. It's far different than a big city in that regard." She runs her own church choir and is the church organist and cantor for two local churches. She's also been a board member of the Greenville Symphony Orchestra.

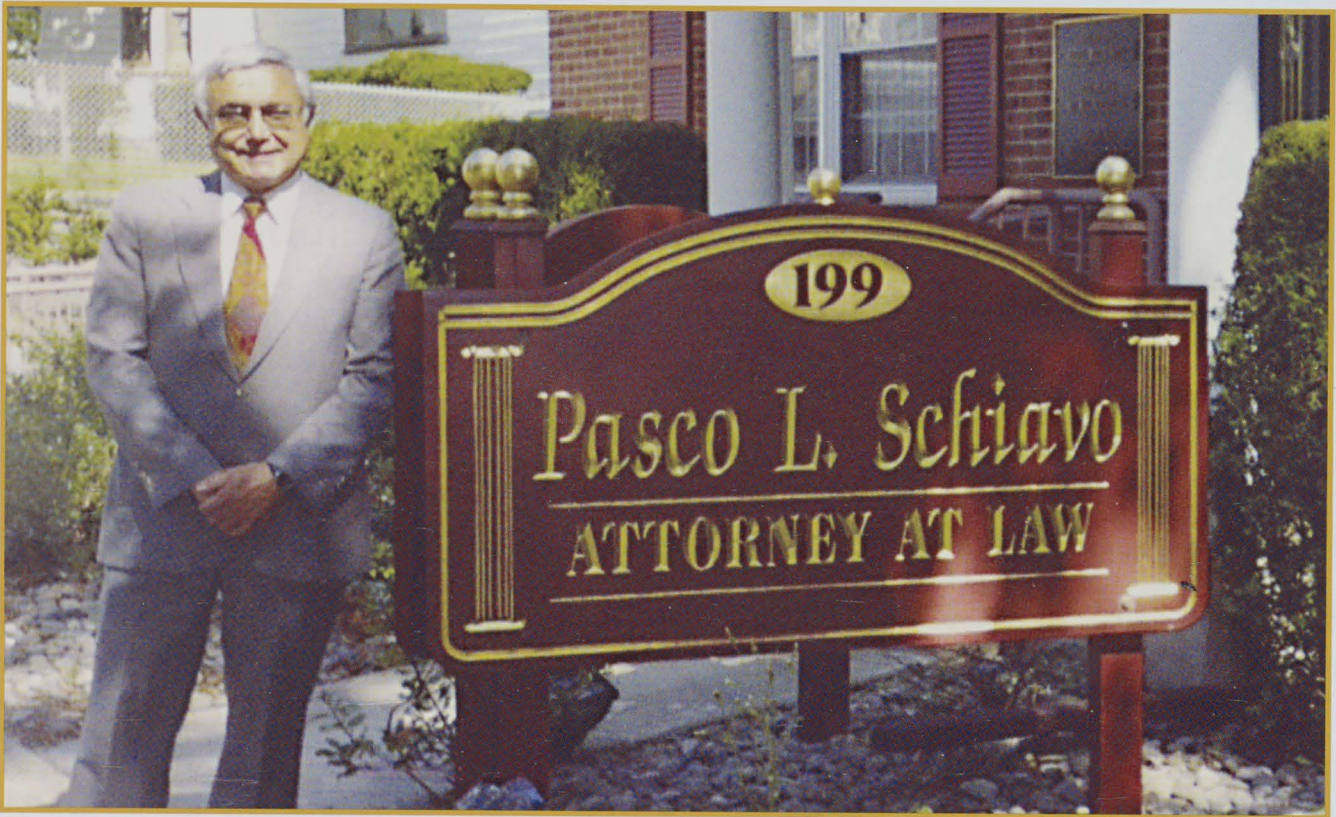
"One year, I helped us get Alex Trebek to come conduct the symphony," she says. "Apparently he said on 'Jeopardy!' that he always wanted to conduct a local symphony, so we put in the winning package. It was a wonderful day."

Beighley doesn't disdain cities. She keeps in touch with old classmates who have migrated to New York and Washington and goes to Pittsburgh often for the opera, the symphony and the Steelers. Still, she never regrets the move that brought her back to small-town Pennsylvania.

"One of the highlights at Joy Cone is that on Thursday afternoons, we get the ice-cream-making machine out and the employees can help themselves to it all day long," she says. "It is generally still running on Friday, and the families come in for it, too. You don't get tired of things like that."

ROBERT STRAUSS, FORMERLY A REPORTER FOR *SPORTS ILLUSTRATED* AND *THE PHILADELPHIA DAILY NEWS*, IS A FREELANCE WRITER WHOSE WORK REGULARLY APPEARS IN *THE NEW YORK TIMES*, *WASHINGTON POST*, AND *LOS ANGELES TIMES*. HE IS ALSO AN ADJUNCT INSTRUCTOR, TEACHING WRITING IN THE PENN ENGLISH DEPARTMENT.

**"In a small town
you really can get involved and know
you are doing something."**



Pasco Schiavo, L'62 walks to his office, which is two blocks from his home.

Schiavo Aids Hazleton's Resurgence

By Amara Rockar

For years, coal ruled Hazleton. The industry stoked the local economy, employing three quarter of the work force in the town of 80,000 people. The coal mined in Hazleton supplied Big Steel and turned America into an industrial power. And then, like the dinosaur, the industry vanished, supplanted by cleaner, more efficient fuels. By the time Pasco Schiavo, L'62 graduated from Penn Law School, his town in Northeastern Pennsylvania was reeling. But Schiavo saw the proverbial light at the end of the tunnel, and decided to return to his hometown.

Schiavo considered practicing law in Florida, Arizona, or the Philadelphia area. Instead, he came back home because

"You have a chance to participate in a lot more areas of community activity than you normally would in a larger city."

he saw potential for a turnaround, fueled by the building of Interstates 80 and 81. He considered the town's location near the major cities, the new roads to transport products, and he saw commerce. He was right. Hazleton rebounded, becoming a manufacturing and shipping center, with major industrial parks, Fortune 500 branch operations including Coca-Cola and Archer Daniels Midlands, and even brighter economic prospects through continued growth in tourism and industry.

Still, Schiavo shrugs off his role in Hazleton's recovery, even though he played an active part. Following a spell as Luzerne County assistant district attorney, Schiavo devoted the majority of his time to building a small-town law practice through word-of-mouth, handling a myriad of legal matters which evolved into a busy personal injury and estate practice.

As a result, Schiavo became an important figure in Hazleton, in the mold of

BEYOND THE BIG CITY

his grandfather, the lawyer, and his father, the businessman and founder of both the local housing and redevelopment authorities. In a sense, Schiavo chose both paths.

While running his practice by day, Schiavo began attending community meetings at night and acting as solicitor for municipalities and several organizations. “You have a chance to participate in a lot more areas of community activity than you normally would in a larger city,” says Schiavo, whose morning commute is all of two blocks, on foot.

And participate he did, as legal counsel for many public as well as private clients. That said, he considers his work in education as a high point of his community service. He relishes the role he played as solicitor for the Hazleton Area School District, helping to consolidate three high schools into one state-of-the-art secondary educational institution. And he views Penn State Hazleton as an important resource, a place where local children can get a good education and contribute to the community. That is why he serves as chair of the Campus Development Committee, and has contributed financially to scholarships for students, even though he is not an alumnus. His efforts at the school helped lead to the creation of the Jack Palance Memorial Scholarship. Palance, a legendary bad guy in Western movies, parodied that image and won an Academy Award for Best Supporting Actor for his role in the comedy “City Slickers.”

Palance and Schiavo, it turns out, had a lot in common. Palance, a son of a miner, grew up near Hazelton. Schiavo’s maternal family lived in the same village, and his uncle and Palance played on the same high school football team. Palance returned often because he loved the area and the people. Just like Schiavo.

Coal was king in Hazleton, but now it’s gone. The strip mines that once blighted the landscape have been largely reclaimed. People come here for the state parks, the golf courses, and the green mountainsides on the western edge of the Poconos.

Still, preserving the past is important to Schiavo, who serves as president of the Eckley Miner’s Village, a museum dedicated to the everyday lives of coal miners. His family history in Hazleton dates back generations: his great-grandfather came to the area to work the Anthracite coal mines and Schiavo’s grandfather toiled in the mines long enough to pay for law school. Schiavo’s father, a real estate developer, never had to tunnel down the shafts.

Neither did Schiavo. He had other choices to make, such as whether to come home. “I always wonder, would I have done better somewhere else?” Now, as a member of Who’s Who in American Law and a leader in his community, he knows he made the right choice — for himself and for Hazleton.

Former Madison Mayor spreads gospel of efficiency to governments across the globe.

By John Gillespie

Joe Sensenbrenner, L’73, three-time mayor of Madison, Wis., walks to work each day and sails from his backyard pier on Lake Mendota.

“So the purpose of moving to a big city is...?” he asks.

Sensenbrenner may prefer the idyllic life of his home state, but he has spent much of his professional career in the rough and tumble of politics trying to make government work better. His ideas on government efficiency have won him a national following. A disciple of the late W. Edwards Deming, the efficiency expert who helped transform postwar Japan, Sensenbrenner was one of the first public officials to apply Deming’s theories to the public sector using customer service as a watchword.

“Government needs to treat citizens as customers in the same way business treats buyers of its products,” he says. Understood in those terms, he says, government will naturally strive to act more effectively.

Madison, the state capital, became a laboratory for Deming’s theories. As mayor from 1983 to 1989, Sensenbrenner improved virtually every municipal service. Advances in police, streets, day care, data processing, and other areas won rave reviews from public-and private-sector leaders and the news media. Madison became a city to emulate.

Among his early improvements Sensenbrenner reduced the brush collection time by half and costs by a third. He also reduced by 90 percent the time it took to get parts to repair city vehicles. In 1988, *The Quality Review* recognized Sensenbrenner as one of the “ten most influential figures in quality improvement.” An article he wrote for the *Harvard Business Review*, “Quality Comes to City Hall,” summarized Madison’s experience, winning the author greater recognition.

In 1989, he founded Sensenbrenner Associates, Inc., a consulting firm that advises state and local governments and public agencies on ways to improve the quality of their services. Some of his initial work, for state Department of Transportation departments, had a huge impact on a most tedious requirement for car owners — license renewal. From a wait of several hours, processing time dropped 90 percent.



Joe Sensenbrenner, L'73 relaxes at his lakeside home with his wife, Mary Ellyn.

Sensenbrenner introduced flow charts and population algorithms to eliminate bottlenecks at motor vehicle agency offices. What had been a time-consuming ordeal was suddenly more manageable.

His work has taken him to New Zealand, Australia, Canada, and across the United States. He has wrought changes in the IRS, military procurement policies, and numerous other government functions and agencies. Some state and local governments have gone so far as to appoint cabinet level officials in quality management. Sensenbrenner Associates is currently at work on a project to help states redesign education and training to prepare workers for jobs of the future.

Sensenbrenner is also a board member of a company called The Guild, which sells high-end artwork over the Internet. Founded as an art publishing company in 1985, The Guild today offers art buyers 10,000 original works of art direct from the studios of 1,200 leading artists.

But it is public service, either through elective or appointive office, or finding ways to improve it, that has dominated his professional life. Before running for mayor of Madison, he was Wisconsin's deputy attorney general, and before that, chief of staff for Gov. Patrick J. Lucey. Sensenbrenner's cousin,

F. James Sensenbrenner, is a Republican congressman from Wisconsin's Fifth District.

In Madison, Sensenbrenner serves as president of the Board of Grassroots Leadership College, the Urban Open Space Foundation, and the Bartell Community Theatre with prior service on the boards of the Madison Symphony, Rotary, and Center for Law and Social Policy.

Madison perennially makes lists of the best places to live. This is where, alongside the tranquil waters of Lake Mendota,

he and his wife raised two sons, one of whom, Joseph, graduated from Penn Law School in 2006. Life here holds its charms.

"I've walked to work every day since moving here in 1979 and all the organizations I chair are within walking distance.

"I can do more of what I wanted to

do, which was really to have an impact on a focused area," says Sensenbrenner. He's done that and more, his influence stretching far beyond Madison, as people look to him for ways to improve government and public sector management. **PLJ**

JOHN GILLESPIE IS A FORMER STAFF WRITER FOR *CONGRESSIONAL QUARTERLY* AND REPORTER, EDITORIAL WRITER, COLUMNIST AND CITY HALL BUREAU CHIEF FOR THE *PHILADELPHIA BULLETIN*. SINCE 1982, HE'S BEEN A WRITER IN THE DEVELOPMENT DEPARTMENT AT PENN.

"I can do more of what I wanted to do, which was really to have an impact on a focused area."

New technologies are coming in to disrupt older forms of communication

WASHINGTON, Dec. 2 — Democratic leaders in Congress remain divided about how to address the growing crisis in housing and home foreclosures by helping borrowers who seek to refinance mortgages.

At a news conference on Wednesday, House and Senate Democrats outlined a plan to help low- and middle-income families keep their homes.

But they focused on only two fairly narrow proposals: providing more money to groups that help homeowners reorganize their loans, and temporarily allowing *Fannie Mae* and *Freddie Mac*, the huge government-sponsored mortgage financiers, to hold more mortgages in their own investment portfolios.

"The subprime crisis demands action, and we are working to protect families who have lost their homes or are in danger of foreclosing," the House speaker, Representative Nancy Pelosi of California, said.

While the House has already passed several bills aimed at the mortgage problem, Senate Democrats have been bogged down by disagreements and other efforts to bring up enough votes to block any Republican bill.

House officials said President Barack Obama got behind a plan to expand the Fed's Making Home Affordable program and proposed a way to strengthen the regulation of *Fannie Mae*

and the need for "enhancements," a spokesman said. Mr. Bush, they said, "We see the need for action to take advantage of the opportunities before them."

House Minority Leader Frank Lautenberg, Democrat of New Jersey and chairman of the Senate Banking Committee, said he agreed with the White House that Congress needed to approve tougher regulatory oversight for the two government-sponsored companies, which have been criticized in accounting scandals.

Senate Democrats, though, say that they cannot muster the needed 60 votes to pass a legislative bill this year.

White House officials said President Obama got behind a plan to expand the Fed's Making Home Affordable program and proposed a way to strengthen the regulation of *Fannie Mae* and *Freddie Mac*.



You can't help but be thrilled about the accessibility and transparency of online

Lee Adams's "Appalachian Pearls" and Betsy Lewis's "Juke Joint." This is one of the virtues of the full-album performance, which has become more common in the last few years: the artist feels a responsibility to comment on the artwork, and the audience learns something new.

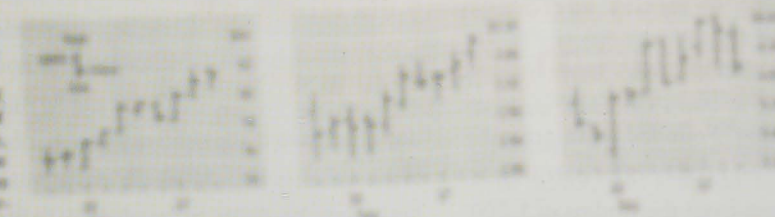
But her songs aren't all like this. They're usually about a classic circumstance, and the subject is novel. They come down to first-person descriptions of relationships that aren't doing the writer or the man much good, loaded with inevitably reconstructed details. "This is a song about another beautiful boy," she said, introducing "Lulu Charles."

Ms. Williams was a string singer on Tuesday. She can radiate delay a word's delivery with her thick voice; she used that effect sparingly and beautifully. And by the middle of the show, through her phrasing she was pressing down hard on the words, drawing them out and giving them an edge of uncomfortable persistence: she en-

to her local run of shows, Ms. Williams is entering an almost full retrospective, replaying entire albums in reverse chronological order, eight by eight. (This one was the third of five concerts in New York, and she did the same in Los Angeles last month.) The album on Tuesday was "Car Wheels on a Gravel Road," the 2005 record that broke her out of the underground. It was Southern country rock with fiddle-down lyrics about engine parts, barbed wire, concrete, bitten fingernails, candles burning in windows and also a trail of place names from songs: Opelousas, Jackson, Moundville, Lafayette, Macon.

Some of the jobs in her writing were transferred from the blunt language of photographs, and in closing commentary made on Tuesday Ms. Williams credited a few photography books that she was looking at back then: Shirley

You need to come up with unique digital platforms



Print-digital Hybrids

Category	Print	Digital	Hybrid
Books	1.2	0.8	1.5
Magazines	0.9	0.6	1.1
Newspapers	0.7	0.5	0.9
Reference	0.5	0.4	0.6
Education	0.3	0.2	0.4
Business	0.2	0.1	0.3
Health	0.1	0.1	0.2
Government	0.1	0.1	0.2
Other	0.1	0.1	0.2

Hesterday's News

VOLUME 01 EDITION 01

Head of Journalism Foundation Says Newspapers Need to Reinvent Themselves in Digital Age

By Larry Teitelbaum and

Edward N. Eisen

If newspapers continue to bleed readers and advertising, they could go the way of the telegraph, the typewriter, or the linotype machine. Cause of death: vision failure. But before the wake proceeds, consider the work of Alberto Ibargüen, L'74.

In his role as president of the John S. and James L. Knight Foundation, which works to improve local journalism and strengthen communities, Ibargüen is leading an effort to change the way news is delivered. He wants to make news more immediate, more creative, more relevant. To do that, he knows the news business needs to go digital — and fast. He's also convinced that, in order to survive, newspapers must embrace citizen journalism and adopt a form of participatory democracy envisioned by the Founding Fathers.

As Ibargüen warns, "I don't think that print journalism — as we have known it — has a long-term future."

Rather, he sees mass circulation newspapers evolving into specialty or niche publications, as advertising revenue continues to decline and new forms of communication emerge to inform people about developments in their communities. Leading the charge into this brave

new world of journalism, the Foundation launched the "Knight News Challenge" last year. The Foundation expects to grant \$25 million over five years to organizations, institutions, and individuals who grasp the historic opportunity to use technology to revitalize the Fourth Estate. Among the recipients in the first year:

There's MTV, which will use young people — one from every state and the District of Columbia — to cover the 2008 presidential election and file weekly video and text reports to cell phones. This project appeals to network president Van Toffler, L'83 because it mobilizes his audience and plays to his strategy of developing content for multimedia platforms. There's Richard Anderson, who will use his grant to develop an online publishing system called VillageSoup, which will provide open source software to anyone interested in launching a local news Web site. And then there's a project at MIT, where three technology gurus plan to create the Center for Future Civic Media, seen as a model for community news experiments and political action.

All of this excites Ibargüen, who likens the current moment to the early 19th Century, when populist newspapers were introduced in America. "We're living in

a time of transformational change," he says. "New technologies are coming in to disrupt older forms of communication, and it's going to take a while to sort it all out. What we need to do today is figure out how newspapers can adapt to, and survive, the transformational changes of the 21st Century."

It's hard to dispute the need for the Knight initiative. U.S. newsrooms have shed nearly 10 percent of their workforce since 2000, and most experts who track the newspaper business appear to be girding for doomsday.

Penn Law professor C. Edwin Baker says: "The future of newspapers is dismal. For a democracy, that's a scary event." Penn's Monroe Price, a former law professor who directs the Annenberg School's Center for Global Communication Studies, agrees. "There's no substitute for the old-fashioned custom of having coffee and reading the paper, but the art form is looking ragged ... Reporters will survive, but I have my doubts about the pulpy delivery of news."

Ibargüen comes well-equipped for the task of reinventing newspapers. He was a newspaper executive at the *Hartford Courant*, *New York Newsday*, and the *Miami Herald*, where, during his seven years as publisher, the newspaper won three

YESTERDAY'S NEWS



Pulitzers and its profit margin rose from 18 to 22 percent in his first three years, a remarkable feat in an era of diminishing returns for newspapers. He was also an innovator at the Herald. As the paper's first Hispanic publisher, he turned the existing Spanish-language daily insert into a separate independent newspaper that reflected the different needs and interests of the Spanish community.

He did learn one lesson at the *Miami Herald* that informs his current efforts. "I spent a lot of time trying simply to transfer the print newspaper into the Web site, sort of like trying to make a movie of out of a book. That's not good enough," he says. "You need to come up with unique digital platforms."

In that regard, he says, the smartest newspaper editors today realize newspapers' long-term survival hinges on the ability to turn their publications into "print-digital hybrids." By that he means complementing traditional journalism with audio and video, links to key documents, and interactive reader chat rooms, as The Washington Post is now doing. Again, a slew of Knight Foundation-funded projects point the way. They include:

- Digital newcasts for Philadelphia's immigrant community that are distributed through a new citywide wireless platform.
- Online games that will inform and engage residents of New York City about key issues.
- An online environment which will let citizens interact with newsmakers as complex news stories evolve.

That Ibargüen is advocating for an online future is ironic, given his newspaper pedigree. He is well aware that the importance of fact-based, verified reporting may be imperiled by the advent of online journalism. But Ibargüen keeps a foot in

the camps of both traditional print journalism and the new forms of digital news delivery. Earlier this year, Ibargüen was named board chairman of the Newseum, a Washington-based interactive museum which will invite people to think about current issues of free speech and free press when it opens in mid-February. Emphasis will be on broadcast media and the Internet as the emerging news medium.

"As a democrat with a small 'd,' he says, "you can't help but be thrilled about the accessibility and transparency of online, and the opportunity for more people to have a role in sharing their views. I think that's fantastic...But, at the same time, there's a major difference between verification journalism and the practices of the vast majority of bloggers. Verification journalism, as practiced at the best newspapers, is about finding credible sources. It's about editors looking over your shoulder and saying, 'How do you know that?' That kind of stuff doesn't generally happen on blogs. It'll take time to sort all this out."

While Penn Law's Ed Baker agrees that online communications are broad-

ening the parameters of free speech, he questions the lack of quality control. "It's like going up to the first 50 people you see on the street and asking, 'What's the news today?' You would just get a lot of conversation, and maybe a lot of ideas. My concern is, Will there be enough Web sites with the resources to do full-time investigative journalism?"

Indeed, newspapers will need to generate revenue to support these new forms. And up to now, publishers have not been able to turn their Web sites into cash cows. According to the Newspaper Association of America, readership is growing but advertisers have stayed away, fearing that online readers have shorter attention spans than print readers. As a result, web ads command far lower rates than print. Bottom line: newspapers are getting only six percent of their ad income from their Web sites. And while experts expect those revenues to climb, as aging print readers are replaced by younger online readers, most feel it will take until 2020 to reap the Internet harvest.

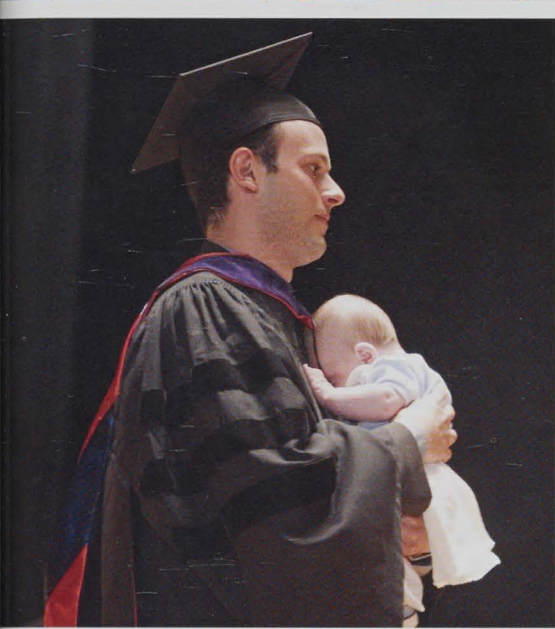
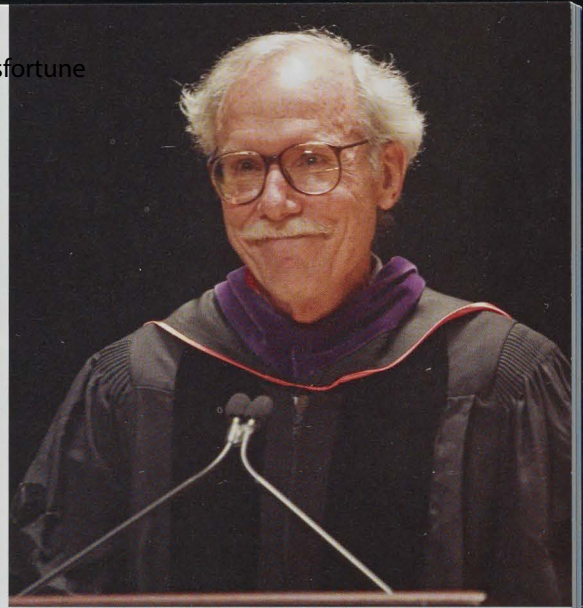
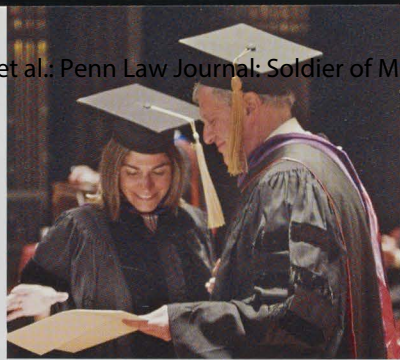
So the question is whether newspapers can hang on for another generation until the advertising and demographics converge. No question, some papers won't make it, either because owners go broke, or because corporate overseers are pressured by Wall Street to pull the plug.

Ibargüen concedes, "It's a race against time. But I really do believe that, in a democracy, there is still an ongoing, continuing need for generally shared and verifiable information – and that, with or without print, we'll figure out new ways to deliver it."

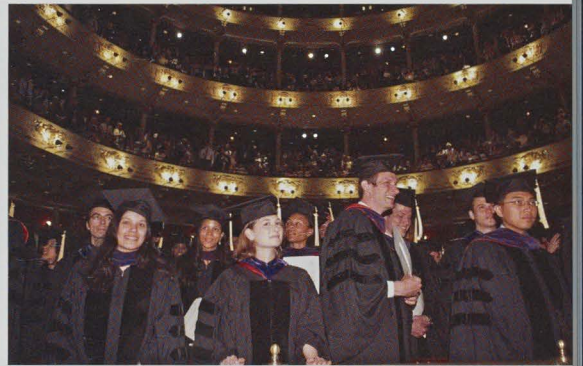
He sees no alternative: "You can either wring your hands and say, 'Oh dear, the medium I love is gone,' or you can try to find ways to still do the journalistic things that you love, in new formats." **PLJ**



Alberto Ibargüen, L'74 in his *Miami Herald* days.

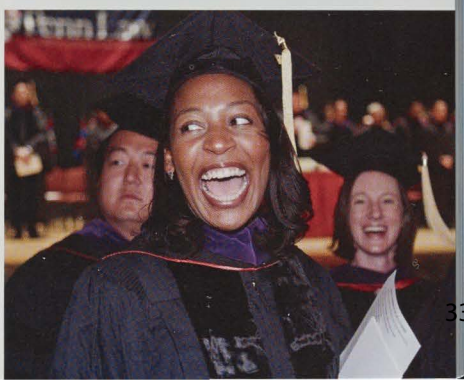


J.D. HONORS
Magna Cum Laude – 11
Cum Laude – 53
Order of the Coif - 25



GRADUATION

The 276 J.D. students who graduated from the Law School in May put behind them exams, clinics, legal writing courses and the Socratic Method as they prepared to start their promising careers. In the program at the Academy of Music, graduates heard Justice Yvonne Mokgoro, GI'90, of the Constitutional Court of South Africa, deliver the commencement address. Class President Seth Blinder and LL.M. student Suvitcha Nativivat also spoke, as did Bill Drayton, the founder and CEO of Ashoka, a global association of the world's leading social entrepreneurs. Graduates presented David Rudovsky with the Harvey Levin Memorial Award for Teaching Excellence. Also noted was Matthew Adler's selection by the University of Pennsylvania for The Lindback Award for Distinguished Teaching.






On a warm weekend in mid-May, alumni streamed back to campus for reunion. They swung to Big Band sounds Friday night, caught the sights around town, feasted at a picnic in the courtyard, and toasted each other in a round of dinners in downtown Philadelphia and in the Law School. Alumni enjoyed a menu of choices on Saturday morning – from taking in the King Tut exhibit at the Franklin Institute to a refreshing Duck Boat ride on the Delaware River to visiting the National Constitution Center. The Class of 1947 celebrated its 60th reunion. Also attending were the classes of 1952, 1957, 1962, 1967, 1972, 1977, 1982, 1987, 1992, 1997, and 2002.



REUNION



 **Penn Law**
UNIVERSITY of PENNSYLVANIA LAW SCHOOL

 **Per**
UNIVERSITY of



Classes Without Quizzes: Parsing the Presidential Race

REBECCA LIEBERMAN, L'97 never wrote a tell-all book about her father's quest for the White House. She nonetheless offers choice words on how media coverage of the presidential race shortchanges the candidates and ultimately the electorate.

Speaking at a panel discussion on the 2008 election during reunion weekend in May, Lieberman said her father, Joe, did not receive the coverage afforded the top-tier candidates when he ran in 2004. She complained that he gave serious policy speeches but was ignored because the press decided that he could not win. And she said the same thing is happening to current Democratic candidates such as Joe Biden and Bill Richardson, in effect crippling their bids and marginalizing their messages.

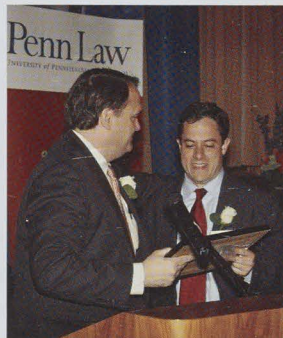
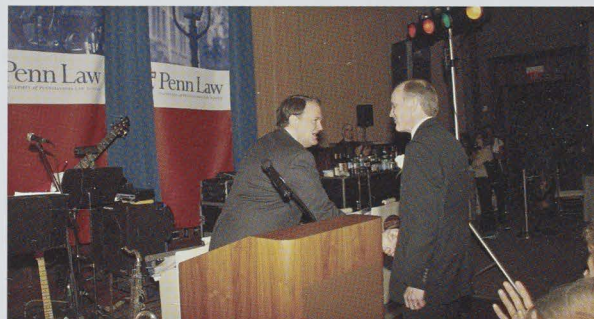
"I think we deserve a little more than what we're getting," Lieberman said during the annual Classes Without Quizzes, which also included Nate Persily, an election expert and former Penn Law professor, and Charles Hill, L'60, a diplomat in the Reagan administration and Yale professor.

Persily underscored Lieberman's point by appearing to give the early edge to front-runners Hillary Clinton and Rudy Giuliani. Persily said Clinton is benefiting from strong party organization in many states, but does not stand to gain much new support because a percentage of voters do not like her and are unlikely to change their minds. On the Republican side, Persily dismissed talk that Giuliani is too liberal for the party's base. "He is liked by Christian evangelicals" more than most of the other candidates, he said.

One of Giuliani's strengths is his focus on national security. And, if a re-analysis of the 2004 election holds true, that should play to his favor. Persily said moral values' voters were important, but postelection studies showed that issues such as abortion, same-sex marriage, and stem cell research did not influence the election as much as originally portrayed, and will have an even smaller impact in 2008.

That leaves the war in Iraq, as well as health care and the economy, as focal points. Hill, a senior foreign policy adviser to Giuliani, said a premature withdrawal from Iraq could jeopardize the government and lead to a failed state. He said such an outcome could increase Iran's influence in the region and further weaken the state as an entity of international law and norms, which is exactly what Iran wants. Hill said the Middle East will "spiral out of control" unless Arab regimes and Iran begin to act like nation-states subject to international rules.

No matter what happens in the Middle East, one thing is clear, according to Persily: The next president will have a mandate. Persily said he expects a blow-out. He just doesn't know which party will win.



The annual LAS Awards ceremony kicked off reunion weekend last May. Dan Garodnick, L'00, a member of the New York City Council, received the Young Alumni Award. The Alumni Award of Merit went to Jim Sandman, L'76, former managing partner of Arnold & Porter and past president of the District of Columbia Bar, and Cathy Carr, L'79, executive director of Community Legal Services in Philadelphia. Finally, the James Wilson Award, Penn Law's highest honor, was presented to Curtis Reitz, C'51, L'56, who retired after 50 years on the faculty.



FACULTY NEWS AND PUBLICATIONS

FACULTY NEWS FLASH

Knoll Finds Proposed Tax on Fund Managers of Questionable Value

BY JENNIFER BALDINO BONETT

LEGAL ECONOMIST MICHAEL KNOLL can't resist a good puzzle. When he heard that lawmakers were proposing to raise taxes on the interest of profits received by private equity executives for managing funds (known as "carried interests"), he knew he had to get in the game.

Knoll, the Theodore K. Warner Professor of Law & Professor of Real Estate at Wharton, is an expert on income tax law and co-director of the Center for Tax Law and Policy at Penn Law. As part of his ongoing research in tax policy and planning, Knoll has developed methods for analyzing equity-based compensation mechanisms. When he learned of lawmakers' intentions to consider a tax increase on fund managers, he applied his methods to estimate the value and implications of such a tax.

His results call into question the wisdom of the proposed legislation. At most, a carried interest tax may generate \$3.2 billion in annual revenue, wrote Knoll in his widely quoted essay, "The Taxation of Private Equity Carried Interests: Estimating the Revenue Effects of Taxing Profit Interests as Ordinary Income." The essay was posted on August 16 on the web site of the Social Science Research Network (www.ssrn.com) and caught national attention, being cited by such sources as the *The Wall Street Journal* and *The New York Times*.

Revenue of \$3.2 billion may seem sizeable to the average taxpayer, but it is a drop in the budgetary bucket lawmakers are trying to fill. Equally significant, Knoll wrote, is that buyout and venture-capital firms could design ways around any new tax laws aimed at their executives.



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"Transactional structures are likely to change in response as tax rules change," Knoll wrote in his essay. "These changes are likely to reduce additional tax revenues."

Knoll's study is the first comprehensive, nonpartisan mathematical analysis of the fiscal effects of increasing taxes on carried interests, which are the principal form of compensation in the

\$1 trillion private equity industry. It also has more significance than Knoll could have foreseen.

On Bloomberg.com, a report indicated that Knoll's findings "signal an uphill battle for lawmakers trying to raise the money needed to pay for eliminating the alternative minimum tax [AMT] for about 23 million mostly middle-income households."

The AMT, enacted in 1969 to ensure the most wealthy Americans paid at least a minimal amount of tax, is about to reach down the economic ladder and apply to more than 23 million American taxpayers — many of them middle-class and married with children — when they file their 2007 returns. And that number could increase exponentially in the next three years.

“This is such a compelling story,” says Knoll, “because some of the very wealthiest people in the country are taxed on their income at 15 percent while people who make significantly less are taxed at much higher rates.”

In what experts call a “design flaw,” the AMT is not adjusted for inflation, allowing the arm of the tax to grow longer. Without a change in law, experts report, more than 30 million taxpayers will become subject to the AMT by 2010, and that number could increase to 53 million by 2017. Those figures stand in stark contrast to the 20,000 taxpayers affected by the AMT in 1970.

On Capitol Hill, Charles Rangel, chair of the House Ways and Means Committee, has said he plans to attach a tax increase on fund managers to legislation to permanently eliminate the AMT for most families, hoping for a political win-win.

The low tax rate on private equity managers seems to have provoked a David vs. Goliath sympathy among lawmakers and the public. “There is something visceral about the low tax rate on this group,” says Knoll. “This is such a compelling story because some of the very wealthiest people in the country are taxed on their income at 15 percent while people who make significantly less are taxed at much higher rates. The usual example



THE FACULTY WERE IN THE MEDIA 518 TIMES FROM MARCH THROUGH AUGUST OF THIS YEAR. THE FOLLOWING IS A SAMPLING.

PRINT

PAUL ROBINSON, *Chicago Tribune*, March 10, “State trying to take goofy out of the law.”

STEPHEN MORSE and **AMY WAX**, *The New York Times*, March 11, “The Brain on the Stand”

THEODORE RUGER, *Sports Illustrated*, May 16, “A law prof weighs in on Spurs-Suns.”

POLK WAGNER, *BusinessWeek*, May 20, “Scientists leaving the lab for law.”

KERMIT ROOSEVELT, *The Washington Post*, June 3, Op-Ed: “Marriage, Loving and The Law”

WILLIAM BURKE-WHITE and **ADAM KOLKER**, *Philadelphia Inquirer*, June 19, Op-Ed: “Don’t shut the door on dialogue with Iran.”

MICHAEL WACHTER, *The Washington Post*, July 18, Op-Ed: “The Rise and Decline of Unions”

STEPHEN BURBANK, *The Washington Post*, August 28, “Vick Faces Battle Over Bonus Money.”

MICHAEL KNOLL, *The New York Times*, August 30, “New Study Criticizes Hedge Fund Salaries.”

EDWARD ROCK, *Reuters*, August 31, “Lifting the Lid – Corporate America braces for ballot disputes.”

BROADCAST

ANITA L. ALLEN, MSNBC, April 12, Commentary on Imus

JACQUES DELISLE, NPR: Marketplace, May 30, On the Chinese Stock Market

SARAH BARRINGER GORDON, The Daily Show With Jon Stewart, June 12, Mormon discussion

STEPHANOS BIBAS, WPVI-TV (Philadelphia), July 19, Reducing Gun Violence

FACULTY NEWS AND PUBLICATIONS

is the private equity fund manager who is taxed at a lower rate than his secretary. It plays out as a simple, straightforward story of inequity.”

Yet it is not so simple. The revenue effects of a tax increase are unlikely to meet expectations. “For such companies, the payment of a contingent fee to a private equity firm in exchange for its assistance in selecting the directors, hiring the managers, and helping to restructure and operate the business would likely qualify as an ordinary and necessary business expense” that can be deducted from income, Knoll wrote. Accordingly, once the industry adjusts, the tax increase might yield “little or no net increase in tax collections.”

To Knoll’s knowledge, his study hasn’t changed any minds on Capitol Hill, but it may compel lawmakers to “deal with the possibility that the dollar value is less than they expected.” Knoll intends to expand his study for publication. “In that process,” he says, “I intend to look further at who would bear the economic incidence of a tax increase on carried interests.”

Knoll’s research is an example of the creative thinking at Penn Law’s Center for Tax Law and Policy. One of the preeminent institutes of its kind, the Center brings together the many prominent Penn scholars who study the design and operation of tax and transfer systems.

Scholars focus on pressing issues of fiscal policy, with close attention to the implications for economic growth and efficiency, socioeconomic inequality, and the cost-effective administration of programs and rules. The Center’s multidisciplinary approach draws from areas as diverse as legal studies, economics, finance, psychology, and philosophy.

Knoll co-directs the Center with Penn Law colleagues Chris Sanchirico, professor of Law, Business & Public Policy and Reed Shuldiner, the Alvin Snowiss Professor of Law.

In the summer, Sanchirico’s companion study of the tax advantages of carried interest drew its own brand of attention. The study — “The Tax Advantage of Paying Private Equity Fund Managers with Profit Shares. What Is It? Why Is It Bad?” — appeared on SSRN on June 26 and is also influencing the debate.

For much of the summer, the Sanchirico and Knoll studies were ranked first and second on the list of most frequently downloaded tax manuscripts on SSRN.

AWARD-WINNING JOURNALIST JENNIFER BALDINO BONETT WAS DIRECTOR OF EXTERNAL AFFAIRS FOR FORMER PENN PRESIDENT JUDITH RODIN. SHE IS NOW A FREELANCE WRITER AND EDITOR SPECIALIZING IN HIGHER EDUCATION.

New Faculty

PRAVEEN KOSURI joined the faculty as practice associate professor of law. He teaches in the Entrepreneurship Legal



Clinic. Kosuri has a multidisciplinary background which encompasses law, business, and public interest. Most recently, Praveen was assistant director of the Institute for Justice Entrepreneurship Clinic at the University of Chicago Law School. Previously he was a lawyer with a Chicago law firm where

he counseled businesses on corporate transactional matters as well as complex commercial litigation. He was also an investment banker with Credit Suisse First Boston, where he was involved with all facets of capital raising for Fortune 500 companies as well as representing them in mergers, acquisitions, and divestitures. Prior to receiving his M.B.A., Kosuri began his career as a Cook County public defender. He was also an adjunct professor at Northwestern University School of Law.

JESSICA P. SIMON is the new lecturer in law and assistant director of the Legal Writing Program. Simon received

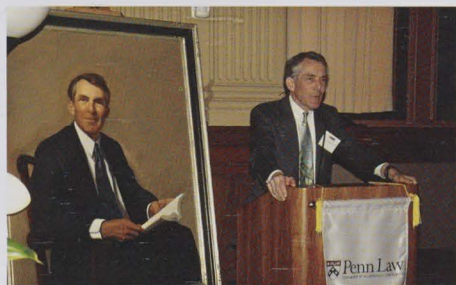


her J.D. from the George Washington University Law School and her B.A. in History and American Civilization from the University of Pennsylvania. Before joining the Penn faculty in 2007, she was a visiting assistant professor of law at both Drexel University College of Law and Villanova Uni-

versity School of Law. Simon was an associate in the Labor and Employment Department of Fox Rothschild LLP before entering academia. She specializes in employment discrimination and employment law and is teaching the Legal Research and Writing class this year.

Kosuri and Simon join new hires, Tobias Wolff and Christopher Yoo (See spring 2007 PLJ).

Honoring the 'Diver Decade'



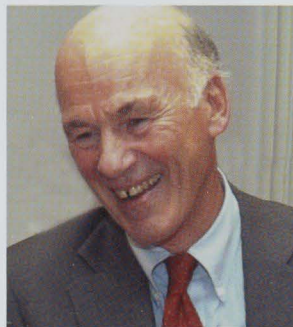
Colin Diver's portrait joined the gallery of deans in Pepper Hall after an unveiling ceremony last January. The celebration of the 'Diver Decade' included a reception, speeches and a beguiling performance by students from Penn Law's Light Opera Company. Diver served as dean from 1989 to 1999, a period in which Silverman Hall was renovated, Tanenbaum Hall completed, and the Gittis Center for Clinical Legal Studies renovated and expanded. Diver also implemented the mandatory public service requirement. The former dean's son, Brad, painted the portrait.

Mundheim Receives Award for Advancing U.S.-German Relations

ROBERT H. MUNDHEIM, a former faculty member and dean of Penn Law School, received the Officers Cross of the Order of Merit of the Federal Republic of Germany in September. He received the award from Consul General Hans-Jürgen Heimsoeth in recognition of his contributions to strengthening the friendship between Germany and America.

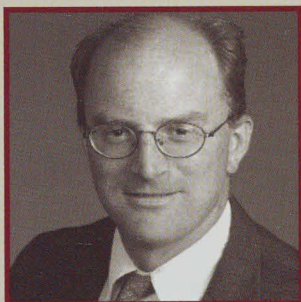
Mundheim was president of the American Academy in Berlin from 2000 until 2006. The Academy promotes transatlantic intel-

lectual and cultural exchange. It does so by awarding fellowships to accomplished Americans in the arts, humanities, social sciences, and public policy. During Mundheim's term, the American Academy became the most important bridge between Germany and the United States to have been created after German unification.



Mundheim, who joined the Penn Law faculty in 1965 and served as dean from 1982 to 1989, is an emeritus professor of law. Today he is of counsel to Shearman & Sterling, a global law firm.

FACULTY NEWS AND PUBLICATIONS



MATTHEW ADLER

LEON MELTZER
PROFESSOR OF LAW

In May, Adler presented his paper, "Happiness Research and Cost-Benefit Analysis," co-authored with Eric Posner, at a conference on happiness research at the University of Chicago Law School. In April, Adler participated in a mini-symposium on his new book, "New Foundations of Cost-Benefit Analysis," at Penn. Also in April, he presented his paper, "The Time-Slice Problem," to a law and philosophy workshop at Georgetown Law School. He also presented the paper to faculty workshops at Boalt Hall Law School (Berkeley) and at Arizona State University Law School. In March, Adler participated in a roundtable and made a presentation on "Corrective/Retributive/Distributive Justice" to faculty from law and philosophy institutes at the University of Illinois, the University of San Diego, Rutgers, and Penn. In February, Adler gave a talk at Seton Hall Law School on "QUALYs and Policy Evaluation" to

a conference on FDA drug and device regulation. Adler also won the 2007 Lindback Award — only one of eight awarded — at the University of Pennsylvania.

WORKING PAPERS

"Inequality, Well-Being and Time: The Time-Slice Problem and its Policy Implications"

"Why De Minimis?"

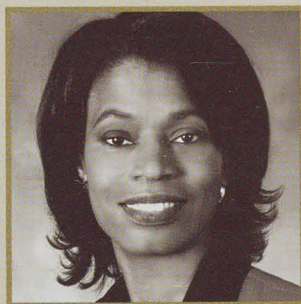
PUBLICATIONS

"Bounded Rationality and Legal Scholarship," *Theoretical Foundations of Law and Economics* (Cambridge University Press, forthcoming)

"Risk Equity: A New Proposal," *Harvard Envt'l L. Rev.* (forthcoming)

"Economic Growth and the Interests of Future (and Past and Present) Generations," *U. Chi. L. Rev.*, (forthcoming)

"Corrective Justice and Liability for Global Warming," *U. Pa. L. Rev.* (forthcoming)



ANITA L. ALLEN

HENRY R. SILVERMAN
PROFESSOR OF LAW
AND PROFESSOR OF
PHILOSOPHY

Allen spent a week during the spring semester at John Hopkins University as the Robert Henry Levi and Ryda Hecht Levi Visiting

Professor in Bioethics and Public Policy at the Berman Institute of Bioethics and the Bloomberg School of Public Health. She presented three formal lectures and two talks. Last February she was a speaker and moderator for a panel discussion at the Association for Practical and Professional Ethics. The subject was "Privacy and the Public Sphere." In March, Allen lectured and taught a legal philosophy class in Cornell University's Program in Ethics and Public Life. Last April she presented the Quinlan Lecture and conducted a faculty research workshop at Oklahoma City University Law School. In June, Allen was the keynote speaker for Community Action Program Legal Services in Philadelphia, and was also a speaker at a conference on "Privacy and Surveillance" at the University of Chicago. In July, she was a speaker for a program sponsored by the American Constitution Society in Washington, D.C. Finally, she will speak at the "Revealed I" cyberfeminism conference at Ottawa Law School and will be the keynote speaker in October at the inaugural conference of the Collegium of Black Women Philosophers at Vanderbilt University. Allen also served as an ethics consultant for the New Jersey Dental School, and was interviewed for the PBS se-

ries, "The Supreme Court," which was broadcast last January and February, and is available on DVD.

PUBLICATIONS

New casebook, *Privacy Law and Society* (West Pub.) (Fall 2007)

"The Virtuous Spy: Privacy as an Ethical Limit," *The Monist* (a philosophy journal), (Winter 2007)

The Moralists, monthly column, *The Star-Ledger*

O, the Oprah Magazine, "Now What Should I Do?" (April – present, monthly contributor)

"Dredging up the Past: Lifelogs, Memory and Surveillance," in the *U. Chi. L. Rev.* (Winter 2007)



REGINA AUSTIN

WILLIAM A. SCHNADER
PROFESSOR OF LAW

Austin continued her work with students in the Penn Program on Documentaries and the Law. The Program hosted an all-day Visual Legal Advocacy Roundtable in October.

PUBLICATIONS

"'Super Size Me' and the Conundrum of Race/Ethnicity, Gender, and Class for the Contemporary Law-Genre Documentary Filmmaker," 40 *Loyola L. Rev.* (forthcoming 2007)



ADITI BAGCHI

ASSISTANT
PROFESSOR OF LAW

Bagchi presented “Varieties of Employee Ownership: Some Unintended Consequences of Corporate Law and Labor Law” at the Michigan-Illinois Comparative Law workshop in April. In addition, she presented it to the Wharton Labor Group in March. She also presented “Imperfect Rights in Private Law” at the Law & Society annual conference in July and at the Third International Conference on Contracts in February. Finally, she presented “Contract v. Promise” at a Georgetown Law Center workshop, and at the 23rd IVR World Congress of Philosophy of Law & Social Philosophy, in August.

PUBLICATIONS

“The Accidental Promise: Remaking the Law of Misrepresented Intent,” *Univ. of ILL. L. Rev.* (forthcoming)

“Varieties of Employee Ownership: Some Unintended Consequences of Corporate Law and Labor Law,” 10 *Univ. of Penn. J. Bus. & Employment L.* (forthcoming 2007)



C. EDWIN BAKER

NICHOLAS F. GALLICCHIO
PROFESSOR OF LAW
AND PROFESSOR OF
COMMUNICATION

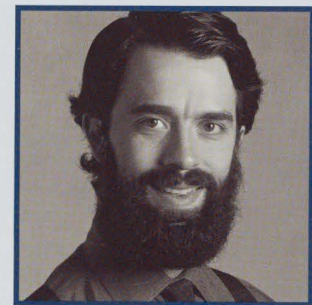
Baker was a fellow at the Radcliffe Institute for Advanced Study for the 2006-2007 academic year. During this time, he published “Media Concentration and Democracy: Why Ownership Matters,” (Cambridge, 2007) (hardback and paperback). He also made presentations based on this book in various venues, most prominently as the Grafstein Lecture at the University of Toronto Law School. That lecture, in January, was titled “Media Ownership and Media Markets: A Democratic and Economic Evaluation.” In June 2006, he delivered another lecture derived from the book at Universidad de las Américas. The title of that lecture was “Democracy, Problems of Media Concentration, and Market Failures.” While in Mexico, Baker also gave a lecture, “Market Failures: the Media People Want and Citizens Need,” at EL Colegio de Mexico in Mexico City. He

also spoke about the subject of this book at a mini-symposium at the University of Pennsylvania Law School (April 2007) and at a conference, “Media Reform: Is It Good for Journalism?,” at Columbia Journalism School (Feb. 2007). He then testified in June before the FCC in a hearing on local media ownership held in Portland, Maine. Last October he presented a faculty workshop on “Foundational Equality at the UCLA Legal Theory Workshop, one on “Basic Equality” at Boston University Law School last November, and one on “Equality and Legal Legitimacy,” also in November, at the Radcliffe Institute for Advanced Study. He also was the keynote speaker at Hofstra last January, presenting “The Independent Significance of the Press Clause under Existing Law,” and made three panel presentations, including “Commercial Speech: Reasons to Deny Protection,” at a conference last February at Loyola of Los Angeles Law School. Last summer, Baker presented two lectures on press freedom and media policy in Amman, Jordan, and along with Monroe Price of Penn’s Annenberg School for Communication made a panel presentation there at a school for diplomats on the paradoxes of the American idea of press freedom.

PUBLICATIONS

“The Independent Significance of the Press Clause under Existing Law,” *Hofstra Law Review* (forthcoming)

“Rawls, Democracy, and Equality,” *Philosophy and Social Criticism* (forthcoming)



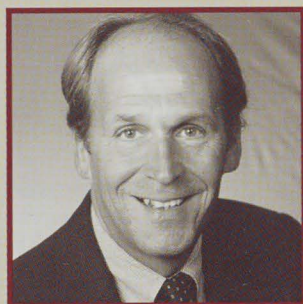
STEPHANOS BIBAS

PROFESSOR OF LAW

Bibas participated in a symposium on the psychology and negotiations of plea bargaining at Marquette University Law School in April 2007. The same month, he made presentations on “Originalism and Formalism in Criminal Procedure: The Triumph of Justice Scalia, the Unlikely Friend of Criminal Defendants?” at the University of Illinois, Northwestern University, the University of Chicago, and University of Wisconsin Law Schools. In May 2007, Bibas presented the paper “Forgiveness in Criminal Procedure” at a symposium co-hosted by Harvard Law School and Harvard Divinity School. And in July, he presented on the future of sentencing after *Rita v.*

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United States to the Eighth and Tenth Circuit Judges' Conference in Colorado, and served as a panelist at a media information seminar and was interviewed by WPVI-TV on the proposed use of aggressive stop-and-frisk police tactics to reduce gun violence in Philadelphia.



STEPHEN B. BURBANK

DAVID BERGER
PROFESSOR FOR
THE ADMINISTRATION
OF JUSTICE

Burbank presented a draft paper on the Social Meaning of the Class Action Fairness Act of 2005 at the University of Minnesota in April 2007. The same month, he presented a paper on the Class Action Fairness Act of 2005 and Federalism at a symposium in California on state civil procedure. In May 2007, Burbank lectured at the Italian Society of Comparative Law in Ferrara, Italy, as well as at the Universities of Pavia and Genoa. The Ferrara lecture, "Complexity in Modern American Civil litigation

- Curse or Cure?," will be published in a volume of papers from that meeting. Also in May, he moderated a panel on the Class Action Fairness Act of 2005 at the Third Circuit Judicial Conference. In June, Burbank presented a paper on Judicial Independence and Judicial Accountability to, and moderated a panel discussion at, the Florida Appellate Judges seminar. He also presented a paper on Judicial Discipline to, and moderated a panel discussion at, a State Department-organized conference in Latvia for the judiciaries of Latvia, Estonia, Lithuania, Moldova and Georgia. In July, he debated proposals to change the tenure of Supreme Court Justices at the joint judicial conference of the Eighth and Tenth Circuits, and served on the faculty of a ALI-ABA webcast program on the Supreme Court's decision in *Bell v. Twombly*, which could potentially revolutionize pleading in federal civil cases. Finally, he made a presentation on the judiciary at Susquehanna University this October, and will present a paper on the Class Action Fairness Act of 2005 at Duke Law School and at the University of Pennsylvania Law Review Symposium this fall. In addition, Burbank chaired the Selection Committee for the Berlin Prize

Fellowships of the American Academy in Berlin last January; continues to chair the Editorial Committee of the American Judicature Society and to serve as a member of a committee to revise the local rules of the District Court of the Virgin Islands; and completed his term as chair of the Board of the American Academy of Political and Social Science.

PUBLICATIONS

"The Greening of Harry Blackmun," 101 *Nw. U. L. Rev. Colloquy* 137 (2007)

"Judicial Independence, Judicial Accountability, and Interbranch Relations," 95 *Geo. L.J.* 909 (2007)



WILLIAM W. BURKE-WHITE

ASSISTANT
PROFESSOR OF LAW

Burke-White lectured on the Enforcement of International Human Rights Norms at Mofid University in Qom, Iran. Following this lecture last May, Burke-White and Adam Kolker, head of the graduate program at Penn Law, met with academics at several Iranian universities

in Tehran to explore ways in which Penn Law could work with them to promote the study and practice of human rights in Iran. In June, Burke-White appeared as an expert witness on behalf of the Government of Argentina in the case of *El Paso Energy v. Argentina*. He appeared before the International Center for Investment Disputes. His testimony addressed the interpretation of the US-Argentina Bilateral Investment Treaty and the state of necessity that followed Argentina's economic collapse in 2001 and 2002. Also in June, Burke-White participated in a high-level meeting of European and American academics and government officials in Bellagio, Italy. Former Secretary of State George Shultz convened the meeting, which focused on ways to bridge the legal and political gaps between Europe and the United States regarding the use of military force, with particular attention to tough cases such as the situation in Darfur, Sudan. That same month, Burke-White presented at a meeting hosted by the German, Finnish, and Jordanian governments on "Peace and Justice After Conflict." The meeting, held in the Nuremberg Courtroom where the International Military Tribunal met after the Second World War, examined the impact of

international criminal prosecutions on peace processes in countries such as Uganda.

PUBLICATIONS

"Proactive Complementarity: The International Criminal Court and National Courts in the Rome System of Justice," *Harv. Int'l L.J.* (Fall 2007)

"Investment Protection in Extraordinary Times: The Interpretation and Application of Non-Precluded Measures Provisions in Bilateral Investment Treaties" (with Andreas Von Staden), *Va. J. Int'l L.* (fall 2007)

Op-Ed: "Don't Shut the Door on Diplomacy with Iran" (with Adam Kolker), *The Philadelphia Inquirer*, June 19, 2007



HOWARD CHANG

EARLE HEPBURN
PROFESSOR OF LAW

Chang presented his paper "The Economics of International Labor Migration and the Case for Global Distributive Justice in Liberal Political Theory" at a symposium on immigration policy at Cornell Law School in February and at a conference on law, justice, and globalization at the University of Gloucestershire in England in July. He presented his paper (co-authored with Hilary Sigman), "The

Effect of Joint and Several Liability Under Superfund on Brownfields," at the annual meeting of the American Law and Economics Association at Harvard Law School in May and at a symposium at the Copenhagen Business School in Denmark in August. In March, he presented his paper "How International Law Could Increase Wealth and Reduce Global Inequality by Liberalizing Migration" at the annual meeting of the American Society of International Law in Washington, D.C. In August, he also presented his paper, "The Disadvantages of Protectionist Immigration Restrictions as a Policy to Improve Income Distribution," at a seminar at the Copenhagen Business School.

PUBLICATIONS

"The Effect of Joint and Several Liability Under Superfund on Brownfields," 27 *International Review of Law and Economics* (forthcoming 2007) (with Hilary Sigman)

"How International Law Could Increase Wealth and Reduce Global Inequality by Liberalizing Migration," 101 *American Society of International Law Proceedings* (forthcoming 2007)

"The Economics of International Labor Migration and the Case for Global Distributive Justice in Liberal Political Theory," 40 *Cornell International Law Journal* (forthcoming 2007)

"Reasonable Emissions of Greenhouse Gases: Efficient Abatement of a Stock Pollutant," 155 *University of Pennsylvania Law Review* 1865 (2007)



REBECCA CLAYTON

CLINICAL SUPERVISOR
AND LECTURER

Clayton presented "Key Legal Considerations to Establish, Protect and Promote Your Business" at the University of Pennsylvania's Graduate School of Education last March. She also presented last January "Fundamental Legal Matters for the Entrepreneur" as part of the Wharton Business Plan Competition. In addition, last March Clayton was a panelist at Penn Law School for a program called "A Day in the Life," in which legal professionals discussed their jobs.



CARY COGLIANESE

EDWARD B. SHILS
PROFESSOR OF LAW
AND PROFESSOR OF
POLITICAL SCIENCE

Coglianese presented "Beyond Compliance: Why

Firms Join Voluntary Environmental Programs and Why It Matters" last September at Georgetown University Law School. Also in September, he presented "Weak Democracy, Strong Information: The Role for Information Technology in the Rulemaking Process" to the American Political Science Association in Chicago. In July, Coglianese presented "Infection Control in the Hospital Setting: An Analysis of Regulatory Governance" (with David Lazer, Jennifer Nash & Caroline Tang) at the Law & Society Association Annual Meeting in Berlin, where he also chaired panels on "New Governance and Its Critics," "Climate Change, Legal Change," and "Regulation in Developing Economies." In May, he presented "First Generation E-Rulemaking: An Assessment of Regulatory Agency Websites" (with Stuart Shapiro) at the Annual International Digital Government Research Conference in Philadelphia, and in February he spoke on "Management-Based Strategies for Improving Environmental Performance" at the UK Better Regulation Executive's High Level Policy Seminar on Global Approaches to Risk and Regulation at Ditchley Park near Oxford. During the past academic year, he was lead organizer of Penn's Project on Institutional Responses to Risk and the

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Catastrophic Risk Regulation seminar series, both co-sponsored by the Penn Program on Regulation, Wharton's Risk Management and Decision Processes Center, Fels Institute of Government, and Penn Law's PLEE. Coglianese was elected to the Council of the ABA Section of Administrative Law & Regulatory Practice and continues to serve as an editor of the peer-reviewed journal *Regulation & Governance*.

PUBLICATIONS

Regulation and Regulatory Processes (with Robert A. Kagan) (Ashgate, 2007)

"Weak Democracy, Strong Information: The Role for Information Technology in the Rulemaking Process," From *Electronic Government to Information Government: Governing in the 21st Century* (Viktor Mayer-Schoenberger & David Lazer, eds.) (MIT Press, 2007)

"Can Regulation and Governance Make a Difference?" (with John Braithwaite and David Levi-Faur), *Regulation & Governance* 1:1-7 (2007)

"After the Scandals: Changing Relationships in Corporate Governance" (with Michael L. Michael), *The ICFAI J. Corp. & Sec. L.* 4:9-17 (2007)

"Business Interests and Information in Environmental Rulemaking" (Michael Kraft & Sheldon Kamieniecki, eds.), *Business and Environmental Policy* 185-210 (MIT Press, 2007)

"Legitimacy and Corporate Governance," *Del. J. Corp. L.* 32:167-175 (2007)

"Rhetoric and Reality of Regulatory Reform," *Yale J. on Reg.* (forthcoming)

"Constructing the License to Operate: Internal Factors and Their Influence on Corporate Environmental Decisions" (with Jennifer Howard-Grenville and Jennifer Nash), *J.L. & Pol'y* (forthcoming)

"Government Clubs: Theory and Evidence from Voluntary Environmental Programs," *Voluntary Programs: A Club Theory Approach* (Matthew Potoski and Aseem Prakash, eds.), (MIT Press, forthcoming) (with Jennifer Nash)



JACQUES DELISLE

STEPHEN A. COZEN
PROFESSOR OF LAW

DeLisle presented in June "Judicial and NPC Standing Committee Interpretations of the Basic Law: Differing Conceptions of Law and Constitutional Development in Post-Reversion Hong Kong" to a conference on the 10th Anniversary of the Basic Law, co-sponsored by the City University of Hong Kong Faculty of Law. In May, he presented the following: "The Great Wall and the Open Door: Legal and Political Issues in Doing Business with China," a talk co-sponsored by the Cozen O'Connor law firm and the World Affairs Council of Philadelphia; a talk called "Law and Develop-

ment, but not Democracy, in China" as part of a National Town Hall in Buffalo organized by the National Committee on U.S.-China Relations; and a talk titled "China's New Company and Securities Laws: Implications for Foreign Investors and Traders" at the Meet China Business Symposium in Philadelphia. In April, deLisle presented "Legalization without Democratization in China Under Hu Jintao" at the Brookings Institution conference on China After the 17th Party Congress, and also "Assessing the Linkage between Legal Institutions and Market-Oriented and Internationally Open Economic Development" at the Harvard College China-India Development and Relations Symposium in New York. In March, deLisle presented "Pressing Engagements: Uneven Human Rights Progress in China, Modest Successes of American Policy, and the Absence of Better Options" as part of the Carnegie Endowment "China Debates" Series; "Traps, Gaps and Law in China's Transition" to the Oxford Foundation for Law, Justice and Society Conference on "Is China's Transition Trapped?"; and "Economic Interests, Political Agendas and Legal Issues in China's Pursuit of Energy Abroad" at the Foreign Policy Research Institute Conference on China's Rise.

Last February, deLisle presented "The Role of Law in China's Pursuit of Economic Development, International Engagement and Resilient Authoritarianism, and Comparisons to the East Asian Model" to the International Forum of Sinology, in Lisbon. And in October 2006, deLisle presented the following: "Free Trade Areas in East Asia: Legal and Economic Liberalism and the Interest-Based Politics of U.S., PRC and Taiwan Participation" to the FPRI Symposium on Free Trade Areas in East Asia; "China's Energy Security Dilemmas: Implications for International Relations and U.S. Policy and Law" to a Trilateral U.S.-China-Japan Think Tank Conference, in Shanghai; and "China's Evolving Engagement with the World: A Historical Perspective" to the FPRI History Institute on China for Teachers, in Kenosha, Wisconsin. He also taught "The Common Law of Civil Obligations" and "The U.S. Structural Constitution" at Waseda University Law School in Tokyo, as part of the Penn-Waseda cooperative exchange relationship.

REVIEWS / COMMENTARIES / CONFERENCE REPORTS

"Navigating a Dangerous Strait: Assessing Responsibility, Defining Interests and Prescribing Tactics in Relations Among Taiwan, China and the International Community," *Taiwan Journal of Democracy* (Review Essay 2006)

"Into Africa: China's Quest for Resources and Influence" (FPRI, 2007) <www.fpri.org/enotes/200702.delisle.intoafricachinasquest.html>

"Free Trade Areas: Legal Aspects and the Politics of U.S., PRC and Taiwan Participation" (FPRI, 2006) <www.fpri.org/pubs/20061110.asia.delisle.freetradeareasusprctaiwan.html>

"Free Trade Areas in East Asia: A Symposium Report" (FPRI, 2006)

"Constitutional Change and Foreign Policy in East Asia: A Conference Report" (FPRI, 2006) <www.fpri.org/enotes/20060901.asia.delisle.constitutionalchangeeastasia.html>

PUBLICATIONS

"'One World, Different Dreams': The Contest to Define the Beijing Olympics," Conference Volume on the Beijing Olympics (Daniel Dayan and Monroe E. Price, eds., Work in Progress, forthcoming 2007)

"Legalization without Democratization in China Under Hu Jintao," (Brookings Conference Volume on China After the 17th Party Congress, Li Cheng, ed. forthcoming 2007)

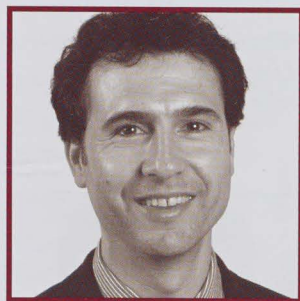
"Traps, Gaps and Law in China's Transition," (Oxford Foundation for Law, Justice and Society, Conference Volume on "Is China's Transition Trapped?," Randall Peerenboom, ed., forthcoming 2007)

"Legislating the Cross-Strait Status Quo?: China's Anti-Secession Law, Taiwan's Constitutional Reform, and the U.S.'s Taiwan Relations Act," *Power and Principle: Us, China and Taiwan Triangular Relations* (Peter Chow, ed., 2007)

"Eroding, Not Attacking, the 'One China Policy': Participating in

International Regimes without State Membership, Choosing Symbolic Struggles with Substantive Content, and Getting Help from U.S. Law," *Beyond the One China Policy* (John Tkacik, Jr., ed., 2007)

"Free Trade Areas in East Asia: Legal and Economic Liberalism and the Interest-Based Politics of U.S., PRC and Taiwan Participation," *Free Trade and East Asia* (Foreign Policy Research Institute, 2007)



ERIC FELDMAN
PROFESSOR OF LAW

Feldman presented a series of lectures on comparative law and society research to graduate students in the Faculty of Law at Waseda University in Japan in January and February of 2007. He also co-organized (with Associate Dean Akio Shimizu of Waseda Law School) a joint Penn-Waseda conference in Tokyo (IP Law) and brought three members of the Penn faculty and five Penn students to Tokyo to participate. Feldman was a member and co-convenor of the Ethics of Vaccine Working Group, which met at the University of Pennsylvania in 2006 and 2007. He was

a participant in a discussion at Columbia University titled "Liberty, Equity and Paternalism: Public Health and the Legacy of John Stuart Mill." In addition, Feldman continued to serve as chair of the Issues in Contemporary East Asia seminar series sponsored by the University Pennsylvania Center for East Asian Studies, and as a member of the Editorial Board of the *Law and Society Review*. The Law and Society Association gave him an award for Best Article of the Year.

PUBLICATIONS

"Lawyers, Doctors, and the State: Medical Malpractice Litigation and Japan's Changing Legal Culture," *Tort Law and Culture* (Michael McCann and David Engel, eds.), Stanford: Stanford University Press (forthcoming)

"Legal Reform in Contemporary Japan," *Emerging Rights in Japanese Law*, (Harry Scheiber and Laurent Mayali, eds.) Berkeley: UC Press, 2007

"Law, Culture, and Conflict: Dispute Resolution in Postwar Japan," *Law in Japan: A Turning Point* (Daniel Foote, ed.), University of Washington Press (forthcoming)

CLAIRE FINKELSTEIN

PROFESSOR OF LAW AND PHILOSOPHY

Last April, Finkelstein presented "Hobbes' Third Law of Nature as a Trust Game" at a conference on Trust hosted by the Yale Philosophy Department.



Also in April, she presented "Actio Libera and Nuclear Deterrence: Two Facets of One Problem" at the Georgetown Law Center. She is spending the current academic year in Berlin, where she will be a fellow at the American Academy during the spring semester.

PUBLICATIONS

"Acting on an Intention," *Reason, Intention and Morality* (eds. Gijs Van Donselaar and Bruno Verbeek, Ashgate Publishing) (forthcoming 2008)

"Two Models of Murder: Patterns of Criminalization in the United States," *Homicide Law in Comparative Perspective* (eds. Jeremy Horder and David Hughes, Hart Publishing Co.) (forthcoming 2007)

"A Contractarian Argument Against the Death Penalty," 81 *N.Y.U. L. Rev.* 1283 (October 2006)

SARAH BARRINGER GORDON

ARLIN M. ADAMS
PROFESSOR OF
CONSTITUTIONAL LAW
AND PROFESSOR OF
HISTORY

Gordon served as a moderator, commentator and presenter at several scholarly conferences and symposia, including moderating de-

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bates and book discussions at the National Constitution Center, the Federalist Society, and the American Constitution Society. She also commented or presented papers at the following: the Capital Punishment Workshop at NYU Law School, the American Academy of Religion, the Mormon History Association, the NYU Legal History Colloquium, the Penn History Department and Harvard Law School.

PUBLICATIONS

"'Free' Religion and 'Captive' Schools: Catholics, Protestants, and School Funding at Mid-Century," *DePaul Law Review*

"The Spirit of the Law: Religion and Litigation in Twentieth-Century America" (forthcoming, Harvard University Press)

"Inlaws and Outlaws: Lessons from the Utah Territorial Courts, Kathryn Daynes, co-author (forthcoming, University of Illinois Press)

"Friendship and Scholarship: A Report from the Archives" (Utah State University Press, forthcoming 2007)

"Religion and Law," 1790-1920," *Cambridge History of American Law*, eds. Michael Grossberg & Christopher L. Tomlins (Cambridge University Press, forthcoming 2007)



JASON JOHNSTON

ROBERT G. FULLER, JR.
PROFESSOR OF LAW;
DIRECTOR, PROGRAM ON
LAW, THE ENVIRONMENT,
AND ECONOMICS

Johnston presented last June "Climate Change Litigation: The Interaction of Science and Economics" at Georgetown University Law School. The presentation was part of the Brookings/AEI Joint Regulatory Studies Program, Symposium on Scientific Evidence in the Courts. He also presented "Fashioning Entitlements: A Comparative Law and Economic Analysis of the Judicial Role in Environmental Centralization in the U.S. and Europe" at a seminar at the University of Arizona last April. Johnston was also awarded a Berlin Prize Fellowship at the American Academy in Berlin to complete the book manuscript, "Law, Markets and the Environmentally Responsible Corporation: An Economic Analysis." He also organized the *University of Pennsylvania Law Review* climate change symposium. This was the first time a top-ten law review

devoted a symposium issue to global warming.

PUBLICATIONS

"Fashioning Entitlements: A Comparative Law and Economic Analysis of the Judicial Role in Environmental Centralization in the U.S. and Europe" (with Michael G. Faure), *Responsibility and Governance* (Giorgio Brosio, et. al., eds.) (Edward Elgar, forthcoming 2007)

"Desperately Seeking Numbers: Global Warming, Species Loss and the Use and Abuse of Quantification in Climate Change Policy Analysis," 155 *University of Pennsylvania Law Review* (forthcoming 2007)



LEO KATZ

FRANK CARANO
PROFESSOR OF LAW

Katz is working on a book titled "Why the Law is So Perverse." He organized a conference on "Sharp Boundaries and the Law," at which he presented a portion of the book-in-progress, namely a chapter called "Why is the Law So Either/Or." He also presented on that subject at the Rutgers University Legal Workshop and gave a talk on "A Theory of Loopholes" at a Penn Law faculty seminar

previewing his forthcoming book. In addition, Katz presented "In Defense of Tax Shelters" at the Minnesota Tax Shelter Conference.

PUBLICATIONS

"In Defense of Tax Shelters," *Virginia Tax Journal* (forthcoming)

"Complicity and the Murderous Judge," (Robert Weissberg, ed.), *Criminal Law Stories* (forthcoming)



MICHAEL KNOLL

THEODORE K. WARNER
PROFESSOR OF LAW &
PROFESSOR OF REAL
ESTATE

Knoll made a presentation on "Taxes and Competitiveness" to the CESifo Venice Summer Workshop and presentations in July on "The Many Dimensions of Competitiveness" at Venice International University and the Law & Society Association Annual Meeting in Berlin. In April, he presented "A Theory of Tax Planning" (co-authored with Lewis Steinberg, UBS Securities LLC) to the Tax Forum, a group of leading tax lawyers mostly from New York law firms. In March, Knoll gave a presentation called "The

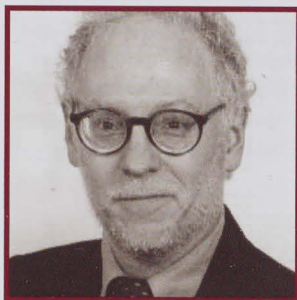
UBIT — Leveling an Uneven Playing Field or Tilting a Level One?,” at the Nonprofit Law, Economic Challenges and the Future of Charities conference, at Fordham Law School. Finally, Knoll served last spring as academic director of the law program for the U.S. Department of State Middle East Partnership Initiative (MEPI) Law and Business Fellowship Program. This program was conducted at Penn Law School.

PUBLICATIONS

“Implicit Taxes and Pretax Profit in Compaq and IES Industries,” 114 *Tax Notes* 679 (2007)

“Implicit Taxes and Economic Substance: A Reply,” 115 *Tax Notes* 397 (2007)

“Prejudgment Interest” (with Jeffrey M. Colon) *Litigation Services Handbook: the Role of the Financial Expert*, ch.9 (Roman L. Weil, ed., 4th ed.) (2007)



SETH KREIMER

KENNETH W. GEMMILL
PROFESSOR OF LAW

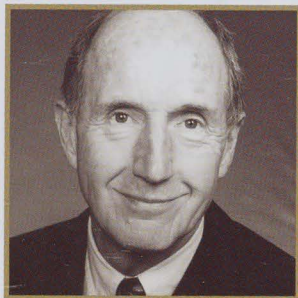
Kreimer presented “Rays of Sunlights in a Shadow War: The Abuses of Anti-Terrorism, FOIA and the Strategy of Transparency” last April at the Lewis and Clark

Law School Symposium on “Crimes, War Crimes, and the War on Terror.” He also served as co-counsel with Penn alumni Mary Catherine Roper (ACLU of Pa.), John Grogan and Ned Diver (both of Langer Grogan) in *Buck v. Stankovic*, 485 F. Supp. 2d 576 (M.D. Pa. 2007), which enjoined the refusal by the Luzerne County Register of Wills to issue a marriage license to an American citizen and a non-citizen under order of voluntary departure as a violation of the equal protection clause.

PUBLICATIONS

“Rays of Sunlight in a Shadow War,” *Lewis and Clark Law Review* (Fall 2007)

“Censorship by Proxy,” chosen for reprint in *The First Amendment Handbook 2007-08* (forthcoming)



FRIEDRICH K. KUBLER

PROFESSOR OF LAW

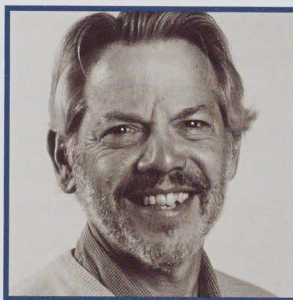
At Humboldt University in Berlin last June, Kubler presented a lecture on the life and work of Ludwig Raiser, one of the most important and influential academics in the post-World War II

process of rebuilding German universities and German legal scholarship. Three days later, he presented a paper on “Efficiency as a Principle of Corporate Law?” at a symposium held at Bonn University.

PUBLICATIONS

“Law and Social Sciences – Challenges and Chances of Behavioral Economics,” (with Dorothea Kubler), Introduction to the Publication of the Contributions to a Workshop on “Uncertainty, Risk and Regulation: The Behavioral Law and Economics Perspective,” *Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft* 90, pp. 95 ff. (2007)

“The Protection of Privacy in Media Law: New Perspectives?,” *Medienfreiheit im Wandel*, AfP-Sonderheft zur 100. *Tagung des Studienkreises für Presserecht und Pressefreiheit*, pp. 7 ff. (2007).



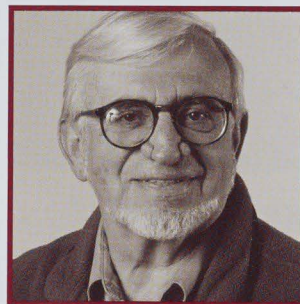
ALAN LERNER

PRACTICE
PROFESSOR OF LAW

Lerner was named a Bellow Scholar by the Association of American Law Schools. Bellow Scholars work on innovative anti-poverty or access to justice projects that encourage collaboration and empirical analysis.

PUBLICATIONS

“Teaching Law and Educating Lawyers: Closing the Gap through Multidisciplinary Experiential Learning (with Erin Talati),” *Int’l J. Clinical Legal Educ.* (Winter 2007)



HOWARD LESNICK

JEFFERSON B. FORDHAM
PROFESSOR OF LAW

Lesnick spoke at a panel discussion of “Religious Debate in Public Life” at Duke University Law School and Theology Schools last April. In May he presented his paper, “Moral Disagreement in a Culture of Certainty,” at the University of Michigan Law School. This past August, Lesnick presented “The Perception of Waning Trust in Government” at Oxford University. In October he presented his paper, “The Rhetoric of Anti-relativism in a Culture of Certainty,” at the annual meeting of the *Journal of Law and Religion*.

PUBLICATIONS

“Moral Disagreement in a Culture of Certainty,” Book Chapter in “Law and Democracy in the Empire of Force,” Univ. of Michigan Press (forthcoming 2008)

FACULTY NEWS AND PUBLICATIONS

"The Rhetoric of Anti-relativism in a Culture of Certainty," *Buff. L. Rev.* (forthcoming, December 2007)



KRISTIN MADISON

PROFESSOR OF LAW
PUBLICATIONS

Kristin Madison & Peter Jacobson, Debate, "Consumer-Directed Health Care," 156 *U. Pa. L. Rev. PENumbra* 109 (forthcoming 2007)

"Hospital Mergers in an Era of Quality Improvement," 7 *Hous. J. Health L. & Pol'y* (forthcoming 2007)

"Regulating Health Care Quality in an Information Age," 40 *U.C. Davis L. Rev.* 1577 (2007)



SERENA MAYERI

ASSISTANT
PROFESSOR OF LAW

Mayeri spoke on a panel titled, "Women Shaping Power: From the Grassroots to Head of State," at the Radcliffe Day Symposium in June. The symposium was

part of Harvard's commencement activities, at which Mayeri received the Jane Rainie Opel Young Alumna Award from the Radcliffe Institute. The text of her talk will appear in *Harvard Magazine*. Mayeri was also a speaker in the Elizabeth Battelle Clark Legal History Series, held in April at Boston University School of Law. In February, she presented a talk titled "Equality in Theory? or 'Equality in Fact?': Reviving the Equal Rights Amendment in the Reagan Era" at the Penn/Chicago Legal History Consortium on "Law and Political Development in Modern America." She also presented the talk to the Junior Constitutional Law Scholars Workshop at Cornell Law School and to the Associates-in-Law Workshop at Columbia Law School. Both presentations were in March. Also in March, Mayeri delivered "Civil Rights on Both Sides: Free Speech and Reproductive Freedom in *Schenck v. Pro-Choice Network*" to the Association for the Study of Law, Culture, and the Humanities on a panel titled "Reconfiguring the Language of Rights." The talk was based on a forthcoming chapter that will appear in "Civil Rights Stories." This fall she participated in "The New Face of Women's Legal History" Symposium at the University of Akron School

of Law's Constitutional Law Center; an abortion law symposium at the Baldy Center for Social Policy at SUNY Buffalo Law School; and the Second Annual Symposium on Labor and Employment Law at the University of Colorado and Denver University Law Schools. She spoke about her research for a forthcoming book on American legal feminism at the University of Delaware's History Workshop on Technology, Society and Culture. She also presented a paper at the American Society of Legal History Annual Meeting as part of a panel she organized, titled "Constituting Gender and Citizenship in the American Polity."



CHARLES W. MOONEY, JR.

CHARLES A. HEIMBOLD,
JR. PROFESSOR OF LAW

Mooney was a speaker last March on two programs at the ABA Section of Business Law Annual Meeting. In February, he spoke on Japanese and U.S. securities markets and the UNIDROIT draft convention on inter-

mediated securities. He gave the talk at a Madrid Stock Exchange seminar. In January, he served as a discussion leader at the Eastern District of Pennsylvania Bankruptcy Conference Annual Forum. He was also elected an At-Large Regent of the American College of Bankruptcy; served on the U.S. delegation (Department of State) for the UNIDROIT draft convention on intermediated securities in Rome; and participated in consultations last May, in Beijing, with officials of the China Securities Regulatory Commission and China Securities Depository and Clearing Corporation Ltd.

PUBLICATIONS

"The 'Consumer Compromise' in Revised UCC Article 9: The Shame of it All," 68 *Ohio St. L.J.* 215 (symposium issue on Commercial Calamities) (2007)

Introductory Note to Convention on the Law Applicable to Certain Rights in respect of Securities Held with an Intermediary, in *Int'l Legal Materials* (forthcoming, September 2007).

SARAH PAOLETTI

CLINICAL SUPERVISOR
AND LECTURER

Paoletti has been working with the Eastern Regional Advisory Council of the Liberian Truth and Reconciliation Commission (TRC) to conduct outreach, training and statement-taking as part of the Liberian TRC



Diaspora Project, together with Minnesota Advocates for Human Rights. As part of that project, she served as faculty and coordinator last June of Training for volunteer Statement-Takers for the Liberian Truth and Reconciliation Commission, held at Schnader, Harrison, Segal & Lewis in Philadelphia. She made the following presentations last April: "Comparative Law Case Study: *Civil Gideon*," Comparative Foreign Law in U.S. Courts and Advocacy, CLE Program, sponsored by Columbia Law School, Northeastern University School of Law and American Society of International Law, New York; and "Applying International Standards to U.S. Civil Rights and Social Justice," Civil Rights in the 21st Century CLE Program, sponsored by the Pennsylvania Bar Institute and the Pennsylvania Bar Association Civil and Equal Rights Committee, Philadelphia. In March, she was plenary speaker at the Towards Comprehensive Migration Policies Conference held in the Dominican Republic, sponsored

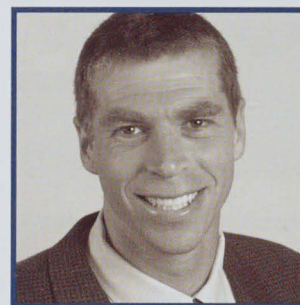
by FLASCO, Columbia Law School, Open Society Justice Initiative and Northern Manhattan Coalition for Immigrant Rights. Paoletti spoke on "Migrant Workers and Labor Rights." Also in March, she was a panelist at the Second Annual Meeting on Human Rights at the Academy on Human Rights and Humanitarian Law at American University Washington College of Law, where she presented on "The Protection of Vulnerable Groups in the Inter-American Human Rights System." And in February, Paoletti was plenary speaker at the 16th Annual Global Health Education Consortium Conference in the Dominican Republic. Her talk was titled "A Critical Look at the Health and Human Rights of Economic Migrants." The same month, Paoletti was a speaker at a Special Meeting on the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants. The meeting was coordinated by the Committee on Political and Judicial Affairs of the Organization of American States. Last January she served as co-chair and presenter at the Annual International Human Rights Clinical Conference in Washington, D.C. Additionally, Paoletti served on the Faculty Advisory Committee for the Penn Program on Democracy, Citizenship and

Constitutionalism; went to China to serve on the faculty for clinical legal education training for Chinese law professors from China University of Political of Political Science and Law (Beijing), Zhejiang Gongshang University School of Law and Zhejiang University School of Law (Zhejiang), Wenzhou University School of Law, and South China University of Technology School of Law (Guangzhou); and chaired the Immigrant/Migrant Rights Working Group for the U.S. Shadow Report to the U.N. Committee on Elimination of All Forms of Racial Discrimination on Convention Compliance. Finally, Paoletti was counsel to International Law Scholars on an amicus brief (*Khadr v. Gates*) filed in the D.C. Circuit Court on behalf of a Guantanamo detainee charged under the Military Commissions Act, and again served as counsel to International Law Scholars on an amicus brief (*Al Odah v. USA*) filed in the U.S. Supreme Court on behalf of respondent Omar Khadr. In May, she served as small group leader for the Human Rights/International Group, at the AALS Annual Conference on Clinical Legal Education in New Orleans.

PUBLICATIONS

"Pursuit of a Rights-Based Approach to Migration: Recent Developments at the UN and the

Inter-American System," 14 *Hum. Rts. Brief* 3 (Spring 2007)



GIDEON PARCHOMOVSKY

PROFESSOR OF LAW
PUBLICATIONS

"Tradable Patent Rights (with Ian Ayres), 60 *Stan. L. Rev.* (forthcoming 2007)

"Safe Use Harbors (with Kevin Goldman), 93 *Va. L. Rev.* (forthcoming 2007)

"Of Equal Wrongs and Half Rights" (with Peter Siegelman & Steve Thel), 82 *NYU L. Rev.* (forthcoming 2007)

"Reconfiguring Property along Three Dimensions (with Avi Bell), *U. Chi. L. Rev.* (forthcoming 2008)

STEPHEN PERRY

JOHN J. O'BRIEN
PROFESSOR OF LAW
& PROFESSOR OF
PHILOSOPHY; DIRECTOR,
INSTITUTE FOR LAW AND
PHILOSOPHY

Perry presented his paper "Two Problems of Political Authority" to the second annual Penn-UNAM Philosophy Conference, which was held at Penn last April. Also in April, he presented his paper "Risk, Harm,

FACULTY NEWS AND PUBLICATIONS



Interests, and Rights” to a Seminar on Liability held at the University of Rutgers (New Brunswick) Philosophy Department.

PUBLICATIONS

“Risk, Harm, Interests, and Rights,” *Risk: Philosophical Perspectives* 190 (Tim Lewens, ed., Routledge 2007)

“Two Problems of Political Authority,” *6 Am. Phil. Ass’n Newsl. On L & Phil.* 31 (2007)



WENDELL PRITCHETT

ASSOCIATE DEAN AND
PROFESSOR OF LAW

Pritchett presented “Rebuilding the Gulf: The Dilemma of Eminent Domain” at the Annual Conference of the American Association of Law Schools in Washington last January. He reprised the talk this past July at the Annual Conference of the Law and Society Association

in Berlin. He also presented “Robert Weaver, Shelley, and the Science of Modern Race Relations,” at the Northwestern University Law School Faculty Workshop in April. In February, Pritchett presented “Urban Universities and Urban Governance: Opportunities and Tensions” at the Seton Hall Law School Faculty Workshop.

PUBLICATIONS

“Black Milwaukee and Urban African-American History,” *33 Journal of Urban History* 557

“Politics and the American City, 1940-1990,” (with Mark Rose) Guest Edited Volume, *34 Journal of Urban History*, (forthcoming January 2008)

“Which Urban Crisis: Regionalism, Race and Urban Policy, 1960-1974,” *34 Journal of Urban History* (forthcoming January 2008)

“African-American Activism in the North,” “Speaking Out with Many Voices: Documenting American Activism and Protest in the 1960s and 1970s,” (Prentice Hall, forthcoming 2008)

“Shelley v. Kraemer: Racial Liberalism and the U.S. Supreme Court,” “Civil Rights Stories,” Risa Laren Goluboff and Myriam Gilles, eds. (Foundation Press, forthcoming 2008)

PAUL ROBINSON

COLIN S. DIVER
PROFESSOR OF LAW

Robinson was the speaker at a University of North Carolina Law School Faculty Workshop in September, as well as one at Florida State University College



of Law and a Law Faculty Forum Series at Southern Methodist University Law Faculty. He was also organizer of the U.S. Delegation to the Conference on the New Theoretical System of Criminal Law in the Age of Globalization, held in Beijing in October.

PUBLICATIONS

“The Origins of Shared Intuitions of Justice,” (with Robert Kurzban, Penn Psych, and Owen Jones, Vanderbilt Law) *Vander. L. Rev.* (forthcoming 2007)

“The American Model Penal Code: A Brief Overview,” (with Markus Dubber) *New Crim. L. Rev.*, in Chinese, as an introduction to the Chinese translation of the Model Penal Code (Law Press – China) (forthcoming 2007)

“Codifying Shari’a: International Norms, Legality & the Freedom to Invent New Forms,” *J. Comp. L. (British)* (forthcoming 2007)

“Criminal Law: Case Studies & Controversies” (2nd ed., forthcoming 2008)

“Teacher’s Manual for Criminal Law: Case Studies & Controversies” (2nd ed., forthcoming 2008)

“Competing Conceptions of Modern Desert: Vengeful, Deontological, and Empirical,” *Cambridge L.J.* (forthcoming 2008)

“Intuitions of Justice: Implications for Criminal Law and Justice

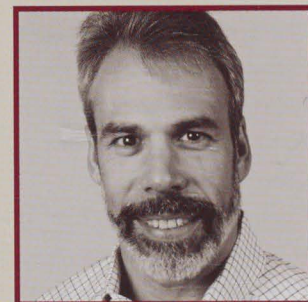
Policy,” (with John Darley, Princeton Psych) *81 S. Cal. L. Rev.* 1 (forthcoming 2008)

“Criminal Law: Case Studies & Controversies” (2nd ed., forthcoming 2008)

“Teacher’s Manual for Criminal Law: Case Studies & Controversies” (2nd ed., forthcoming 2008)

“Competing Conceptions of Modern Desert: Vengeful, Deontological, and Empirical,” *Cambridge L.J.* (forthcoming 2008)

“Intuitions of Justice: Implications for Criminal Law and Justice Policy,” (with John Darley, Princeton Psych) *81 S. Cal. L. Rev.* 1 (forthcoming 2008)



EDWARD ROCK

ASSOCIATE DEAN AND
SAUL A. FOX DISTINGUISHED
PROFESSOR OF BUSINESS
LAW; CO-DIRECTOR,
INSTITUTE FOR LAW AND
ECONOMICS

Rock presented “The Hanging Chads of Corporate Voting” at the Amsterdam Center for Law & Economics conference on “Activist Investors, Hedge Funds and Corporate Governance” last March. His paper, “Hedge Funds in Corporate Governance and Corporate Control,” won the 2007 De Brauw Prize for the best

2006 paper in the ECGI Law Working Paper series. His article "Symbiotic Federalism and the Structure of Corporate Law" (with Marcel Kahan), 58 *Vanderbilt L. Rev.* 1573 (2005) was selected as one of the "Top 10 Corporate and Securities Articles of 2006."

PUBLICATIONS

"Hedge Funds in Corporate Governance and Corporate Control (with Marcel Kahan), 155 *U. Pa. L. Rev.* 1021 (2007)

"The Hanging Chads of Corporate Voting" (with Marcel Kahan), *Geo. L.J.* (forthcoming 2008)

"Corporate Taxation and International Charter Competition" (with Mitchell Kane), *Mich. L. Rev.* (forthcoming 2008)



KERMIT ROOSEVELT
PROFESSOR OF LAW

Roosevelt presented a talk about his latest book, "In the Shadow of the Law," to the New York City Bar Association in June and to NYU Law School last April. He also spoke about his book, "The Myth of Judicial Activism," at the Third Circuit Courthouse (March); at the University of Michigan Law School (April); and The

Philadelphia Club (May). He presented "Stare Decisis and Nonjudicial Actors" at a symposium at Notre Dame Law School last March. In addition, Roosevelt delivered the keynote address, "Congress, the President, and the Courts," at the University of Pennsylvania Model Congress in February, and participated in a panel discussion on "Originalism and the Living Constitution" at the Federalist Society Annual Meeting in Washington, D.C. last January.

PUBLICATIONS

Op-Ed: "Marriage, Loving, and the Law," *Washington Post*, June 3, 2007

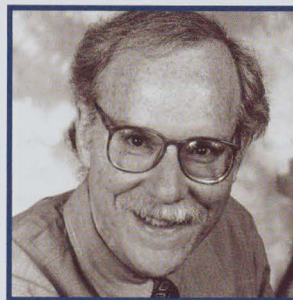
Op-Ed: "Judging the Roberts Court," *Christian Science Monitor*, July 6, 2007

"A Retroactivity Retrospective, With Thoughts for the Future: What the Supreme Court Learned from Paul Mishkin and What it Might," 96 *Cal. L. Rev.* (forthcoming 2007)

"Polyphonic Stare Decisis: Listening to non-Article III Actors," 83 *Notre Dame L. Rev.* (forthcoming 2007)

DAVID RUDOVSKY
SENIOR FELLOW

Rudovsky presented seminars and CLEs to federal judges, the Third Circuit Judicial Conference, PBI, and national seminars on civil rights litigation. He won the 2007 Harvey Levin Teaching Award at Penn Law School.



PUBLICATIONS

"Police Misconduct: Law and Litigation," Michael Avery, Karen Blum and David Rudovsky" (Clark Boardman Co., 3rd. ed., 2007)

"The Law of Arrest, Search and Seizure in Pennsylvania" (PBR Press, 4th ed., 2007)

"Litigating Racial Justice Issues," *Columbia Journal of Human Rights* (forthcoming 2007)

"Habeas Corpus, The Suspension Clause, and the Field Theory, A Response to Professor Vladeck," *Temple Law Review* (forthcoming 2007)



THEODORE RUGER
PROFESSOR OF LAW

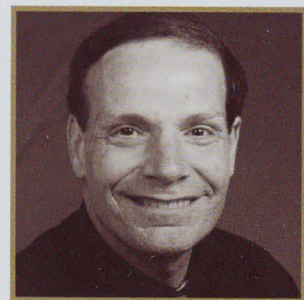
Ruger participated in the O'Neill Health Law Institute Launch Conference at Georgetown Law Center last April. He also participated last March in a seminar on Law and Economics of the Pharmaceutical Industry" at the Wharton School. He presented "Legal and Political

Change at the FDA." Also in March, Ruger presented "The Supreme Court and Institutional Deference in the Health Law Field" at the Northwestern Law School Colloquium on Constitutional Law and Theory. In February, he delivered a lecture on "The Emerging Roberts Court" to the Harvard Law School Alumni Association of Philadelphia, and presented "The Supreme Court and Institutional Deference in the Health Law Field" at the *University of Pennsylvania Journal of Constitutional Law Conference* on Positive Political Theory and Law.

PUBLICATIONS

"Chief Justice Rehnquist's Appointments to the Foreign Intelligence Surveillance Act Court: An Empirical Perspective," 100 *Northwestern Law Review* (2007)

"Health Law's Coherence Anxiety," *Georgetown Law Journal* (forthcoming Fall 2007)



LOUIS RULLI
PRACTICE
PROFESSOR OF LAW

Rulli was a facilitator last August at the statewide Technology Symposium sponsored by the Pennsylvania

FACULTY NEWS AND PUBLICATIONS

Legal Aid Network. In May, he presented “Challenging Assumptions Through Case Selection: What Can We Learn from Representing the Unpopular Client” at a concurrent session of the annual conference of clinical law professors in New Orleans, and served as a faculty trainer on the ethical considerations of interdisciplinary work and the special challenges of working with non-lawyers at Pennsylvania Legal Aid’s statewide annual training conference. Rulli was also reappointed co-chair of the Pennsylvania Bar Association’s Student Loan Forgiveness Implementation Committee. The Committee is charged with implementing the recommendations adopted by the House of Delegates of the Pennsylvania Bar Association that call for the creation of a statewide loan forgiveness and repayment assistance program to assist lawyers who are employed in public service employment. Finally, under Rulli’s supervision, students in the Civil Practice Clinic won an important federal court decision in July 2007 reaffirming the Clinic’s right to recover attorney’s fees against the federal government under the Equal Access to Justice Act for the successful work of law students on behalf of indigent clients.

PUBLICATIONS

Side-bar commentary on the benefits and potential dangers of Pennsylvania’s new rule of professional conduct 6.5 that eases certain ethical requirements in order to encourage and facilitate unbundled legal services to indigent clients, *Philadelphia Lawyer Magazine* (Spring 2007)

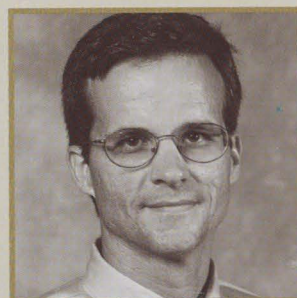
Article on Representation of Low-Income Clients recently appeared in the *American Bar Association’s Family Law Litigation* magazine.



CHRIS SANCHIRICO

PROFESSOR OF LAW,
BUSINESS, AND PUBLIC
POLICY

Sanchirico recently completed a new paper on the taxation of private equity funds. He was made chair of the Evidence section of the Association of American Law Schools and continues to serve as a member of the Board of Directors of the American Law and Economics Association. Sanchirico continues to edit two online journals, *Economic Inequality and the Law* and *Evidence and Evidentiary Procedure*. In May, he gave a presentation at the annual meeting of the American Law and Economic Association.



DAVID A. SKEEL

S. SAMUEL ARSHT
PROFESSOR OF
CORPORATE LAW

Skeel spent the spring in Rome and during that time gave eight talks, mostly in Italy. In March he gave a seminar on “The Evolution of American Corporate Law and American Corporate Bankruptcy” at Cleary Gottlieb’s Rome office. Also in March, Skeel did three days of lectures at the University of Bologna. The lectures drew on his recent scholarship on US and UK takeover regulation, the history of US corporate regulation, and the history of US corporate bankruptcy regulation. He also gave a lecture on “The Evolution of American Corporate Law and American Corporate Bankruptcy” at the University of Ferrara. In May, Skeel presented his paper “Who Writes the Rules for Hostile Takeovers, and Why?” (co-authored with John Armour) at the University of Naples; a lecture on the evolution of American bankruptcy law at Roma Tre; and participated on a panel on the Parmalat

corporate scandal at Bocconi in Milan. He also lectured in March at Estade Law School in Barcelona, presenting his paper “Who Writes the Rules for Hostile Takeovers, and Why?” at the Themis Group Annual Conference. The Themis Group is a consortium of law schools that includes the University of Paris, Estade, Bocconi, and the University of Berlin. Last January, Skeel presented his paper “Odious Debts or Odious Regimes?” (co-authored with Patrick Bolton) at a faculty workshop at the University of North Carolina last January and at a symposium at Duke.

PUBLICATIONS

“Who Writes the Rules for Hostile Takeovers, and Why?” (with John Armour) *Georgetown Law Journal*

“The Promise and Perils of Credit Derivatives” (with Frank Partnoy), *U. Cincinnati L. Rev.*

“Odious Debt or Odious Regimes?” (with Patrick Bolton), *Journal of Law and Contemporary Problems*

CATHERINE T. STRUVE

PROFESSOR OF LAW

In June, Struve served as a member of a panel discussing “The Third Circuit’s Model Civil Jury Instructions and Their Impact on Charging Conferences” at the Philadelphia Bar Association’s 2007 Federal Bench-Bar Conference. In August 2007, Struve

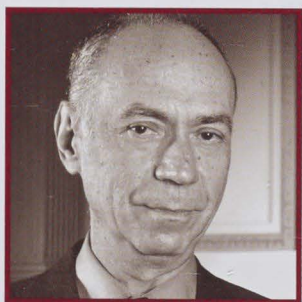


accepted an invitation to serve as a Research Fellow in the University of Pennsylvania's Center for Native American Studies.

PUBLICATIONS

"Greater and Lesser Powers of Tort Reform: The Primary Jurisdiction Doctrine and State-Law Claims Concerning FDA-Approved Products," *Cornell Law Review* (forthcoming 2008)

"The Judiciary Act of 1891," in *The Encyclopedia of the Supreme Court of the United States* (David S. Tanenhaus et al., eds., MacMillan Reference USA) (forthcoming 2008)



MICHAEL WACHTER

WILLIAM B. JOHNSON
PROFESSOR OF LAW
AND ECONOMICS; CO-
DIRECTOR, INSTITUTE FOR
LAW AND ECONOMICS

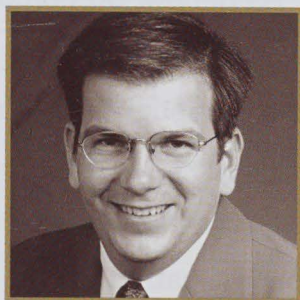
Wachter lectured on labor unions during seminars at Stanford and Princeton last spring.

PUBLICATIONS

"Labor Unions: A Corporatist Institution in a Competitive World," 155 *U. of Penn. L. Rev.* 581 (2007).

The article will also be published by ICFAI University Press in India and by Australian Financial Review under the title "Rise and Decline of Unions." The article also appeared in the summer issue of *Regulation*, published by The Cato Institute.

"The Short and Puzzling Life of the 'Implicit Minority Discount' in Delaware Appraisal Law" (with Lawrence A. Hamermesh), *U. of Penn. L. Rev.* (forthcoming)



R. POLK WAGNER

PROFESSOR OF LAW

Wagner presented "Getting Past Patent Trolls: Patent Enforcement in the 21st Century" and "The U.S. Law of Patentability: Theory, Law & Evidence" last March at Waseda University in Tokyo. Also in March, Wagner gave a talk titled "Did Phillips Change Anything? Empirical Analysis of the Federal Circuit's Claim Construction." He made the presentation at Tokyo Medical & Dental University. In February, Wagner presented "Getting Past Patent Trolls" at Ohio State University, and "The Federal Circuit and Patentability: An Empirical Assessment of the

Law of Obviousness" at Rutgers-Camden Law School.

PUBLICATIONS

"Patent Law Concepts and Insights" (with C. Nard) (Foundation Press, forthcoming 2007)

"The Federal Circuit and Patentability: An Empirical Assessment of the Law of Obviousness" (with L. Petherbridge), 85 *Tex. L. Rev.* (forthcoming 2007)

"Did Phillips Change Anything? Empirical Analysis of the Federal Circuit's Claim Construction" (with L. Petherbridge) (available at www.claimconstruction.com)



CHRISTOPHER YOO

PROFESSOR OF LAW

In January, Yoo participated in a panel discussion on "Network Neutrality" at the 3rd Annual State of the Net Conference organized by the Advisory Committee to the Congressional Internet Caucus in Washington, D.C. In February, he testified at the Federal Trade Commission's workshop on "Broadband Connectivity Competition Policy." In March, Yoo presented "Copyright and Public Good Economics: A Misunderstood Relation" at the Law and Economics Workshop at the University of California at Berkeley. He

also presented "Mandating Access to Telecom and the Internet: The Hidden Side of *Trinko*" at the 35th Annual Telecommunications Policy Research Conference in Arlington, Virginia in September. During the first half of 2007, Yoo also appeared on panels on "Will the Internet Restructure Telephony?" at the 2007 Annual Meeting of the Association of American Law Schools; "Asian-Americans in Academia" at the Sixth Annual Mid-Atlantic Conference of Asian Pacific American Law Students at Penn Law School; and "The Jurisprudence of Justice Kennedy" at the Annual Meeting of the Southeastern Association of Law Schools.

PUBLICATIONS

"Mandating Access to Telecom and the Internet: The Hidden Side of *Trinko*," 106 *Colum. L. Rev.* (forthcoming December 2007) (with Daniel F. Spulber)

"Is Open Source Software the New *Lex Mercatoria*?" 47 *Va. Int'l L.* 807 (Summer 2007) (with Fabrizio Marrella)

"What Can Antitrust Contribute to the Network Neutrality Debate?" 1 *Int'l J. Comm* 493 (Summer 2007)

"Keeping the Internet Neutral?: Tim Wu and Christopher Yoo Debate," 59 *Fed. Comm. L.J.* 575 (June 2007) (with Tim Wu)

"Copyright and Public Good Economics: A Misunderstood Relation," 155 *U. Pa. L. Rev.* 635 (January 2007)

"Hold Off on Net Neutrality," *Washington Post*, January 19, 2007, at A19 (with David Farber, Michael Katz, and Gerald Faulhaber)



BOLD AMBITIONS

The \$175 million Bold Ambitions campaign sets five principal goals. Among the most important is to raise \$65 million for financial aid. Penn Law School needs this money if it wants to continue to attract academic stars, who have many options. As of now, 80 percent of Penn Law students need support either through scholarships or loans. Yet Penn offers the least financial aid of the top 10 law schools. Only 23 percent of scholarship support comes from dedicated endowed funds. The rest must be funded by the general operating budget. The shortfall in financial aid also constrains graduates from pursuing careers in government and public service, with only four to five percent taking this route. This campaign will change that, as we are already beginning to see with the Robert and Jane Toll Public Interest Scholars Program, which funds student scholarships and expands the Public Interest Loan Repayment Assistant Program (PILRAP) for alumni in public interest careers. Two such alumni, Matt Brady, L'05, and Scott Torguson, L'04, are taking advantage of the PILRAP program, and are free to do the kind of work that they really want to do, and that the world needs.

Answering the Call to Public Service – With Penn Law's Help

Matt Brady, L'05

I ARRIVED AT PENN LAW in August 2002 with two degrees and a professional background in human rights and international relations. I had lived in and worked on issues in Africa, the Americas, Asia, Europe, and in particular, the former Soviet bloc. During three years in law school, my interest in working on international relations and public international law issues never diminished.

As the dean handed me my diploma in May 2005, the sole difficulty in pursuing my professional passions was financial. Like many of my (Section 3) classmates, I faced more than \$150,000 in law school loans, which computed to approximately \$1,500 monthly for more years than I could count without a calculator. Indeed, the imminent arrival of loan payments caused me more concern than dealing with egregious human rights abuses.

While classmates planned exotic post-Bar trips with advances from their future firms, I applied to public interest organizations. Potential salaries were meager, but in May 2005, I pursued openings with the hope that PILRAP would supplement my income. In July 2005, I accepted a temporary position working on human rights in Latin America and later accepted a full-time position in Morocco. PILRAP allows me to continue with my

professional passions while meeting minimal monthly financial obligations for law school loans.



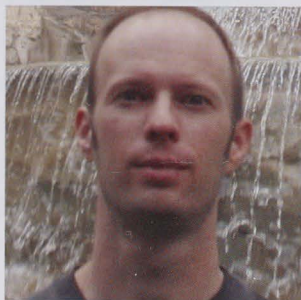
Since graduating from Penn Law, I have lived and worked in Europe, Latin America, and North Africa. My work consists primarily of training activists and groups in international law. Once familiar with the legal standards, I then train the

same individuals and groups on advocacy and organizational development, so that they can petition policy-makers for their rights. It could be said that I both advocate for the law and teach others how to advocate on their own behalf in the face of political opposition.

My days are spent addressing and discussing the larger concepts of freedom and liberty, as well as the idiosyncrasies necessary to develop specific legal infrastructures to create and sustain those general concepts. The days are challenging yet rewarding, which frequently reminds me of in-class discussions with Penn Law professors and out-of-class debates with classmates at Mad Mex and Bonner's.

Scott Torguson, L'04

I HAVE BEEN A LEGAL Aid attorney for almost three years now, after graduating from Penn Law in 2004. I came directly



from school out here to rural Ohio and Southeastern Ohio Legal Services. All the attorneys in our office are general practitioners; we cover a wide range of civil cases here. Our main focus is in the triumvirate of housing/consumer/family law.

The majority of the housing cases we do are evictions. I find this area to be one of the most interesting and rewarding of the fields we cover. The cases come in quickly. Usually there is about a week from the time we get the case in to the time we get in the court room. I've also realized that, of all the opposing parties we deal with, landlords are the most belligerent. Yes, more so than abusive husbands or collection agents. I think it is because they are used to getting whatever they want. I have yet to see

“Family law is the toughest area for all of us because the cases are so fact-intensive and time-consuming, and the clients are the most demanding,” writes Torguson. “The payoff of winning a custody case is definitely rewarding, though.”

another attorney representing a tenant on eviction day (where 10-20 cases are called in at once.) It's fun to be called names after getting a judgment against a landlord (although a colleague got called “vile snake,” which was much more creative than anything I have been called.)

Consumer cases consist mostly of debt buyers purchasing debt for pennies on the dollar, and then suing without any supporting paperwork. I go back and forth with them on a daily basis. I am currently awaiting their appellate brief for a case where we got Rule 11 sanctions against them for misrepresenting that they had documents that they did not have.

Family law is the toughest area for all of us because the cases are so fact-intensive and time-consuming, and the clients are the most demanding. The payoff of winning a custody case is definitely rewarding, though.

We also do a smattering of other things: education law, wills, foreclosures and more. Just to keep it interesting.

How does PILRAP aid enable me to do this work? To be honest, I would be doing this with or without loan repayment assistance. In that respect, nothing would change. However, PILRAP has allowed me not to live paycheck to paycheck, and to enjoy some of the things that non-public interest attorneys do.

It is nice to be able to do what I want to do with my law degree without having my wife and I squeezed into a one-bedroom apartment living paycheck to paycheck, and I appreciate the PILRAP money which allows me to do this.



Wheet Becomes BFS Chairman

MICHAEL WHEET, L'79, a managing director at Merrill Lynch with 26 years of experience in public finance, has been named chairman of the Benjamin Franklin Society, which honors alumni for making unrestricted gifts to the Law School.

Wheet specializes in airport financing. As an investment banker at both Merrill Lynch and Citigroup (formerly Salomon Smith Barney), he has raised capital for airport expansions and renovations, including upgrades of the international terminal in San Francisco and at Ronald Reagan Washington National Airport. During his career, Wheet has issued more than \$15 billion in municipal bonds.

Prior to Merrill Lynch, Wheet was a director in the Public Finance Department of Citibank and vice president at Lazard Freres and Co. Earlier in his career, he spent a short time with a Washington law firm and then joined the staff of the deputy mayor for finance in the District of Columbia, where he makes his home. In this position, Wheet worked on the city's re-entry into the capital markets through the first sale of bonds in a century. His department issued \$1 billion in bonds. His wife, Gayle Nelson, L'78, is also a graduate of Penn Law.

Biondi Establishes Interdisciplinary Teaching Fund

MICHAEL BIONDI, L'83, WG'83 benefited from the analytical skills he learned at Penn Law School and the business background he got at Wharton to build a successful career as an investment banker. Now he's giving back by establishing the Biondi Interdisciplinary Teaching Fund with his wife, Cynthia (nee Ginn), WG'83.

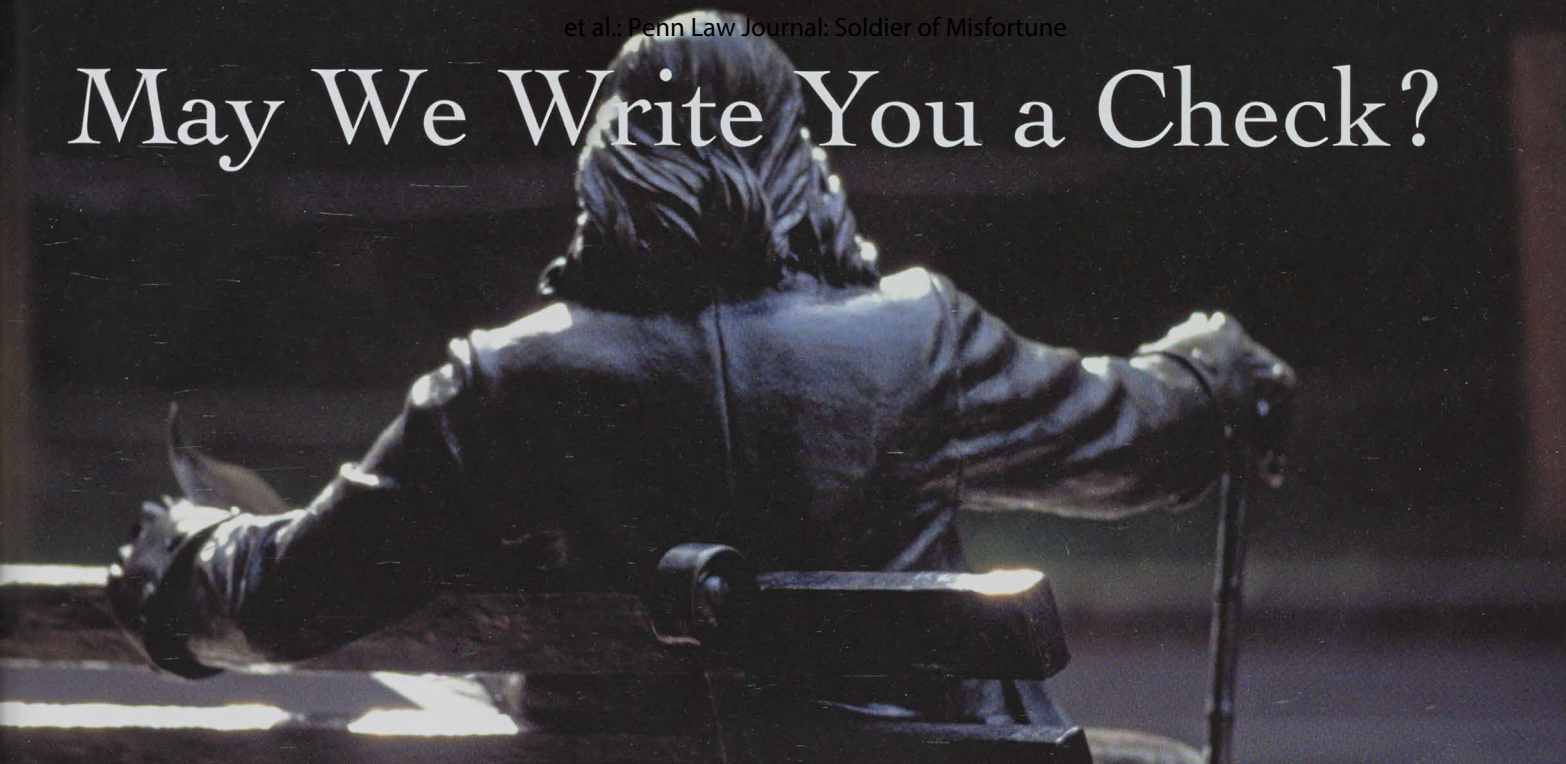
Biondi, the new chairman of the Institute of Law and Economics, is co-chairman of Investment Banking and managing director at Lazard Ltd. He joined Lazard from Dresdner Kleinwort Wasserstein where he held a number of senior positions, including chairman and co-chief executive of the Americas and co-head of Global Investment Banking.



A founding partner of Wasserstein Perella & Co., Biondi served as its chairman and chief executive officer from 1996 until its sale in 2001. The company sold for nearly \$1.4 billion.

Biondi began his career as a lawyer at Skadden, Arps, Slate, Meagher & Flom.

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Annual payment	\$1,500	\$1,625	\$1,775	\$2,000	\$2,375

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Note: Charitable Gift Annuities are not investments or insurance and are not regulated by the insurance department of any state.

ALUMNI BRIEFS

Haaga Invests Himself in Mission to Lead Law School From 'Great to Greater'

BY LARRY TEITELBAUM

Paul Haaga, Jr., L'74, WG'74 was at loose ends -- broke, tired, and dispirited. It was his first year of law school. To make ends meet, he worked as a night desk clerk at a Penn dorm for visiting professors. Sometimes he stayed up all night and went straight to class. One day, drained and frustrated, he wondered aloud while playing rugby why he was exhausting himself for two bucks an hour. Nearby stood a teammate who told Haaga that Wellington Management Company, an old line investment firm, needed a part-time clerk. With that tip, Haaga launched a prosperous career in the mutual funds industry.

Today, Haaga is vice chairman of Capital Research and Management Company, as well as vice chairman of the 12 fixed-income funds in the American Funds Group. In 22 years with the company, the Washington D.C. native has become a visible industry figure who jousts with regulators and often testifies before Congress.

He oversees \$1.2 trillion in investments, a staggering sum that exceeds the combined wealth of Bill Gates and Warren Buffett. Most of this money comes from the life savings of middle class people. So Haaga takes very seriously his responsibility for protecting people's nest eggs.

This well-honed instinct for stewardship will serve Haaga well in his new position as chairman of the

Penn Law Board of Overseers. He succeeds Paul Levy, L'72. His mission over the next three years is to help husband the school's resources and advise dean Michael A. Fitts, whom he calls a "flexible visionary" open to all ideas to improve the Law School.

Haaga's goals:

- To make further improvements to the physical plant, principally through the expansion of Pepper Hall. He believes the Law School must develop a building plan that will serve student, faculty and administrative needs not just over the next several years, but for at least twenty years or more.
- To use his management skills to motivate senior administrators and faculty and fuel an effort to improve every aspect of Penn Law's program.
- To help the Law School meet its \$175 million campaign goal.
- To drive innovation in the teaching of law.

"I'm delighted to be part of (Penn Law's) journey from great to even greater," says Haaga, a lead contributor to the Robert H. Mundheim Professorship. "Fixing things is never fun. Making things even better (is fun)."



Paul Haaga, Jr., L'74, WG'74, the new chairman of the Penn Law Board of Overseers, congratulates outgoing chairman, Paul Levy, L'72, for a job well-done.

For Haaga, service is a way of life, instilled in him by the Jesuits who ran the Georgetown Preparatory School, where he attended high school. The motto at the all-male school: "Men for others." Forty years later, Haaga continues to live by that credo. He's president of the Board of Trustees of the Natural History Museum of Los Angeles County and has served on numerous other boards including Georgetown Preparatory School, the Salzburg Seminar, the Huntingdon Library, Museum and Gardens, and, since 1999, the Penn Law Board of Overseers.

Serving on a board, he says, makes him a more effective administrator at Capital. "As a board member, I've watched closely how other leaders — be they headmasters, deans, or executive directors of nonprofits — approach challenges, so I am, in effect, going to leadership school all the time with five or six classes going on all at once."

He's learned his lessons well, parlaying a summer job with Wellington into a position with the Securities and Exchange Commission. He later became a partner with Dechert, Price & Rhoads, where one of his clients was Capital. In 1985, Capital invited him to join the company, and he's been there ever since.

But perhaps his most important leadership training came as chairman, from 2002 to 2004, of the Investment Company Institute (ICI), the national association of the U.S. mutual funds industry. Haaga steered the industry through a series of scandals in which several firms were accused of improper trading. The scandals, coming as they did after widespread improprieties tainted the securities business, shook the mutual funds industry and investor confidence. Into the breach stepped Haaga, who defended the industry but also supported sensible reforms in areas such as late trading and fund governance.

"We learned how most people trusted us, how quickly we could lose their trust and how long it took to get it back," says Haaga. "We (also) learned that 20 people can ruin things for 200,000 people (who work in the industry)."

Jim Riepe, W'65, WG'67, former vice chairman of T. Rowe Price and chairman of Penn's Board of Trustees, preceded Haaga as ICI chairman. He says Haaga handled the mutual funds crisis with aplomb and professionalism, did a good job explaining the business to regulators and managed to keep the industry from splintering. And he expects his pragmatism to translate well to Penn Law's board.

"He has good interpersonal skills, and I think Paul will be very effective, as Paul Levy has been," said Riepe.

Thanks to a chance encounter on a rugby field more than thirty years ago, Paul Haaga has risen to the top of his profession. Now he gets his turn to shape the future of Penn Law School.

1950s

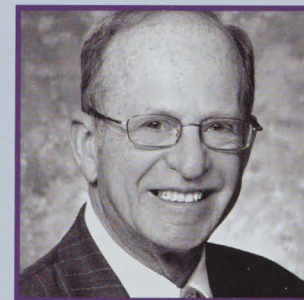
S. WHITE RHYNE, L'55,

a retired attorney in Washington, D.C., received a "Servant of Justice Award" from the Legal Aid Society of the District of Columbia at an April dinner celebrating the Society's 75th anniversary. He received the award for his efforts to ensure equal access to justice in the District of Columbia. Sidney began his career at Legal Aid. A former member of Legal Aid's Board of Trustees, Sidney has provided *pro bono* services for five decades, continuing in retirement to represent indigent clients.

1960s

SAMUEL J. REICH, L'60

has published a book called "Waiting for Cooperstown." The author critiques the criteria for the selection of veteran baseball players for the Hall of Fame, and offers his own candidates. Samuel is a partner at Reich Alexander Reisinger & Farrell in Pittsburgh. In addition to being an arbitrator for professional baseball players, Samuel specializes in criminal defense, family law, entertainment law (contract negotiations), and civil litigation.



H. ROBERT FIEBACH, W'61, L'64 of Cozen

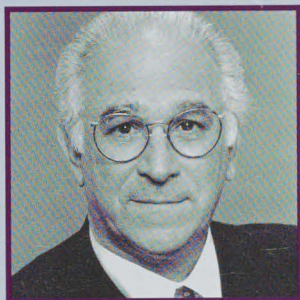
O'Connor spoke on "Transactional Law – Issues on the Periphery" at the 2007 Legal Malpractice and Risk Management Conference in Chicago. His presentation focused on transactional lawyers, who can be subject to malpractice claims. Topics included how mergers, sales and bankruptcy affect who can sue a transactional lawyer and upon what theories; whether lawyers can be liable for failing to provide business advice; and liability with regard to non-clients for negligent misrepresentation and ordinary negligence. Robert received the President's Award from the Pennsylvania Bar Association for his work as co-chair of the Task Force on Lawyer Advertising. In addition, the American Bar Association appointed him to its Standing Committee on Substance Abuse. Robert is an attorney with Cozen O'Connor, where he specializes in business litigation.

HERBERT S. RIBAND, JR., L'63

was honored in April by the Pennsylvania Academy of Fine Arts, which established The

ALUMNI BRIEFS

Herb & Leah Scholarship Fund to recognize his 30 years of service to the Academy. Herb has served on the Academy's Board of Trustees since 1977, currently as vice chair. He has been the institution's legal counsel and played an instrumental role in giving Thomas Eakins' "The Gross Clinic" a permanent home in Philadelphia. Herb retired after 40 years as a Personal Wealth, Estates and Trusts attorney with Saul Ewing LLP.



STEPHEN A. COZEN, C'61, L'64, PAR'92

mediated a deal between the governors of Pennsylvania and New Jersey last March to deepen the channel in the Delaware River from 40 feet to 45 feet. Proponents say the project will increase commercial shipping, investment and economic development in the region. Steve is founder and chairman of Cozen O'Connor.

FREDERICA K. LOMBARD, L'64

has been named Law Professor Emerita on the occasion of her retirement from Wayne State University Law School faculty. Federica, who joined the law school in 1966, was the first

female on the faculty. She taught Civil Procedure and Family Law and served as associate dean from 1992 to 2005 and interim dean in 2003-2004. The law school named the Lombard Fellows Program in her honor in 2005.

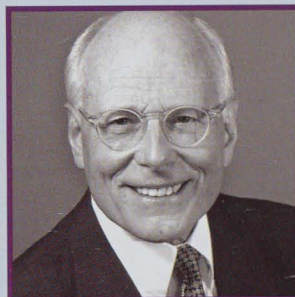


RICHARD M. SHUSTERMAN, L'64

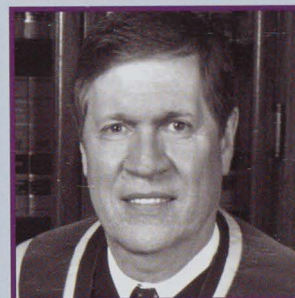
spoke on "Claims Handling Implications of Mass Torts" at the Mealey's Mass Tort Insurance Coverage Conference in Philadelphia last March. He is chair of the Alternative Dispute Resolution Practice Group at White and Williams LLP.

GIL HARRISON, W'62, L'65 was named co-chair of the Educational Foundation for the Fashion Industries. Gil is founder, chairman and CEO of Financo, an investment banking firm dedicated to the merchandising sector.

PAUL C. HEINTZ, L'65 has been elected to the Board of Regents of the American College of Trust and Estate Counsel. ACTEC is a national association of more than 2,500 lawyers who have made outstanding contributions to the



field of trust and estate law. Paul is senior partner at Obermayer Rebmann Maxwell & Hippel LLP.



THE HON. WILLIAM H. LAMB, L'65 was voted president judge of the Commonwealth of Pennsylvania's Court of Judicial Discipline. The Court handles infractions in professional or personal conduct. In addition, Judge Lamb was named among the 2007 "Pennsylvania Super Lawyers" by *Law and Politics* magazine for his work in appellate law. Mr. Lamb, chairman of Lamb McErlane PC, is a former justice of the Supreme Court of Pennsylvania.

A. FRED RUTTENBERG, W'63, L'66 has joined Flaster Greenberg as a shareholder and member of the firm's Securities and Corporate Law Practice Group in Cherry Hill, N.J. Fred concentrates his practice in general corporate law, securi-

ties, public and private offerings, mergers and acquisitions, loan transactions and workouts, and bankruptcy and restructuring. A former shareholder at Blank Rome's Cherry Hill office, he represents public corporations in large transactions and securities matters.

JOEL H. SACHS, L'66 received an "Above the Bar" Award in April for being the leading environmental attorney in Westchester County, N.Y. Joel is an attorney with Keane & Beane, where he represents private entities and government agencies in a variety of environmental and land use matters. He also teaches state and municipal environmental law as well as land use and construction law as an adjunct professor at Pace University School of Law.

NORMAN PEARLSTINE, L'67 published "Off the Record: The Press, the Government, and the War over Anonymous Sources," his account of the Valerie Plame CIA case and an analysis of existing rules between reporters and sources. Pearlstine was managing and executive editor at *The Wall Street Journal* and editor in chief of Time Inc.

LAWRENCE FOX, C'65, L'68 received last May the Michael Franck Professional Responsibility Award at the American Bar Association's annual conference on Professional Responsibility. The ABA recognized Larry for significant

Continued on page 60

Q+A

WARE ACTS AS TRIBUNE OF PUBLIC SAFETY IN BIG DIG INVESTIGATION

ON JULY 10, 2006, a portion of the Big Dig in Boston became the Big Rubble. Twelve tons of concrete dislodged from a tunnel ceiling and crushed a car below, killing a passenger and raising questions about the structural integrity of tunnels in the \$15 billion highway project that runs through the heart of the city.

Several months later, Paul F. Ware, L'69 was appointed as special prosecutor to lead a criminal investigation into possible negligence on the part of contractors, engineering firms, or manufacturers. For Ware, it was an opportunity to return to his roots. Ware, a partner and chairman of the Litigation Department at Goodwin Procter, was an Assistant U.S. Attorney in Boston and trial counsel for the Office of Independent Counsel in the prosecution of the chief of European Operations of the CIA in the Iran Contra investigation. He also served as special prosecutor in Massachusetts in 2005 for the investigation and trial of state court judge Maria Lopez.

This past August, Ware found three companies negligent: Big Dig project managers, Bechtel Co., Parsons Brinckerhoff Quade & Douglas, and Powers Fasteners, which supplied the epoxy used to keep the ceiling panels in place. So far, only Powers faces criminal charges and a trial next fall. In an interview, Ware explained his role and the scope of the Big Dig probe.

Q: How do you determine fault?

A: Construction projects are notoriously document-intensive, and those documents create a trail of evidence. So I've been looking at thousands of pages of e-mails, contract documentations, engineering reports, field reports, analyses of consultants, and photographs. In addition, there have been many grand jury witnesses.

Q: Did you view the assignment as an opportunity to serve as a prosecutor again, or see it as more of a public service obligation?

A: I've had several public service opportunities during the course of what has been fundamentally a private practice career. I regard it as both an opportunity to serve the public and to do something



Paul F. Ware, L'69

that is important for the community and for the state, and also to enhance the challenges in my own career.

Q: Where does the investigation go from here?

A: The case is not concluded. Other entities may be charged, but for now, the grand jury has found probable cause to believe that Powers Fasteners committed manslaughter and was criminally responsible for the death that occurred. We are concurrently pursuing many companies in a civil lawsuit for damages and restitution.

Q: Should commuters feel safe using the Big Dig Tunnel?

A: I think there's no doubt that they should feel safe. The remediation that was done during the eight or nine months following the accident was extensive. The anchoring system was modified substantially, so it's remote that the failures we saw in July 2006 could recur.

ALUMNI BRIEFS

contributions to legal ethics as author, speaker, practitioner, and teacher. He is former chairman of the ABA Standing Committee on Ethics and Professional Responsibility. Larry is a partner at Drinker Biddle Reath, where he practices securities litigation.

MURRAY A. GREENBERG, L'68 has retired as the Miami-Dade County Attorney after 35 years in the office. Prior to serving as county attorney, he spent 25 years as first assistant county attorney. He continues as an adjunct professor of law at the law schools of the University of Miami, Florida International University, and St. Thomas University, and has become affiliated with a former chief justice of the Florida Supreme Court, a former chief judge of the Third District Court of Appeal, and a former chief judge of the Miami-Dade County Circuit Court at the law firm of Wetherington, Klein & Hubbart. The firm engages primarily in mediation and trial and appellate consulting.

DAVID GRUNFELD, L'68 was named president of the board of directors of Family Services of Montgomery County. David is an attorney with Astor, Weiss, Kaplan & Mandel, LLP, in Philadelphia. He specializes in family law, commercial litigation, collections, and professional responsibility.

1970s

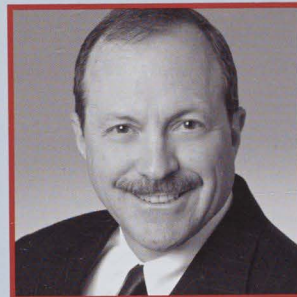


BARRY M. ABELSON, L'71, a senior partner with Pepper Hamilton LLP, received the Blair Thompson Lifetime Venture Award from the Mid-Atlantic Capital (MAC) Alliance in June for his work in promoting and strengthening the region's venture capital base. Barry served on MAC's board of directors and co-chaired its 2005 Mid-Atlantic Venture Conference. The former chairman of Pepper Hamilton's Executive Committee, he is a partner in the firm's Corporate and Securities Practice Group. He concentrates his practice in securities, mergers and acquisitions, private equity and venture capital transactions. He regularly counsels board of directors, independent board committees and senior management of companies on governance, disclosure and transactional matters.

FRANK COOPER, L'71 has been named a director of the Duane Morris Trust Company, a new ancillary business of the law firm which will advise

high net worth U.S. immigrants how to transfer their trust assets into domestic accounts. Frank, a member of Duane Morris, practices law in the areas of estate and tax planning, charitable and private foundation matters, estate and trust matters.

WILLIAM H. SUDELL, L'71 made the annual "Delaware Super Lawyers" list published by *Law and Business Media*. He also received a top ranking in the 2007 Chambers & Partners Legal Directory for his work in bankruptcy and restructuring. He is a partner at Morris, Nichols, Arsht & Tunnell LLP.



MARC A. CITRON, L'72, a partner in the Real Estate and Business department at Saul Ewing LLP, has been appointed managing partner of the firm's Princeton, N.J. office. He will oversee 24 attorneys who represent local and national clients in corporate, creditors' rights and loan workouts, estates and trusts, healthcare, insurance, litigation, real estate, and environmental cases. Marc's practice includes complex acquisitions, sales, joint ventures, financings, leasing and development for both commercial and industrial projects.

SHERRIE SAVETT, CW'70, L'73, chair of the Securities Litigation department at Berger & Montague, P.C., spoke last May at a conference in Rome on whether a U.S. class action judgment would be recognized by European courts. The conference was sponsored by the Litigation Committee of the Dispute Resolution Section of the ABA's International Bar Association and Section of International Law.

A. GILCHRIST SPARKS, L'73 made the annual "Delaware Super Lawyers" list published by *Law and Business Media*. He is a partner specializing in corporate mergers and acquisitions at Morris, Nichols, Arsht & Tunnell LLP. Prestigious international publisher Chambers & Partners also named him a "star performer" in Chancery. Plus he was named one of the Lawdragon 500 Leading Dealmakers in America.



MARVIN J. BRAUTH, L'74, a shareholder on the Business Litigation team at Wilentz, Goldman & Spitzer, P.A., was named a "Super Lawyer" by *Law & Politics* magazine. Marvin represents franchisees in litigation involving franchise agreements

and laws. He has assisted in drafting much of New Jersey's franchise legislation.

SUSAN KATZ HOFFMAN, L'74, WG'74 was a panelist last April at the 21st Annual National Institute on Employee Benefits in Mergers and Acquisitions. She participated in a panel discussion titled "Qualified Plans and Corporate Transactions: A Case Study." Susan is a shareholder at Littler Mendelson P.C. in Philadelphia. The chair of the ERISA group, she focuses on class action litigation, employee benefits, ERISA & employment litigation, mergers, acquisitions and joint ventures.

MORTON A. PIERCE, L'74 is the new co-chairman of Dewey & LeBoeuf. Morton's firm, Dewey Ballantine LLP, announced a merger with LeBoeuf, Lamb, Greene & MacRae last August, creating one of the biggest law firms in New York. The firm will have more than 1,300 attorneys and annual revenue approaching \$1 billion. The deal will allow the firms to accelerate their international expansion. Dewey Ballantine is known for its mergers and acquisitions practice, which is run by Morton Pierce.

ROY WEPNER, L'74 has published a book titled "The Postwarriors: Boomers Aging Badly." The book features a series of essays about the quirks and foibles of the aging baby boomer generation. Roy is a patent lawyer in Westfield, N.J.

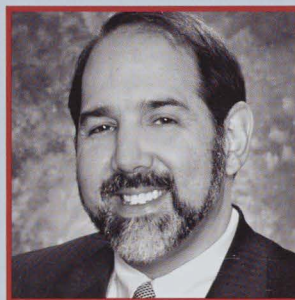
JOSEPH FINKELSTEIN, L'76 has joined Blank Rome LLP in Philadelphia as a partner in the Real Estate Group. Joseph brings more than 30 years of experience in all aspects of sophisticated and complex real estate transactions, with a concentration on retail development and leasing. He was recently elected to the American College of Real Estate Lawyers, which includes the premiere real estate lawyers in the country. Prior to joining Blank Rome, Joseph was a partner in Wolf Block's Philadelphia office.

BRUCE KATCHER, W'71, L'76 was named a top environmental lawyer in the 2007 Chambers USA directory. He is a founding partner of Manko, Gold, Katcher & Fox, LLP, an environmental, energy and land use law firm based in Bala Cynwyd, Pa.

ANDREA R. KRAMER, L'76 was appointed chair of Girl Scouts of Eastern Pennsylvania. She has served in a number of leadership roles for the local Girl Scouts council since 1988, including three terms as first vice-chair. Andrea runs a private practice in Bala Cynwyd, Pa., where she represents Fortune 500 companies, privately-held companies and executives in transition.

MARILYN MOONEY, CW'73, L'76 has been named to the Washington, D.C., Super Lawyers list published by *Law &*

Politics magazine. She appears on the mergers and acquisitions list. Marilyn is head of the Corporate and Securities practice. She is known for running complex worldwide acquisitions, often in regulated industries.



JEFFREY I. PASEK, L'76 authored a chapter titled "Addressing the Needs of Clients" in a new labor law text, "The Roles and Motivations of Key Players in Labor Law Situations." Jeffrey is a member and past chair of the Labor and Employment Practice Group at Cozen O'Connor.

DAVID AUFHAUSER, L'77 was a panelist at the 2nd Annual Homeland Security Law Institute in Washington. David tracked terrorist financing post-9/11 as general counsel for the U.S. Department of Treasury. He is now global general counsel and general counsel for the Americas, UBS Investment Bank.

JOHN F. JOHNSTON, L'77 received a top ranking in the 2007 Chambers & Partners Legal Directory for corporate work and mergers and acquisitions. He was also named one of the Lawdragon 500 Leading Dealmakers in America. John

is a partner and member of the Delaware Corporate Law Counseling Group at Morris, Nichols, Arsht & Tunnell LLP.

BOB LOBUE, L'78 has been elected managing partner and co-chair of Patterson Belknap Webb & Tyler LLP in New York. A member of the firm's Appellate Practice Group, he focuses his work intellectual property and First Amendment litigation as well as complex antitrust and other business disputes.

JORDAN YARETT, L'78 was named "Dealmaker of the Year" in the April issue of *American Lawyer*. Jordan is a partner in the Corporate Department and co-head of the Finance Group at Paul, Weiss, Rifkind, Wharton & Garrison LLP. He has represented Goldman, Sachs & Co. Lehman Brothers, Credit Suisse First Boston, Salomon Smith Barney, Morgan Stanley, Bear, Stearns and others.



STEVEN N. COUSINS, L'80, a partner at Armstrong Teasdale LLP, has been recognized by the St. Louis Business Journal as one 300 "St. Louis Influentials." He also was cited by Saint Louis ARGUS on a list of "Forty-Eight St. Louisans Who Are First." He gained that honor as the first African-American attorney at Armstrong

ALUMNI BRIEFS

Teasdale. Steven is a member of the firm's Executive Committee and group leader of the Financial Services Group, as well as founder and practice group leader of the Financial Restructuring, Reorganization and Bankruptcy Practice Group.

JAMES P. GOLDEN, C'77, L'80 has begun a two-year term as president of the Penn Law Alumni Society. He founded Hamburg & Golden, P.C. with Neil J. Hamburg, W'77, L'80 in 1995. Hamburg & Golden is a general litigation firm.

DIANE J. CORNELL, L'81 began a one-year term in July as president of the Federal Communications Bar Association. She is vice president for governmental affairs at Inmarsat, a global mobile satellite company headquartered in London. She works in the Washington, D.C. office.

FRANCINE FRIEDMAN GRIESING, L'81 published an article titled "Protecting Against the Loss of Attorney-Client Privilege in Complex International Transactions" in the March/April issue of *Probate & Property*. She is a litigator in Greenberg Traurig's Philadelphia office.

JEFFREY L. KWALL, L'81, WG'81 was the first recipient of the Faculty of the Year Award for Teaching Excellence at Loyola University Chicago School of Law. Jeffrey is the Kathleen and Bernard Beazley

Professor of Law and director of the Tax LLM Program. Jeffrey is the author of a leading comparative business tax casebook.

GARY S. KLEINMAN, L'82 became a partner at Greenberg Traurig. He practices commercial real estate law, with a concentration in acquisition and dispositions, mortgage and mezzanine financing, securitized loan transactions, preferred equity investments, partnerships and joint ventures, and debt restructuring.



ANDREW J. RUDOLPH, C'78, L'82 has been elected Fellow of the American College of Employee Benefit Counsel. He is a partner and chairman of the Employee Benefits Practice Group at Pepper Hamilton LLP. Andrew advises public and privately held businesses on employee benefits, executive compensation and related tax and corporate law issues.

ROBERT MARCHMAN, L'83 has been appointed head of the Enforcement division at the New York Stock Exchange. He ran the division before becoming head of Market Surveillance three years ago. Robert will also oversee a new



Risk Department. Enforcement investigates and prosecutes trading and other rule violations. In addition, the New York Stock Exchange and Black Enterprise magazine honored Robert last April for his contributions to the financial services industry. He was recognized during a program called "Wall Street in the Black."

KEITH B. BRAUN, L'84 earned board certification in Florida as a specialist in Will, Trusts and Estates Law. Keith practices with Comiter, Singer & Baseman, LLP in Palm Beach Gardens, Fla.

JAY A. DUBOW, W'81, L'84 has joined Pepper Hamilton LLP as a partner in the firm's Philadelphia office. Jay practices complex business litigation with emphasis on securities class action. He also represents clients under investigation by the U.S. Securities and Exchange Commission, the Pennsylvania Securities Commission, stock exchanges and the National Association of Securities Dealers. He joins the firm from Wolf, Block, Schorr and Solis-Cohen LLP, where he was a partner in the

litigation and corporate departments and a member of the executive committee.

SHANIN SPECTER, L'84 received the Milton D. Rosenberg Award from the Pennsylvania Trial Lawyers Association for "devotion to injured victims, qualities of leadership, and service to the (association)." He is co-founder of Kline & Specter.



SARAH A. KELLY, L'85 has been elected a Fellow of The College of Labor and Employment Lawyers. The College recognizes lawyers who are leaders in the field. Sarah is an attorney with Cozen O'Connor, where she is a member of the Labor and Employment Law Practice Group.

JEROME EPSTEIN, W'83, L'86 was profiled in the *Legal Times* as one of "Ten of the Washington Areas Top Business Litigation Attorneys." A partner with Jenner & Block, he is a member of the firm's Business Litigation, Class Action Litigation, Securities Litigation, Defense & Aerospace and Intellectual Property practices. Jerry was also selected recently to serve on the Board of Trustees

of the Thurgood Marshall Academy Public Charter High School.

GLORIA ROBERTS, L'86

was named "Top 50 under 50 African American MBAs." She is vice president of service-experience leadership for the Federal Express Corp.

JILL HYMAN KAPLAN, W'84, L'87

was recognized as a top environmental lawyer in the 2007 Chambers USA directory. She is a partner with Manko, Gold, Katcher & Fox, an environmental, energy and land use law firm based in Bala Cynwyd, Pa.

FERRIER R. STILLMAN, L'87

has been appointed by the Maryland Court of Special Appeals to serve on the Custody Subcommittee of the Judicial Conference. The subcommittee is examining Maryland's laws on custody and visitation and will make recommendations to Maryland's appellate courts. She also participated in a panel discussion on Family Law at the Maryland State Bar Association Annual Convention. Ferrier is a partner at Tydings & Rosenberg LLP.

DIANE SULLIVAN, L'87

made *The National Law Journal* list of top ten litigators in the nation. The magazine selected lawyers who won significant cases with large monetary awards. She also was listed in the 2007 edition of Chambers USA as one of the top six litigators in the country for her work in liability

pharmaceutical defense. Diane is a partner at Dechert LLP.

STEVEN M. COHEN, L'88

was appointed counselor and chief of staff for Andrew Cuomo, the attorney general of the State of New York. Steven had been a litigation partner at Cooley Godward Kronish LLP, where he focused on white collar criminal defense and internal investigations. He is a former assistant U.S. attorney for the Southern District of New York, serving a chief of the Violent Gangs Unit. Steven received the 1997 Attorney General's Award for Distinguished Service and the 1995 award for Superior Performance.

MARCI HAMILTON, L'88

participated last May in a panel discussion titled "Church, State and Dirt: RLUIPA and Land Use in 2007." She spoke at the spring meeting of the ABA Section of State and Local Government Law. Marci, a professor at Cardozo Law School, is an expert in church-state issues. She is author of "God vs. The Gavel: Religion and the Rule of Law."

MARSHALL J. WALTHER, L'88

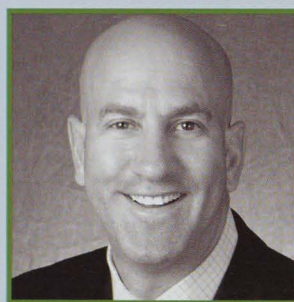
has joined Pepper Hamilton as a partner in the Commercial Litigation Practice Group. Marshall had been with Dechert LLP, where he was a partner in the firm's trial group. He specializes in the defense of insurance bad faith actions and complex coverage disputes, representing

insurance companies in cases arising from casualty, life, disability, and directors and officers liability policies.



BRIAN KALVER, L'89

has been named counsel at Wilentz, Goldman & Spitzer, P.A. He practices Healthcare and Business Law. Brian has represented New Jersey physicians and healthcare facilities in a variety of business transactions and regulatory matters since 1996.



HOWARD S. KROOKS, L'89

has received an award for his advocacy of a new approach to financing long term care for senior citizens and people with disabilities. Howard was honored for his work as co-chair of the Compact Working Group of the New York State Bar Association Elder Law Section, which proposed a program in which people pledge a portion of their assets for long term care

rather than relinquish all assets as required under Medicaid. He was also named a Florida Super Lawyer by *Super Lawyers* magazine. Howard is a partner in the law firm of Elder Law Associates PA, in Florida, and of counsel to Littman Krooks LLP in New York.

REGINALD LEAMON

ROBINSON, L'89, a professor of law at Howard Law School, will be the Distinguished University Visiting Professor of Critical Theory at Southern Illinois University during the 2007-2008 academic year. He will teach Family Law; Race and the Law; Separation Violence, Gender, and Identity; and Law, Culture and Film.



GERALD E. FRADIN, L'90

has joined Northwestern Mutual as assistant general counsel and assistant secretary on the Investment Products and Advisory Services Team. Jerry was a partner with Sonnenschein Nath & Rosenthal in Chicago.

AARON KRAUSS, L'91

participated in a United Way-sponsored seminar that prepared third-year Penn Law students for serving on nonprofit boards. Aaron is a commercial litigator at Cozen O'Connor and treasurer of Philabundance, a nonprofit

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organization that distributes food to people in need.

SUZANNE S. MAYES,

L'91 has joined Cozen O'Connor as co-chair of the Public & Project Finance Practice. She has more than 15 years experience in municipal finance and project finance law, including economic development; single-family, multi-family and senior housing; transportation, government and education financings. She was previously a partner at Saul Ewing LLP.

PAUL MINORINI, L'91

received an "In Harmony With Hope" Award in September from The Elfenworks Foundation. The organization, which is devoted to elevating domestic poverty as a political issue, honored Paul for his work as president and CEO of Boys Hope Girls Hope. The nonprofit helps talented poor children in troubled communities fulfill their potential.

SHARI M. SOLOMON, **C'85, L'91, WG'91**

participated last March in a panel discussion at Wharton on women reentering the workforce. She spoke on "The Re-Entry Process." Shari is an associate in the Real Estate



Practice Group at Wolf, Block, Schorr and Solis-Cohen LLP.



CARL M. BUCHHOLZ,

L'92 was named chair of the Board of Directors for the United Way of Southeastern Pennsylvania. During his two-year term, Carl will be responsible for establishing policies and direction, including setting

goals for the annual fundraising campaign as well as implementing strategies for investing the funds in the community. Carl is managing partner and CEO of Blank Rome LLP.

BART CASSIDY, L'92

was recognized as a top environmental lawyer in the 2007 Chambers USA directory. Bart is a partner with Manko, Gold, Katcher & Fox, an environmental, energy and land use law firm based in Bala Cynwyd, Pa. Prior to law school, Bart was a technical analyst at the Grumman Corp., where he advised the Fortune 150 company on environmental, energy, and occupational safety issues.

ALEXEI J. COWETT, L'92

has been appointed executive vice president & general counsel of GridPoint, Inc., a leading clean tech company. He also serves as vice chairman of the Arlington Economic Development Commission.

WENDY BEETLESTONE,

L'93, an education law and litigation shareholder at Hangley Aronchick Segal & Pudlin, authored a piece in the April issue of *West's Education Law Reporter* titled "No Child Left Behind's Accountability and Access Provisions: An Inherent Tension Within Supplemental Educational Services Programs." Wendy concentrates her practice in commercial litigation, and also serves education clients. She is the former general counsel of the School District of Philadelphia.

JENNIFER A. BRANDT,

L'94 appeared on CN8, The Comcast Network, to discuss the legal issues surrounding the death of Anna Nicole Smith, including the battle over the paternity of her daughter. She also served as a planner and moderator for a new course sponsored by the Pennsylvania Bar Institute called "Sophisticated Issues in Family Law." Jennifer is an attorney.

NEW ALUMNI E-MAIL SYSTEM OFFERS LOTS OF STORAGE AND FEATURES

Penn Law School has formed a partnership with Microsoft to offer alumni lifetime e-mail accounts with a number of features. With the new service, called Penn Law Live, alumni get the following:

- A Penn Law alumni e-mail address (@alumni.law.upenn.edu)
- Windows Live Hotmail with 5GB of storage
- Web-based group calendaring
- Contacts management tool
- Windows Live Messenger with instant messaging and file sharing
- Mobile access available with a PDA or Web-enabled cell phone
- Windows Live Spaces

More information is available at www.law.upenn.edu/alumni/email/

ney with Cozen O'Connor, where she concentrates in family law litigation in areas such as divorce, custody and support. She also assists clients with adoptions and in family matters involving incapacitated persons.

JONATHAN FRIEDLAND, L'94 has joined Schiff Hardin LLP in Chicago as a partner in the Bankruptcy, Workouts, and Creditors' Rights' Group. He had been a partner with Kirkland & Ellis. Jonathan focuses his practice on restructuring troubled companies. He has extensive experience in guiding companies through a variety of transactional and litigation matters, with an emphasis on out-of-court workouts, Chapter 11 proceedings, and representing parties in buy/sell transactions. *Law and Politics Magazine* has selected Jonathan numerous times as an "Illinois Super Lawyer."

SEAN T. REAVES, L'94 has joined the Southern California Office of Regency Centers, an owner, operator and developer of neighborhood, community and grocery anchored shopping centers. Sean will develop centers on the West Coast. Prior to joining Regency, Sean developed real estate for Home Depot, Office Depot, and McDonald's.

JAIMY LEVINE HAMBURG, L'95 has been promoted to counsel at Mayer, Brown, Rowe & Maw LLP, where she practices environmental law and litigation.

MICHAEL S. ROSENBERG, L'95 became assistant director for the Division of Enforcement and Investigation of the Public Company Accounting Oversight Board in Washington, D.C. He had been a partner in the Business Litigation practice group at the Wolf Block law firm in Philadelphia.

MEENU SASSER, L'95 has been named among the "Super Lawyers" by Florida Super Lawyer magazine, an annual publication that recognizes the top five percent of attorneys in the state. Meenu is a shareholder and member in the Litigation Department in the West Palm Beach office of Gunster, Yoakley & Stewart, P.A.

MICHAEL E. BAUGHMAN, L'96 has joined Pepper Hamilton LLP as a partner in the Philadelphia office. He will focus on First Amendment and Media Law and Securities litigation. His experience in financial services and securities litigation at Dechert LLP includes litigating complex commercial cases involving allegations of securities fraud, matters relating to corporate governance and other business disputes. He has also represented newspapers and television stations in lawsuits alleging libel and invasion of privacy.

ERIC BEANE, L'96 has been named a partner at in the Los Angeles office of DLA Piper US LLP. A member

of the Labor and Employment practice group, Eric represents employers and management in employment litigation, including wage and hour class actions, discrimination, harassment, wrongful termination, breach of contract, and denial of benefits. He also advises clients on a variety of employment issues, including wage and hour, reductions in force, employee hiring, discipline and termination, and workplace privacy.

RODD BENDER, L'96 was recognized as a top environmental lawyer in the 2007 Chambers USA directory. He is a partner with Manko, Gold, Katcher & Fox, LLP, an environmental, energy and land use law firm based in Bala Cynwyd, Pa.

KATHERINE (KATHI) LUTTON, L'96 has been named head of the national litigation practice at Fish & Richardson P.C. In that role, she will develop and implement business and marketing strategies for more than 230 litigators in ten offices engaged in patent litigation. Kathi tries high-profile, high-tech patent cases across myriad technologies including semiconductors, telecommunications, circuits and systems, computer technology, and software and Internet applications. Kathi, who is based in the firm's Silicon Valley office, was a designer engineer with General Electric before becoming an attorney.

MARK SCHEPPS, W'84, L'96 has been promoted to vice president and chief enforcement counsel of the Philadelphia Stock Exchange, Inc. He will be responsible for the enforcement and investigations departments within the regulatory group. Previously he was director and deputy chief enforcement counsel. Prior to the Stock Exchange, Mark was a corporate and securities attorney at Dilworth Paxson LLP in Philadelphia.

KAY GORDON, L'97 has been promoted to partner at Kirkpatrick & Lockhart Preston Gates Ellis LLP. She practices in the investment management area. Kay graduated from the Law School as Yekaterina Kharcheva.



DAVID KESSLER, L'97, GFA '97 has been elected partner in the Intellectual Property Practice Group at Drinker Biddle & Reath in Philadelphia. He represents clients in patent, copyright, trademark, trade secret, and licensing litigation. He also advises clients regarding document management and electronic discovery including the establishment of non-litigation protocols and discovery compliance.

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TEHSHENG MA, GL'97

has joined Jaeckle Fleischman & Mugel, LLP as an associate in the Buffalo office. She practices immigration law, with an emphasis on business immigration matters.

GEOFFREY E. SECOL, L'97

joined Akin Gump Strauss Hauer & Feld LLP as a partner in the tax practice in the New York office. He will help lead an interdisciplinary corporate services group for the tax, investment funds and real estate practices. He had been with Milbank, Tweed, Hadley & McCloy LLP.



CRAIG L. HYMOWITZ, L'98

has been appointed to the executive committee of The Federalist Society's Financial Services and E-Commerce Practice Group. Craig is an associate at Blank Rome LLP, where he specializes in anti-money laundering and economic sanctions compliance under the Bank Secrecy Act, USA Patriot Act, and OFAC; complex commercial litigation; internal and government investigations, and government contract disputes. The Federalist Society is a group of conservatives and libertarians interested in the current state of legal order.

JEREMY S. PITCOCK, L'98

has been appointed head of the Intellectual Property department at Kasowitz, Benson, Torres & Friedman LLP. Jeremy primarily litigates patent cases, but he has substantial experience litigating copyright, trade secret, and trademark matters. He handles matters involving complex technologies, such as fiber optic networks and optical components, network and microprocessor architecture, data routing and communications, semiconductor manufacturing and fabrication, videoconferencing and data conferencing equipment, Internet and database synchronization software.

JASON T. POLEVOY, C'94, L'98

has been named a partner at McDermott Will & Emery LLP's New York office. As a member of the Corporate Department and the Real Estate Practice Group, Jason focuses his practice on commercial real estate transactions, including sales and acquisitions, leasing, financing, and joint ventures.



CHRISTOPHER MORA, L'99

a Lt. Commander in the Navy JAG Corps Reserve, was awarded his second Navy Com-

mendation Medal, his third Overseas Service Ribbon and the Global War on Terrorism Expeditionary Medal for his service as a legal advisor to NATO forces in an isolated location. Christopher is president and CEO of Crimson Consulting Group, a government relations and strategic business consulting firm he founded in Greater New Orleans. He is also executive director of the Northshore Business Council, a nonprofit public policy business league comprised of CEOs and senior executives in the New Orleans Northshore Parishes.



ANDREW MORTON, L'00

has been named executive director of FilmAid International, a humanitarian relief organization that uses the power of film to educate, entertain, and inspire vulnerable populations worldwide. He had served on the board and as *pro bono* counsel. Andrew is a former attorney with Latham & Watkins, where he did a significant amount of pro bono work counseling individuals and nonprofit organizations in the areas of immigration, refugee law, and international human rights.

STEPHEN A. FOGDALL, L'01

received the 2007 Earl G. Harrison Pro Bono Award from his firm, Schnader Harrison Segal & Lewis LLP. He received the award for performing more than



1000 hours of pro bono work, much of it representing prison inmates on issues of health care. The award is named for one of the firm's original partners. Stephen is a member of Schnader's Litigation Services Department.

PAM JENOFF, L'01

received a Quill Award nomination for excellence in romance fiction for her debut novel, "The Commandant's Girl." The book chronicles the life of a young Jewish bride during the Nazi occupation of Krakow, Poland, in World War II. A Holocaust expert, Pam served as vice counsel for the U.S. State Department in Krakow as well as special assistant to the secretary of the army at the Pentagon.

DONNA MANCUSI, L'01,

founder of an admissions consulting firm named Law School Connections, was quoted in an article last May in *The National Law Journal*. The piece was about law school applicants hiring consultants to help them get into law school.

JOLIE M. SIEGEL, C'98, L'01

has been selected to participate in the Future Leaders Program sponsored by the Boston Chamber of Commerce. She is participating in development

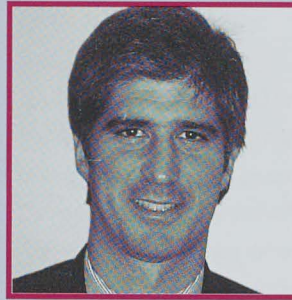


programs at Harvard Business School and Suffolk University Business School, and also works with Chamber board members and alumni of the program. Jolie is an attorney at Choate, Hall & Stewart LLP, where her practice ranges from private equity transactions, venture capital financings, mergers and acquisitions, and public offerings to representation of public and private companies on corporate and securities matters including counseling on

corporate governance and securities law compliance. She has also served as a coach and law firm coordinator of the Citizen Schools 8th Grade Academy, a pro bono program through which attorneys work directly with students on persuasive writing skills.

ILAN ROSENBERG, GL'02 has been elected a member of Cozen O' Connor. Ilan focuses his practice in the areas of insurance coverage and commercial disputes, with an emphasis on assisting Latin American corporations with cross-border defense and recovery efforts. Previously he provided legal advice on taxation and public finance to the Mexican government, as well as focused on tax planning and

administrative litigation while in private practice in Mexico City.



GONZALO SOTO, GL'02 returned to Negri & Teijeiro as a partner in the Buenos Aires law firm. He had been chief legal counsel for Embotelladora del Atlantico, a subsidiary of one of the largest Coca-Cola bottlers in South America. He will continue to provide counsel to the bottling company.

MICHAEL TIEFF, ENG '00, L'03 joined Fish & Richardson, P.C. as an associate in its Patent Group. He works in the Wilmington office. Prior to joining Fish, Michael was an associate at Woodcock Washburn LLP in Philadelphia.

CHARLES A. FERNANDEZ, L'05 has joined Kirkland & Ellis in Washington, D.C., as an associate in the Intellectual Property Litigation Group.

* * In the Spring 2007 Penn Law Journal, we ran the wrong photo with the announcement that William E. Green, Jr., L'06 had joined Morris, Nichols, Arsht & Tunnell LLP. We apologize for the error.

Alumni Clubs Coming to a City Near You

PENN LAW IS PLANTING ITS FLAG throughout the country and around the globe. Heading into the new year, the Law School is off to a great start in the formation of alumni clubs. One has been established in South Florida, with groups in New York City, Southern California, and Japan in the planning stages. They join a previously established group in South Korea, the Penn African-American Law Alumni Society (PAALAS), and the Penn Law European Society (PLES).

In addition, networking events were held in Los Angeles and New York, and more are scheduled in Atlanta, Boston, Chicago, and Washington, D.C., all of which are prime targets for new alumni clubs. The purpose of the outreach effort is to reconnect alumni with one another and with what is going on at Penn Law School.

Speaking of outreach, there's a new section – www.law.upenn.edu/alumni/outreach – in the alumni area of the Web site. That is where to go for listings of alumni events around the country and the globe and news about new alumni clubs.



Miami-area Penn Law graduates hold first meeting in May to charter alumni club. Murray Greenberg, L'68 and Enrique (Rick) Martin, L'92 are co-chairs. The other officers are as follows: Alex Bokor, L'02, secretary; Locksley Rhoden, L'00, treasurer; and Keith Wasserstrom, L'92, Broward County representative.

For more information on clubs and upcoming events, please contact Nancy Rasmussen at 215-746-0320 or nrasmuss@law.upenn.edu. Nancy looks forward to hearing from alumni who wish to establish a group or serve in leadership roles in their area.

ALUMNI BRIEFS



BERNARD WOLFMAN, C'46, L'48 retired and earned emeritus status after 31 years of teaching tax law at Harvard Law School. Bernard was the Fessenden Professor of Law. Before joining Harvard, Bernard had an illustrious career at Penn Law School, serving as dean from 1970 to 1975 and as a member of the faculty from 1963 to 1976. He was the Kenneth Gemmill Professor of Tax Law and Tax Policy. From 1948 to 1963 he practiced law in Philadelphia at Wolf, Block, Schorr & Solis-Cohen, serving as managing partner for two years.

WILLIAM F. HYLAND, W'44, L'49 retired from Riker, Danzig, Scherer, Hyland and Perretti, where he had been a senior partner since 1978. His career is dotted with public service. In 1958, he became the Democratic Speaker of the General Assembly of New Jersey in 21 years. He also served as Attorney General of New Jersey, president of the New Jersey Board of Public Utility Commissioners and was the first chairman of the New Jersey Commission on Investigations, a watchdog of organized crime and public corruption. William and his wife Joan live in a retirement home in Moorestown, N.J.

DANIEL C. GUSENDOFF, L'98 and his wife Alyssa had a baby boy, Zachary David, on Jan. 18, 2007. The family lives in Newton, Ma. Daniel is an attorney with Brown Rudnick Berlack Israels LLP in Boston.

PAIGE PRATTER, L'03 married Lt. Aaron M. Perrine on May 26, 2007. At least 20 Penn Law alumni attended the wedding including the parents of the bride, Robert L. Pratter, L'69 and Gene Pratter, L'75. The newlyweds honeymooned in Madrid and Morocco. They will live in Seattle, where Paige has accepted a position as an associate at Perkins Coie.



CASEY K. WEIDENMILLER, L'01 married Courtney Lynn Feeley on Jan. 27, 2007. The couple reside in Naples, Fla. Casey is a partner with Salvatori and Wood, P.L. He specializes in commercial and intellectual property litigation.

This is your chance to announce personal milestones. We are interested in engagements, weddings, births, retirements or whatever else you believe merits attention. Job-related news will continue to run in the main section of alumni notes. Please send information to lteitelb@law.upenn.edu or to alumnijournal@law.upenn.edu.



IN MEMORIAM

Howard Gittis, Philadelphia Lawyer, Adviser to Ron Perelman, and Penn Law Benefactor

HOWARD GITTIS, C'55, L'58, the consummate Philadelphia lawyer and powerbroker who went on to become the top adviser to billionaire financier Ron Perelman, died in September at the age of 73.



The former chairman of Wolf Block made his name in Philadelphia as an influential attorney who represented Mayor Frank Rizzo during a recall campaign, and was a major campaign contributor and adviser to Mayor William J. Green 3rd.

He moved to New York in the mid-1980s to join Perelman's company, MacAndrews & Forbes Holdings Inc., where he was chief administrative officer. Gittis served on the boards of several MacAndrews' companies, including Revlon, Panavision, and Scientific Games.

Mr. Gittis put a premium on education. Despite living and working in New York, he stayed involved with Penn Law School long after he graduated. Gittis served on the board of overseers from 1985 to 2003 and helped reshape the Law School with major gifts in support of the renovated Gittis Center for Legal Clinical Education and to the General Endowment. In recognition, the Law School changed the name of Roberts Hall to Gittis Hall.

He also served for 27 years on the board of trustees at Temple University, including six as chairman. He established the Ronald O. Perelman Professorship in Entrepreneurial Finance at the Fox School of Business and Management in 2004. The student center was named after him last year.

"Howard's commitment to Penn Law School ran deep," said Penn Law Dean Michael A. Fitts. "He considered it the engine of his success. He successfully bridged the worlds of law and business, setting an example to which our students should aspire. Howard was a model for Penn Law's past and future, and we will truly miss his guidance."

Gittis was an academic whiz kid at Penn Law School. His team won the National Moot Court Championship for the first time in school history. After law school, Gittis served in the Air Force Reserve before receiving his first big break. He was offered a clerkship with Pennsylvania Supreme Court Justice Thomas McBride, who hired Gittis when he left the Court and founded his own firm. In 1962, McBride's firm merged with Wolf, Block, Schorr & Solis-Cohen. Gittis became the youngest partner in firm history, later serving as chairman for more than a decade. He was chancellor of the Philadelphia Bar Association in the early 1980s and in 1985 the National Law Journal listed Mr. Gittis among the top 100 lawyers in America.

In an interview last year, Dick Frieder, L'58, a Law School classmate who remained one of Gittis' best friends, described what made Gittis a first-rate lawyer. "One of Howard's strengths is his ability to mediate and to make both sides of the issue realize that they both can come out a winner if they compromise and negotiate," Frieder said. "Howard is the best that there ever was at that."

Those skills would serve Gittis well at MacAndrews & Forbes, where he spent 22 years after serving as Perelman's lawyer. At the funeral service in New York, Perelman said company general counsel, Barry Schwartz, recently gave Mr. Gittis a biography of Edward Bennett Williams, the famous and

IN MEMORIAM

powerful Washington lawyer. The title of the book was "The Man to See." Perelman said that was also an apt description of Howard Gittis, who left a "profound, strong, positive memory" on friends, colleagues, and family.

Mr. Gittis is survived by daughters Caroline Werther, L'C'83, L'86, Hope Sheft, C'86, Marjorie Katz, and Emily Lambert; sister Lenore; seven grandchildren, and his former wives, Sondra Gittis and Lynette Harding Gittis.

— LARRY TEITELBAUM

MARTIN M. BELL, W'41, L'48 of North Bethesda, Md., died on June 21 at Casey House Montgomery Hospice. He is survived by his wife, Ruth C. Bell; two daughters, Janis and Judith, and two grandchildren.

FREDERICK COHEN, W '57, L '60 died on July 24 in Bala Cynwyd, Pa. Mr. Cohen was highly regarded as a family law expert, serving as chief support master for the Montgomery County Court since 1994. In that role, he advised the court on child support and other issues that arise in family court cases. He was a partner at the Philadelphia law firm of Obermayer, Rebmann, Maxwell & Hippel since 1996, and previously at Blank, Rome, Comisky & McCauley. He had been featured in *The Best Lawyers in America*, and recognized for his work by *Philadelphia Magazine* and *Law & Politics*. Mr. Cohen lectured on law for continuing legal education programs and was past chairman of the family law section of the Pennsylvania Bar Association. A Philadelphia native, he graduated from Overbrook High School and received his bachelor's degree from the Wharton School of Business before going on to earn his J.D. at Penn Law School. Mr. Cohen is survived by his wife, Danièle Bivas Cohen, and two sons, Seth and Philip Cohen.

JAMES BROOKS CRUMMETT, W'64, L'67 died on July 17. The Ringoes, N.J., resident was a public defender in Philadelphia for 10 years, taught at Rutgers University and started his own practice as trial attorney. His passions were law and golf. He is survived by his wife, Linda (Landis) Crummett; his sister, Nancy Kaldoner; his children, Brooks, Tracey, Neil, David and Michael; and grandchildren Colin, Natalie and Lauren.

JOHN F. A. "JAKE" EARLEY, L'51 died on July 14 in Gladwyne, Pa. He was a star basketball player at West Philadelphia Catholic High School for Boys and attended Swarthmore College under the V-12 Navy College Training Program during World War II. He graduated with a degree in engineering and then served aboard the escort carrier USS Rendova in San Diego until 1946. After earning

his law degree from Penn, he was a patent attorney in New York City and Philadelphia. He became a partner with the firm of Harding, Earley, Follmer & Frailey in Valley Forge, where he stayed for the next 40 years. He also taught business law at Drexel University for 22 years. He is survived by his wife of 51 years, Joan English Earley; sons John, Philip and Courtney; daughter Meredith; a brother; and four grandchildren. A daughter, Bobbie Ann, died in 2005.

ARTHUR M. EASTBURN JR., L'42 died on Feb. 8. Mr. Eastburn joined his family law firm, Eastburn and Gray, which went on to become the largest law firm in Doylestown, Pa. He served as president of the Bucks County Bar Association.

ROBERT I. GOLDY, W'48, L'50 of Philadelphia died on April 4. He is survived by his wife, Nancy (Ettelson); two daughters, Jill and Susan; a son, Robert Goldy, and four grandchildren.

ALEXANDER GREENFIELD, L'53, Dec. 1, 2006.

IRVING M. HIRSH, W'52, L'55 died on July 29 at his home in San Francisco, Calif. A New Jersey native, Judge Hirsh served in the Armed Forces from 1955 through 1957, and taught military law at Ft. Gordon, Ga. In 1954, he married Marilyn Zagoria of Plainfield, N.J. They had three sons: Richard, Bill and Stephen. He went on to become a partner in the law firm of Lyness, Bedell & Hirsh, in Plainfield. After serving as the prosecutor for the Borough of North Plainfield, Hirsh was appointed judge of the Municipal Court of North Plainfield in 1973, where he served for 17 years. In 2004, Judge Hirsh moved to San Francisco to be near his beloved grandchildren Ariana, Gabriel and Jesse. He is survived by his three sons and their spouses, three grandchildren, a sister, four nieces, two nephews and many cousins, great-nieces and great-nephews.

JAMES FRANCIS LAWLER, L'51 of Philadelphia died on June 15. Born in the East Falls section of Philadelphia, Mr. Lawler was placed in St. John's Orphan Asylum for Boys in West Philadelphia during the Depression. He had to turn down a scholarship to St. Joseph's College because he could not afford room and board. He went to work instead, using his income from a Campbell Soup factory to support his family. He was drafted into the Army in 1943. Mr. Lawler was wounded in combat in Holland in 1944 and was awarded the Bronze Star and Purple Heart. After law school, Mr. Lawler established a law firm in Philadelphia with Isidor Ostroff. He successfully argued the "Iron Curtain Act" before the Pennsylvania Supreme Court. He retired from practicing law in 1979. In addition to his wife, Anna Marie, Mr. Lawler is survived by five sons, Denis, Terence, Rory, Timothy and Brendan; daughters Marie Keidel and Jamie Rosati; 18 grandchildren; three great-grandchildren; a brother; and a sister.

PERCY C. MADEIRA III, L '39 of Rosemont, Pa. died on Jan. 16. He is survived by his daughter, Margaret; three stepchildren, Andrew, Charles and Deborah; and a brother.

JOSHUA A. NEWBURG, C '81, G '82, L '89, died on March 26. The College Park, Md., resident was an associate professor at the University of Maryland's Robert H. Smith School of Business, teaching courses such as Business Ethics, Law for Managers, and the Legal Environment of Business. Prior to joining the Smith faculty, he had been a lawyer with the international law firm Shearman and Sterling, specializing in international trade, corporate litigation and antitrust. He then spent several years at the Federal Trade Commission, as staff attorney with the FTC's Bureau of Competition and as attorney-advisor to Commissioner Roscoe B. Starek. Newburg had received his bachelor's, master's and law degrees from Penn, all with honors, and had served as associate editor for the *University of Pennsylvania Law Review*. He clerked for Chief Judge William J. Holloway Jr., of the U.S. 10th Circuit Court of Appeals. During his later academic career, he was published in law journals such as *The Harvard Journal of Law and Technology* and *Georgetown International Law Journal*. At the time of his death, he was serving as assistant editor of the *Antitrust Law Journal*. He held a number of editorial and leadership positions, including president, vice-president and secretary of the *Mid-Atlantic Academy of Legal Studies in Business* and vice-chair of the Board of Directors for D.C. College Bound, a nonprofit organization.

WALLACE D. NEWCOMB, L'35, May 15.

ARNOLD ROSENBERG, L'60 died on Sept. 12. A native of Camden, Mr. Rosenberg was a partner at the Philadelphia law firm Charen, Palitz and Rosenberg. He was also an instructor at the Institute for Paralegal Training, later known as the Philadelphia Institute. Between 1984 and 1987, he lived in San Francisco, where he ran a business supplying homemade apple pies to gourmet stores and restaurants. He returned to Philadelphia in 1987 to serve as academic dean and director of the Philadelphia Institute, where he remained until 1993. He then moved to southern Florida, where he held a variety of service sector jobs. He is survived by his former wife, Nancy Herbach; two daughters, Linda McGuire and Amy Cohen; a sister; and seven grandchildren.

HERBERT M. SOMERSON, L'48 died at his home in South Dartmouth, Mass., on June 20. He practiced law for several decades in Philadelphia, and retired to Clearwater Beach, FL. He is survived by his wife Ileana Somerson; a son, Paul Somerson; a daughter, Rosanne Somerson, and one sister. He was predeceased by one son, Michael, who recently passed away in Troy, Ohio. He had six grandchildren and one great-grandchild.

HORACE A. STERN, C'43, L'48 died on July 21. The Elkins Park, Pa., resident served as president of the Central High School Alumni Association when the school became co-ed in the 1980s. After graduating from Penn, he became a bankruptcy lawyer for several Philadelphia firms, most notably Wexler, Weisman, Maurer & Forman, where he stayed for than 30 years before starting his own practice. Mr. Stern was well known for his service in Jewish affairs. A lifelong member of Reform Congregation Keneseth Israel in Elkins Park, he served on the boards of the Anti-Defamation League and the Jewish Federation of Greater Philadelphia. He was a founder of the William Portner Quaker City Lodge of B'nai Brith, and served as its president before going on to become senior vice president of B'nai Brith International. In 1994, he was invited to the signing of the Jordan-Israel Treaty of Peace. He is survived by his daughter, Carol McMichael; his son, Bob; a brother, two grandchildren, and his companion, Phyllis Silver. His wife, Joan, passed away in 1999.

RICHARD K. STEVENS, L'61 of Chestnut Hill, Pa. died on May 19 at Keystone Hospice in Wyndmoor, Pa. The Philadelphia native began his career with his family's firm, Stradley, Ronan, Stevens, and Young and went on to become a partner with the law firm of Strong, Stevens and Wyant in Plymouth Meeting, Pa., where he specialized in estates and trusts. He was on the board of The Pennsylvania School for the Deaf and the Octavia Hill Association. He is survived by his wife of seven years, Charlene McKenna Stevens; a daughter, Abigail; a son, James; a brother; a sister; and his former wife, Karen Depew Stevens.

HARRY TRACTMAN, L'57 died on July 14. The Philadelphia native maintained a general corporate and litigation practice in Philadelphia for 20 years before launching a successful entrepreneurial career in health care. With his wife, Lynn, Mr. Trachtman built Accord Health into a regional health-care network providing dialysis, long-term care and pharmacy services to Delaware Valley residents. He is survived by his wife, daughter Elisa Trachtman Lewis, L'98, and her husband.

PAUL CLOTHIER VAN DYKE, C'39, L'42 of Willow Valley, Pa. and formerly of Delaware County, died on March 25. Mr. Van Dyke practiced law in Delaware County and was a member of the Delaware County Bar Association for more than 50 years. He wrote and composed music and played the organ at many area churches. He studied genealogy and was the author of many papers and a book, "The Van Dyke Family; A Glimpse of the Dutch Settlement in N.J." He is survived by four daughters, their husbands, six grandchildren and a great-grandson.

STEPHEN F. WELTMAN, L'66, Jan. 31.

MARCELLA C. WHITE, CW'43, L'45, Dec. 18, 2006.

CASE CLOSED



Remembering Man's Best Friend

Paul Schlichting, L'01 lost his beloved pet, Bandit, in 2004. Every year since, he's made gifts in his memory to Penn Law School. Bandit, a Pit Bull, was eight years old when he died, and was swathed in a Penn blanket when buried. He once attended Antitrust, Tax, and Securities classes with Paul. Reportedly, he fell asleep. But he was a real Pit Bull in the courtroom. Paul is an associate in the Corporate & Financial Services Department of Willkie Farr & Gallagher LLP in Washington, D.C.



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