

PENN LAW JOURNAL

UNIVERSITY OF PENNSYLVANIA

SPRING 2010 VOLUME 45, NUMBER 1



The Obama Corps

Up From the Streets [page 24](#) Fantasy Baseball Made Real [page 30](#)

Published by Penn Carey Law: Legal Scholarship Repository, 2010
In Memory of Ed Baker [page 54](#)

Penn Law Journal has gone green. As a green publication, we will only use paper and choose printers who meet certified environmental practices. In doing so, we will contribute to conservation efforts and act as good stewards of the environment.



This publication was printed on recycled paper that meets the EPA standard with 15% post consumer waste fiber.

- Green Seal certified
- Green-e® certified
- Made with wind-generated electricity
- Acid free and archival
- Elemental chlorine free



FEATURES

ObamaCorps 12

BY LARRY FEITELBAUM AND JULIA HARTE

During the election, Barack Obama was like the Pied Piper to young people. They volunteered for him, swelled his rallies, and provided a wellspring of votes. Many also followed him to the White House — including four alumni and a professor on leave. All are among the best and the brightest.

Up From the Streets 24

BY KRISTIN EKERT AND JULIA HARTE

Their journeys were so improbable, their rise so unlikely that even Horatio Alger would have to cheer. In Michael Williams and Manny Sanchez, we found two people with energy and personality to burn, and the persistence to succeed against all odds.

Fantasy Baseball Made Real 30

BY ROBERT STRAUSS

Spring has sprung, which means only one thing: Play ball! Baseball season is upon us. Up in North Jersey sits one very interested observer, Marvin Goldklang W'63, F'66, a minority owner of the New York Yankees and owner of several minor league franchises. Marvin is rooting for a World Series rematch with the Philadelphia Phillies. I think we know who he wants to win.

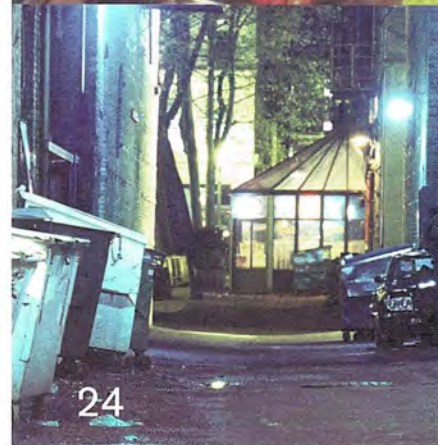
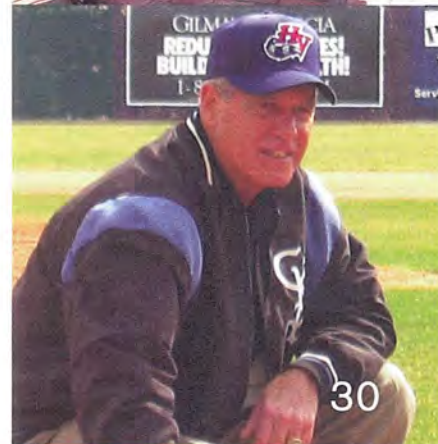
The Passing of a First Amendment Scholar 54

BY WALTER CANNON

With sadness, we note the passing of Ed Baker, a fixture on the faculty and a nationally recognized scholar in the areas of First Amendment and Communications law. Baker was a liberal tribune and a gentle soul who made his classroom an arena for ideas, posthumously earning the Levin Award for Excellence in Teaching.

DEPARTMENTS

A Message from the Dean	3
The Brief	4
Faculty News and Publications	33
The Campaign for Penn Law	40
Alumni Briefs	43
In Memoriam	54
Case Closed	56



PENN LAW JOURNAL

EDITOR

Larry Teitelbaum

DESIGN

Warkulwiz Design Associates

CONTRIBUTING WRITERS

Walter Campbell

Kristin Ekert

Robert Strauss

PHOTOGRAPHY CREDITS

Greg Benson

Mark Eyerly

Jill Iacovelli

Ira Wexler

EDITORIAL ASSISTANT

Julia Harte

VIEW THE PENN LAW JOURNAL ONLINE AT

www.law.upenn.edu/alumni/alumnijournal

for publication with *A Quick Click*

KEEP IN TOUCH

Send news and photos by traditional mail and e-mail to the attention of the Editor.

CORRECTIONS

Every effort has been made to ensure accuracy in this Journal. We offer our sincere apologies for any typographical errors or omissions. Please forward any corrections to the attention of:

Larry Teitelbaum, Editor, *Penn Law Journal*

University of Pennsylvania Law School

3400 Chestnut Street, Philadelphia, PA 19104-6204

(215) 573 7182 (215) 573 2020

alumnijournal@law.upenn.edu

www.law.upenn.edu

The University of Pennsylvania values diversity and seeks talented students, faculty and staff from diverse backgrounds. The University of Pennsylvania does not discriminate on the basis of race, sex, sexual orientation, religion, color, national or ethnic origin, age, disability, or status as a Vietnam Era Veteran or disabled veteran in the administration of educational policies, programs or activities; admissions policies; scholarship and loan awards; athletic or other University administered programs or employment. Questions or complaints regarding this policy should be directed to: Executive Director, Office of Affirmative Action and Equal Employment Programs, 3600 Chestnut Street, Sansom Place East, Suite 228, Philadelphia, PA 19104-6106 or (215) 898 6993 (Voice) or (215) 898 7803 (TDD).





A MESSAGE FROM THE DEAN



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

WE ALL HAVE EXPERIENCES that help chart our professional lives. For me, one critical period was my service in the Department of Justice's Office of Legal Counsel in the 1980's, when the role of government was being defined and the limits of legal doctrine being tested. Those four years provided me with a political education that I found life-defining. It deepened my interests in presidential power, separation of powers and administration, all of which have borne fruit later in my own teaching and scholarship — and, ultimately, in my interest in serving as Dean of this great Law School.

We are perhaps reliving a similar moment in American history, which is formative for the whole country as well as in the careers of many young Penn students and alumni. One Penn Law student who worked this year in our wonderful Legislative Clinic, for example, vetted Supreme Court nominees through the Senate Judiciary Committee. Another student was assigned the health care reconciliation bill as an intern with the Senate Finance Committee. In the latter case, the student scrubbed the legislation and flagged the areas with budget implications — all before participating in an exclusive meeting with the Senate parliamentarian. These are encounters they will never forget.

Many of our alumni are having similar experiences in the young Obama administration. They are the subject of the current issue, which focuses on four young alumni who have heeded the call to service: Olivier Kamanda L'09, Kirsten White L'07, Nicole Isaac L'04, and Dan Restrepo L'99. They have been joined in the administration by professor Bill Burke-White, who is on leave from the faculty.

All of them pulse with the same excitement and sense of purpose I felt, as they conduct the nation's business and help make tomorrow's headlines. For them, I am sure it is hard to believe how close they are to the center of gravity. Every time they walk into the White House, the Situation Room, the Capitol or the State Department, or step up to the Press Room podium, as one of the featured alumni did, the enormity of their jobs hits home.

They are part of history — their baptism by fire will have an enormous impact on their lives. Such opportunities do not come along very often.

But when they do, it is wise to seize them. Already, one of the students in the clinic is plotting a potential path to the White House. She's going to work for a prominent D.C. firm after graduation. Her goal is to parlay that work into a job in a future presidential administration. If so, we'll feature *her* in the *Penn Law Journal*.

Mike



THE BRIEF

LAW SCHOOL

NEWS & EVENTS

Penn Law Students Help Win Supreme Court Case

UNIVERSITY OF PENNSYLVANIA Law School students' work on the Supreme Court case, *Padilla v. Kentucky* has resulted in the Court ruling in their favor. The Supreme Court decision means that lawyers must tell non-citizen criminal defendants whether pleading guilty to a crime could lead to their deportation.

"For the many, many non-citizens caught up in the American criminal justice system, there's a very important point of making sure they know what they're getting into," says Professor Stephanos Bibas.

Jose Padilla, a legal permanent U.S. resident who lived in the United States for 40 years, had been wrongly told by his attorney that although he wasn't a citizen, he would not be deported if he pleaded guilty to a drug charge.

Professor Bibas and students in his Supreme Court Clinic helped shape the arguments for the case, which tests the limits of the Sixth Amendment's guarantee of effective assistance of counsel for non-citizen criminal

defendants. Bibas says, "There were students volunteering as we were getting the Clinic set up, to go off and do research on these different things. How many non-citizens are going to be affected, and for what kinds of things will they be affected? How many times are they not getting the right information from their lawyers?"

The ruling will have a tremendous impact on criminal cases against non-citizens. "The defense lawyer has to be effective in warning you about this major thing that's looming and on



Professor Stephanos Bibas (far right, second row) and Lecturer Stephen B. Kinnaird (far left), a partner with the Paul Hastings law firm, are joined by students in Penn Law's Supreme Court Clinic for their *Padilla v. Kentucky* oral argument on Oct. 13, 2009.

the horizon,” says Bibas. “The defense lawyer has to tell the client, ‘this crime carries automatic deportation’ and maybe where it’s not so automatic, warn him ‘there’s a possibility of deportation here, and you need to talk with someone about it for more details.’”

The students researched state laws to see whether there are differences concerning the ethical obligations attorneys have when advising clients on the consequences that a guilty plea might have on immigration status. “The students got to watch us bring together more than half a dozen amici from different perspectives from the American Bar Association, immigrants’ rights groups, criminal defense groups, each of which wrote a brief that told a different story,” Bibas says. “The Supreme Court’s opinion relied on these different perspectives, examples and stories of people who’ve been hurt by laws and courts being insensitive to this problem. Another big part was an argument that Clinical Supervisor and Lecturer Yolanda Vazquez first pioneered, which is telling the whole story about how immigration used to be separate from the criminal process and yet over the last two decades, it’s become more and

“For the many, many non-citizens caught up in the American criminal justice system, there’s a very important point of making sure they know what they’re getting into,” says Professor Stephanos Bibas.

more interwoven, such that you can’t realistically say that a criminal defense lawyer can ignore deportation. It’s triggered automatically by certain convictions.”

In October, students were at the Supreme Court to hear oral arguments presented by Law School Lecturer Stephen Kinnaird of the Washington law firm, Paul Hastings. “Penn is very fortunate to be partnered with excellent lawyers who allow us to leverage our own abilities and for our students to see top notch advocacy at work,” Bibas says. “It’s great for the students to be able to watch the laws as they’re being made. It’s a capstone to their third year of legal education. It’s something they can get here that not many law students have an opportunity to do.”

Berry Blames Right-Tilting Supreme Court for Watered Down Civil Rights Laws

IN THE SHIFTING SANDS of modern American politics, no victory is certain. And no group knows that better than civil rights advocates, who have seen one legislative success after another undercut by the decision of a right-wing judge, Penn professor Mary Frances Berry told the audience at the A. Leon Higginbotham Memorial Lecture last November.

“You can lose while you think you’re winning, in the end, if you don’t have the courts,” she argued, describing how judges appointed by the last three Republican presidents have reinterpreted key civil rights laws more and more narrowly, rendering them increasingly toothless.

Berry, who teaches legal history courses in the College of Arts and Sciences and chaired the U.S. Commission on Civil Rights from 1993 to 2004, related this “tale not told” from the perspective of her membership in the Leadership Conference on Civil Rights, the largest and oldest civil rights coalition in the United States.

“In the 1980s, the LCCR appeared to have the presidents on the run,” she recalled. During that decade, after all, Berry and her allies extended the reach of key historical civil rights laws, such as the Voting Rights Act and the Fair Housing Act, and



Mary Frances Berry

THE BRIEF

LAW SCHOOL

NEWS & EVENTS

went on to pass a host of new ones, including the Civil Rights Restoration Act of 1988.

Berry said President Reagan repeatedly tried to counter these advances but was always overridden at the legislative level. One of his Supreme Court nominees, Robert Bork, had written articles too obviously prejudiced to win confirmation, she said. But Reagan's next nominee, Anthony Kennedy, didn't have such a clear record when it came to civil rights. "Thus began the era of stealth nominees," Berry declared.

Over the next two decades, she said, the Supreme Court, tilted further to the right with the addition of Antonin Scalia and Clarence Thomas, cut away at civil rights legislation. It began with a spate of Supreme Court-ordered restrictions on anti-discrimination laws in 1989, and continued with rulings like *Abrams v. Johnson* (1997), which reduced the number of majority-black voting districts in Georgia to one.

Republicans "want to control the interpretation of legislation after it's passed," Berry explained. "They're more political than the Democrats... they understand how important the courts are."

So far, Berry said, she's disappointed with Obama's judicial appointments. By mid-November, Obama had only nominated 25 judges for appointment. At the same point in his first term, George W. Bush had nominated 95.

Obama's relative slowness, Berry argued, is due to the fact that he's "looking for people who are absolutely uncontroversial, unspotted by the world — clean, squeaky, perfect."

But then again, she said, "liberal Democrats are constitutionally incapable of playing hardball."

Former DA Abraham Touts Her Model for Crime Prevention

WHATEVER YOU DO, DON'T tell Lynne Abraham she can't do something.

Growing up in Philadelphia in the 1940s, Abraham was often told she "wasn't college material." Not only did she graduate from college and go on to earn a J.D. from Temple Law in 1965, she also became Philadelphia's first female district attorney in 1991, a position she held until Seth Williams was elected her successor in November. As DA, moreover, she started a program, I-LEAD, that reached out to community leaders who were also



Lynne Abraham

told they weren't college material — and enrolled them in advanced degree programs.

"If I wanted to be mayor, I'd have been mayor of this city. Don't even doubt me for a second," she informed an audience of Penn Law faculty and students in October. Since leaving the DA's office in January, Abraham has been working at the Philadelphia law firm Archer &

Greiner, P.C., as a partner in the Litigation Services department.

In addition to starting I-LEAD, Abraham helped found Philadelphia's Youth Violence Reduction Partnership campaign in 1999 to identify youth at risk of killing or being killed. The DA's office identified the neighborhoods where those youth were most concentrated, then flooded the communities with social workers, many of whom were former gang-members themselves. The project has a "darned good success rate," Abraham added. In two of the three districts where the program took effect, the annual rate of youth homicides decreased by four and ten deaths respectively, according to a 2004 report. Abraham also improved healthcare in low-income communities, by helping caregivers bring free clinics to the public.

It might seem strange, given these accomplishments, to hear Abraham declare that it is "crippling and disabling to do things for people." But that's her philosophy of social work: enabling local community leaders to keep the peace rather than imposing safety from outside.

"Prosecuting crime is good, but it's always after the fact," she pointed out. "We can do a better job, and a more effective job, if we can prevent crime from happening."

Crime prevention can't all occur behind a desk, according to Abraham. Someone has to enter dangerous neighborhoods and identify the sources of criminal behavior, as well as the local figures poised to solve it — with a little boost from the government.

Abraham's policies have elicited some backlash. Neighborhood intimidation, when people are scared to "snitch" on their neighborhood criminals for fear of retribution, is "the hardest, most intractable problem we face," she reported, which further illustrates the importance of knowing the terrain.

"You can't parachute in," Abraham said. "You have to embed yourself in the community."



Eagles' 'Go Green' Initiative a Clear Touchdown

THE PHILADELPHIA EAGLES are no longer green in color only. In addition to their victories on the field, the team has been winning big in another arena — the environment.

Fans have seen glimpses of the team's commitment to conservation in Lincoln Financial Field: the huge signs that advertise "Renewable Energy!" and urge them to "Score! By unplugging unused electronics," and the bottle-shaped recycling receptacles that have popped up amidst the trash cans.

But that's just a small part of the initiative, according to Christina Lurie, co-owner of the team, and Don Smolenski, the team's Chief Financial Officer. In an event co-sponsored by the Environmental Law Project, the Entertainment and Sports Law Society and the Toll Public Interest Center, Lurie and Smolenski visited the Law School in October to explain the full scope of the Philadelphia Eagles's six-year-old "Go Green" environmental campaign. Today, the Eagles use 100 percent renewable energy — mainly wind — to power their training facility and stadium, plant trees to offset the carbon dioxide produced when they travel, conduct curbside recycling programs within Philadelphia and even have their own seven-acre forest in Neshaminy State Park.

Achieving these goals has placed the Eagles in an environmental league of their own — and they didn't come easy, say Lurie and Smolenski. For one thing, they had to contend with the common perception that environmental causes and football

don't attract the same fans. Smolenski had to be convinced that the changes wouldn't financially hurt the company.

"Philosophically, I was already there," added Smolenski. "But you've gotta balance the business of what you do with any new initiative."

As it turned out, greening the team was an enormously profitable enterprise. Over the last five years, the Eagles's energy use has decreased by 10 million kilowatt-hours. And they've saved about \$4 million by doing so.

Along the way, the company has learned how to weave environmental responsibility into the normal experience of a football game. Some changes are almost imperceptible to game-goers, such as the corn-based plastic beer cups that have replaced the conventional, petroleum-based plastic cups, or the collectors who trawl the stands after each game for recyclable waste before the regular trash sweep. Other changes, however, required some, uh, trick plays.

"We noticed that it has to be really easy for people to change their habits," said Lurie. Recycling cans, for instance, can't be more than twenty feet apart from each other, or else people will simply throw their cans and bottles into the nearest trash: "If it's ten extra steps, believe it or not, they won't do it," she laughed.

Penn Law Professor Cary Coglianese asked if environmental law has driven any of the Go Green campaign. Except for a few soil tests they were required to perform on the stadium land, Smolenski replied, there's been no legal impetus to the changes — the whole effort is just an attempt at positive corporate citizenship. "It's largely driven by a fundamental sense of what is good to do," he said.

Taking on Human Trafficking

WHEN GLORIA STEINEM VISITED a brothel in Nevada several years ago, she thought sex work could be non-exploitative. She hoped she would meet women who had willingly entered prostitution and remained in full control of their bodies.

Instead, she found the prostitutes locked in cages by the brothel-owner and so underfed that neighbors regularly threw food to them over a fence.

"I'm at fault for having bought the phrase 'sex work' and the rationale that comes with it," she declared in her opening remarks at the Penn Law Review's November symposium, "Trafficking in Sex and Labor: Domestic and International Responses." Steinem focused her remarks on sex trafficking, but called for a cooperative approach to ending all forms of human bondage.

"I don't want a competition of tears. Let's just say it's all wrong and we should try to end it all," she said.

Early in the discussion, speakers began referring to human trafficking and human enslavement interchangeably. "It is much more useful to talk about trafficking as the modern human slavery," argued James Gray Pope, professor of labor law at Rutgers Law School. About 30 million people live in slavery today, based on estimates presented by various speakers.

Despite Steinem's call for cooperation, speakers repeatedly pointed out that modern abolitionist efforts often conflict with each other. "It used to be that the only way to get a forced labor law through was to sneak it in under the veil of a sex trafficking law," said Martina Vandenberg, an attorney who has testified on human trafficking before several U.S. and international committees. Yet labor exploitation is occurring all the time, right under our noses, and rarely gets noticed unless an outside individual gets involved. "Be a nosy neighbor," Vandenberg advised.

Sex trafficking and labor trafficking abolitionists don't merely compete for attention, according to Janie Chuang, who advised the United Nations Commissioner on Human Rights about international trafficking law; they also compete for aid.

"In order to get access to global anti-trafficking money, you need to take a stance against prostitution, which makes it harder to get access to the prostitution community," she said. Allowing prostitution to enter the debate over human trafficking, according to Chuang, has "muddled the legal definition of trafficking" and "dilutes the force of having a single definition" in the first place.

University of Michigan and Harvard Law professor Catharine A. MacKinnon summarized the debate in her keynote address by reminding speakers of their common cause.

"There is no pro-trafficking position, nor is there a pro-slavery position for labor or sex. The only issue that comes up around these terms is defining them, so that nothing that anyone wants to defend is covered by them," she pointed out.

"What defines trafficking is not crossing borders, or even especially severe violence: it is third-party involvement. You can't traffic or enslave yourself."

Still a Firebrand at 75, Steinem Promotes a Less Stratified Society

WHEN GLORIA STEINEM WAS ASKED if she was supporting Hilary Clinton or Barack Obama in the 2008 Democratic presidential primary election, she had a simple answer: "Yes."

She wasn't trying to be difficult, or hide her true opinion. She simply admired both candidates, and was frustrated at always being asked to rank them.

"He was a feminist, she was a civil rights advocate. They were almost identical. It was as if an evil genie had arranged for two out groups to run in the same election," she said in an exclusive interview with the Penn Law Journal in November. Their disparate portrayals, in her view, reflected "this hierarchical view we have of everything."

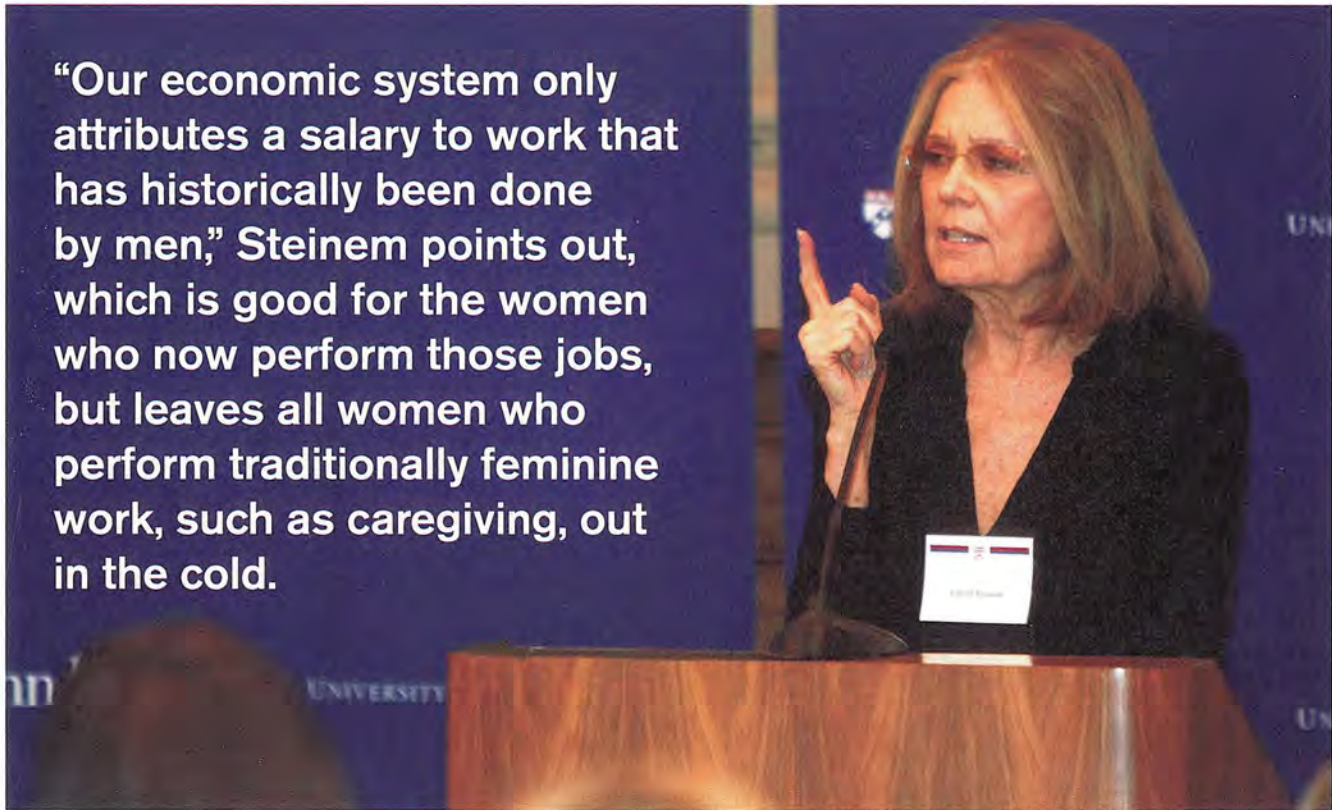
Steinem, 75, has devoted her career as an activist and organizer to challenging such views — wherever they exist in society. Racist hierarchies, gender hierarchies and class hierarchies, she points out, all uphold one another. For that reason, Steinem says, she has never viewed the women's movement as distinct from any other civil rights movement.

"From the beginning, it was all one movement," she declares. Steinem and her allies have made special efforts to resist domestic stratification, because "if you don't grow up believing that one person cooks, one person goes out and works, you don't experience race and class with the same alacrity."

Eventually, Steinem came out in favor of Clinton. That didn't stop her from celebrating Obama's eventual win of the presidency. One year after the fact, however, she's beginning to grow impatient with the slow pace of change in Washington.

"Obama, in his laudable will to avoid conflict by coming down in the middle, has moved us to the right. He must

“Our economic system only attributes a salary to work that has historically been done by men,” Steinem points out, which is good for the women who now perform those jobs, but leaves all women who perform traditionally feminine work, such as caregiving, out in the cold.



Gloria Steinem speaks at the Penn Law Review's November symposium, "Trafficking in Sex and Labor: Domestic and International Responses"

have sought right-wing votes that he's been unable to get," she opined. One example of the overall rightward shift this country has taken, she thinks, is the willingness of Democratic legislators to allow into the health care bill an amendment that bans federally-financed health care plans from covering abortions.

Another type of legislation that Steinem hopes to see eliminated are parental consent laws, which require women under certain ages — varying between 16 and 18 years old, depending on the state — to obtain the consent of their parents before they have an abortion. "It's the last view of people as chattel: the idea that women are the property of their parents," she argues.

Steinem would also like to see an economic overhaul more radical than the reform efforts proposed by the administration so far.

"Our economic system only attributes a salary to work that has historically been done by men," she points out, which is good for the women who now perform those jobs, but leaves all women who perform traditionally feminine work, such as caregiving, out in the cold. Steinem's dream, she says, is to see "white men out in Central Park, wheeling carriages with interracial babies — and being fairly paid to look after them."

After all, she says, the first feminists assumed that term for themselves "so men could call themselves feminists too."

Despite the all-inclusive nature of the movement, it's often under attack from various angles. Not all critics of feminism profess ideological differences with the movement; some challenge it on more academic grounds. PLJ asked Steinem about the most recent charge levied against the movement: that women have been growing progressively unhappier since the 1970s, even as they have won increased access to educational, professional and political arenas. The article that underpins most of these claims, "The Paradox of Declining Female Happiness," was written by two professors at Penn's Wharton School.

But Steinem scornfully dismisses the claim that the women's liberation movement has made women sadder, noting that similar, specious arguments have been made many times before.

"There's always a study proving that equality is bad for women," she argues, recalling studies that claimed women were getting more diseases because of feminism — until it turned out that they were getting more diseases simply because they were living longer.

"The myth of the happy housewife decreed that women had to be happy. If we're now more honest about being unhappy, that's great."

Wal-Mart Repairs Image While Cleaning Up Financially

FOR THE GENERAL COUNSEL to the international division of a company that has 7,000 lawsuits pending against it at any given time, J.P. Suarez L'91 is remarkably upbeat.

In addition to serving as senior vice president of the company, Suarez is responsible for Wal-Mart's legal and compliance affairs in all matters outside of the US. Wal-Mart operates 8,100 retail units in 15 countries. At that scale of operation, a legal error can cost millions, he explained in the Law and Entrepreneurship Lecture sponsored by the Institute for Law and Economics last autumn.

"We have to make sure we comply [with all pertinent regulations], because if we don't, the law of large numbers will come up and smack us in the face," Suarez said. Wal-Mart seeks out the simplest and most easily-replicable business procedures it can follow without breaking any laws, according to Suarez.

Wal-Mart has been the target of a myriad of legal attacks since its incorporation in 1969, including the largest class action in U.S. history, waged by female workers claiming pay discrimination. The company has also been dogged by charges that it offers its employees uncommonly limited healthcare coverage. But the corporation has made some notable efforts to clean up its image in recent years. After decades of fines and legal battles over air and water pollution charges, Wal-Mart has launched a high-profile greening campaign. According to Suarez, the corporation even has one functioning store prototype that generates zero waste.

Wal-Mart has focused heavily on its image since a Wall Street analyst in 2005 opined that the biggest threat to its success was bad press. The corporation holds its employees to rigid standards of integrity, Suarez said, such as forbidding Wal-Mart workers to take free merchandise from suppliers. Suarez attributes Wal-Mart's success — by revenue, it is the second-largest company in the world — to this type of self-enforced efficiency, as well as to its history of "informed risk-taking."

"There is a cost to being special," he said. "Most people are not willing to pay that price."

But Suarez acknowledged that Wal-Mart has taken its share of uninformed risks as well. The corporation tried to open stores in Germany before familiarizing itself with the German market, Suarez said, and ended up losing money there for seven years



J.P. Suarez L'91

before paying a German retailer \$900 million to "take the stores off our hands" in 2006.

Nowadays, however, Wal-Mart's future looks luminous to Suarez. "If you could see our ten-year plan, you'd be amazed," he informed the lecture audience. "We'll be a trillion-dollar business soon enough." Wal-Mart's net share-worth is currently about \$200 billion.

In parting, Suarez advised Penn Law students to innovate, be open-minded in their career quests and study tax law. At Wal-Mart, "virtually every action we take has tax consequences," he said.

A Call for Reform of Securities Laws to Address Class-Action Lawsuits Over Stock Prices

SECURITIES LITIGATION IN THIS COUNTRY has become a horse race, replete with “stables of stockholders” craving loss compensation and lawyers jockeying to represent them in court.

That was the verdict of the Honorable Lewis A. Kaplan, U.S. District Judge for the Southern District of New York, in the Distinguished Jurist Lecture hosted by the Institute for Law and Economics in October. Kaplan discussed securities class-action lawsuits — suits filed by groups of stockholders who believe their company fraudulently exaggerated the worth of its stock before it took a plunge — which are controversial because of their enormous cost and high settlement rate.

In his address at the Law School, Kaplan did not promote or condemn securities class-action lawsuits as a whole, but took a more nuanced approach: examining the purposes of such suits and the current system for adjudicating them, then evaluating how well that system has achieved its aims.

Poorly, it turns out. Kaplan derided the “ad hoc way in which we have jerry-rigged a system for dealing with the securities law,” and issued a call for reform.

For a start, the current system doesn’t seem to be adequately compensating stockholders for their losses. Kaplan cited estimates that plaintiffs in securities class-action suits recover, on average, \$1 for every \$15-50 they allege to have lost — and that’s before legal fees, which usually eat up one-third of funds recovered by the lawsuit.

Not only does settling usually leave plaintiffs with

underwhelming rewards, Kaplan said, but valid suits “almost inevitably” end in settlements. Since plaintiff lawyers are only paid on recovery of funds, they have an incentive to settle as soon as possible with the company, rather than take a case to trial where they risk losing and not getting paid at all. Kaplan calls this the “bird in the hand over two in the bush” phenomenon, and suggested changing the pay structure to make the lawyers’ fee better reflect the amount recovered by the plaintiffs themselves.

An underlying problem with the whole system, Kaplan concluded, may be the concept that it relies on: the “efficient market” hypothesis. According to that paradigm, the prices of stocks reflect all relevant information about a company, and so rational investors won’t buy stocks that are unreasonably priced. But according to Kaplan, the hypothesis has been proven wrong. Many studies show that stock prices don’t always accurately reflect their value — and that rational investors will buy stocks they think are overpriced if they are confident the price *will* continue to rise.

Judge Kaplan derided the “ad hoc way in which we have jerry-rigged a system for dealing with the securities law,” and issued a call for reform.



The Honorable Lewis A. Kaplan



THEY ARE YOUNG AND IDEALISTIC.
BURSTING WITH ENERGY.
AND DEDICATED TO NATIONAL SERVICE.

ONCE THEY HEARD THE SIREN CALL
TO REMAKE GOVERNMENT,
THEY HAD TO ENLIST.

CALL THEM THE

ObamaCorps

BY LARRY TEITELBAUM

Opposite page: Four young stalwarts of the Obama administration meet and compare notes across the street from the White House. From left to right: Oliver Kamanda L'09, speechwriter for Secretary of State Hillary Clinton; Kirsten White L'07, policy director to Second Lady Jill Biden; Dan Restrepo L'99, senior director for Western Hemisphere Affairs at the National Security Council; and Nicole Isaac L'04, deputy director of legislative affairs for Vice President Joe Biden. Photo by Ira Wexler.

OBAMACORPS

“Change will not come if we wait for some other person or some other time. We are the ones we’ve been waiting for. We are the change that we seek.”

Barack Obama, June 16, 2006

A FEW WEEKS INTO HIS JOB, Olivier Kamanda L’09 received a sweat-inducing summons to go over his remarks with Secretary of State Hillary Clinton.

He had been so worried about this that he slept — if you call five minutes of fitful rest sleep — with two Blackberrys beside his head all night. Hearing nothing, he took a shower in the morning. After toweling off he found, to his dismay, a blizzard of 10 e-mails with the same urgent message: the secretary wants to see you in 20 minutes.

Kamanda dressed in a hurry and bounded to his car, zooming through the streets of Washington as the worst thunderstorm of the summer released gales of rain.

Drenched, he arrived at the State Department and was ushered past the ceremonial room where heads of state are feted and treaties are announced; past the security guards and into the secretary’s quarters — only to wait another 20 minutes or so.

Finally, a door opened and Kamanda entered the secretary’s office. Whereupon he went blank. “I didn’t actually hear a word she said, so I’m really happy that she wrote it (her comments) down, because for the entire time I thought ‘I can’t believe Hillary Clinton is talking now.’”

Such is the life of a speechwriter, a new speechwriter in a new administration getting its sea legs after an historic election. “The job is definitely very challenging,” says the 28-year-old Kamanda, who started the job last August. “It requires a lot of focus and mental capacity.”

Kamanda is the ultimate generalist. So he needs to know enough about nonproliferation, public health, public service, national security, and Afghanistan, for starters, to write compelling and knowledgeable remarks that both lay out American policy and square with Sec. Clinton’s vision. To meet that challenge, he pores over policy papers and contacts experts in time zones all around the world, searching for the nugget of

Bill Burke-White (left), faculty member on leave and Olivier Kamanda L’09 take short break from the grueling pace at the State Department. Burke-White is on the policy planning staff and Kamanda is a speechwriter for Secretary of State Hillary Clinton.



information he needs during a five- to ten- minute phone call. Fortunately, he's steeped in foreign policy. In his third year at Penn Law School, Kamanda created an online magazine named Foreign Policy Digest. The magazine, from which he's taken a leave, aims to simplify complex topics like nuclear proliferation and international trade for a young readership.

His command of the issues, as well as his volunteer work for the Obama campaign, led to the job offer. During the primaries, Kamanda knocked on doors in New Hampshire and South Carolina. He expanded his role in the general election, nabbing a staff position as a member of the Defense Policy Committee

and working on the Get Out the Vote operation in Southwest Philadelphia.

Although he's a speechwriter, Kamanda is almost at a loss for words when contemplating the opportunity he's been given at the State Department, which he calls "the most powerful think tank in the world."

"It's sort of a dream," he says. "To some extent, I wake up every morning and feel I have no idea what I'm doing. I think a lot of people who start out (in government) probably feel that. It is an awesome responsibility."

"It's only when you hitch your wagon to something larger than yourself that you realize your true potential."

Barack Obama, June 16, 2006

BILL BURKE-WHITE IS RUSHING ACROSS TOWN to attend a meeting at the White House. It is one of many. All day long he goes to meetings. Meetings on the Congo. Meetings about Europe. Meetings on global governance. Meetings on the G20.

His portfolio is the world. And so there is a lot to do.

A member of the policy planning staff at the State Department, Burke-White works on reforms of international organizations. He's also assigned to Russia, the former Soviet satellites and is playing a leading role in Secretary of State Hillary Clinton's Quadrennial Diplomacy and Development Review, a major rethinking of the capabilities the U.S. needs in development and diplomacy to be effective in the 21st Century.

When he's not in meetings, Burke-White spends his 14-hour days editing memos, reading, thinking and talking to people across government agencies. And he travels.



OBAMACORPS

During a two-month stretch last fall, Burke-White had been to China, The Netherlands, Japan, France, Germany, Italy, United Kingdom, India, Russia, Brazil, South Africa and South Korea, where he will be devoting a great deal of time to what is arguably his biggest project: the G20.

The G20 will be in South Korea next year. Burke-White is charged with helping to develop an architecture, or operating principles, if you will, for a new international economic forum that now includes more countries, such as Brazil, India, and Turkey, than the G8.

It is a hefty agenda, and clearly a young man's game. There are 30 members on the policy planning staff. Six or seven are in their mid-30s, like Burke-White, who, unencumbered by family commitments, has the energy and time to devote all of his attention to the job.

On a two-year leave from Penn Law School, professor Burke-White joined the Obama administration last June, drawn by the president's idealism and call for service.

"I deeply believed in this new administration and wanted to bring whatever skills and resources and energy and passion I could to help implement, and in some ways design a new agenda for American foreign policy."

However, Burke-White recognizes the obstacles, as well as the distinct differences between academia and government. "When you're writing a Law Review article, you want to be bold and controversial and counterintuitive and really strike a claim to an idea," he says. "Here my goal is to convince other people of a very small idea ... and get them to buy into it."

He has also discovered how slowly gears turn in a bureaucracy. "One of the things you learn very quickly when in government is just how hard it is to actually get results and move things forward. It's not a job for someone easily discouraged or dissuaded because it takes absolute perseverance to get anything accomplished."

But, for all of the frustrations and challenges, Burke-White finds the work fascinating – and important.

During his second week on the job, Burke-White was tapped to attend a meeting with senior members of the Russian government to discuss a reset of relations between the United States and Russia.

The minute he walked into the room it dawned on him that he was representing the U.S. government. And that thought concentrated his mind.

"I'm confident that at this defining moment, we will prove ourselves worthy of the sacrifice of those who came before us, and the promise of those who will come after."

Barack Obama, Weekly Address,
March 7, 2009



ONE DAY LAST OCTOBER, Jill Biden flew to Camp Lejeune in North Carolina to see off hundreds of marines about to deploy to Afghanistan. Mother of an Iraq veteran herself, Mrs. Biden thanked the marines for their service and shared Carolina barbecue with wounded warriors.

Accompanying her was Kirsten White '07, policy director for Mrs. Biden. The scene touched White to her marrow. "It was a really moving and extraordinary experience that I think all civilians should have the opportunity to do," says White. "It's really opened my eyes to the sacrifices that military members make on a daily basis."

In other words, it was a defining moment. White has traveled the country with Mrs. Biden, who has carved out twin missions in the administration: military families and community colleges. Mrs. Biden relies on White to help her gather information on the needs of the military and their families and the financial aid opportunities available to would-be community college students. Mrs. Biden is an adjunct professor at Northern Virginia Community College.

It did not take long for White to become enmeshed in the job. The ceremonial Easter Egg Roll was held on her first day.

It did not take long for White to become enmeshed in the job. The ceremonial Easter Egg Roll was held on her first day.

It did not take long for White to become enmeshed in the job. The ceremonial Easter Egg Roll was held on her first day.



Official White House Photo by David Lennemann

Second Lady Jill Biden is briefed by her policy director Kirsten White L'07 and her director of scheduling and advance Anthony Bernal on Air Force Two en route to San Antonio, Texas, April 6, 2010.

“It involved a massive number of people and it was fairly hectic in the building,” recalls White. “Right off the bat I met the vice president and it was pretty clear there was going to be no lack of excitement on a day-to-day basis.”

White turned 32 on Inauguration Day. Although she did not attend the inauguration, the Maine native did go to the Southern States Ball with fellow Penn Law alumni, Niall O'Donnell L'07 and Mike Bloom L'07. A former aide to Sen. Russell Feingold (D-Wis.), when Barack Obama was elected White was an associate at Morgan, Lewis & Bockius and did not expect to work for the White House. All that changed when she interviewed with Mrs. Biden. They clicked. White said she identified with the second lady and considers her a

role model: independent, compassionate and well-educated, much like her mother and sisters.

“I can't believe this is my job,” says White, whose office is in a building near the White House. “I have pinch-me moments I think on a daily or weekly basis.”

A few weeks after White started her job, the president signed into law the Edward M. Kennedy Serve America Act. The bill provides opportunities for Americans of all ages to do community service in areas such as education, health services and the environment.

White says there is a similar commitment to national service throughout the administration, and she has caught the contagion. She spent part of the Christmas holiday doing service projects in the community.

OBAMACORPS

This involvement, she contends, as well as her joy in the job and her respect for Mrs. Biden, anchors her against the anti-government sentiment that abounds in the country.

“I don’t let any cynicism about Washington deter my passion,” says White.

She is just too busy for that.

“For all the cruelty and hardship of the world, we are not mere prisoners of fate. Our actions matter, and can bend history in the direction of justice.”

Barack Obama, Nobel Lecture,
Dec. 10, 2009

DANIEL RESTREPO L’99 didn’t fully realize how far the voice of the U.S. White House carries until, one day, he spoke for it. In Spanish.

Four months into Barack Obama’s presidency, Restrepo, a special assistant to President Obama and a senior director for Western Hemisphere Affairs at the National Security Council, entered a briefing room alongside White House Press Secretary Robert Gibbs. Gibbs announced Obama’s new policies on Cuba, which would facilitate a freer flow of people and information between the United States and Cuba.

Then Restrepo took the podium and repeated the announcement in Spanish, delivering the first non-English language White House press briefing in history. This was second nature for Restrepo, a first generation American of Colombian and Spanish

parents. “People from all around the world, who in some way were touched by that briefing, called me up to tell me where they were when they spilled coffee on themselves while watching television,” recalls Restrepo. Old friends and producers of Spanish-language media alike contacted Restrepo to thank him for the briefing and its recognition of the Spanish-speaking population in the United States.

“Working at the White House, you can lose track of how much reach the work you do has, not just in the U.S. but around the world,” says Restrepo. “But that experience really underscored the responsibility one has when you’re working for the President of the United States — that what you do here can make a real difference.”

Restrepo’s job is to implement Obama’s vision for how the U.S. should interact with the other thirty-four countries in the Western Hemisphere. There is no typical workday at the NSC

© AP Photo/Ron Edmonds



— “at least, I haven’t found one yet,” says Restrepo — and the country or issue he’s thinking about switches constantly over the course of each day. He chairs frequent meetings between U.S. federal agencies and foreign visitors, and keeps Obama’s national security advisor briefed on matters in the Western Hemisphere that might require the president’s attention.

His first year on the job has been “more challenging than a lot of people had anticipated,” says Restrepo. In the spring of 2009, the H1N1 pandemic broke out in North America. That summer, former Honduran president Manuel Zelaya was ousted in a coup. And at the beginning of 2010, a massive earthquake

White House Press Secretary Robert Gibbs, left, listens to Dan Restrepo L99, President Barack Obama’s senior adviser on Latin America, speak about the changes in America’s Cuba policy, Monday, April 13, 2009, in the pressroom at the White House in Washington.

struck Haiti. Add to that the more recent 8.8 quake, one of the most powerful ever recorded, in Chile.

“I knew Haiti was already the poorest country in the hemisphere,” says Restrepo. “So the potential magnitude of the humanitarian crisis that was going to be created by a 7.1 earthquake came to mind very quickly as I and others began gathering more facts.” Even at the NSC, Restrepo acknowledges, “information doesn’t always come as quickly as you’d like.”

At 39, Restrepo is older than many of his fellow Penn Law alumni at the White House. After graduating, he clerked and practiced law at Williams & Connolly LLP in Washington, D.C. until 2004, when he joined the Center for American Progress and became director of The Americas Project there. At the beginning of 2007, he joined the presidential campaign of the man for whom he now works.

Restrepo is remarkably modest about his professional ambitions and legacy. His own success at the NSC, Restrepo says, “doesn’t much matter — it’s how effective we are as a government in making the lives of people in the Americas better than they were on the day that President Obama took office.”

“Do we participate in a politics of cynicism or a politics of hope?”

Barack Obama, Democratic National Convention, July 27, 2004

NICOLE ISAAC L'04 had five years under her belt in Washington when she went to work for Vice President Joe Biden. She had been an attorney in the Office of Legislative Counsel and floor counsel for Assistant Majority Leader Richard Durbin (D-ILL.) But she never set foot in the

Story continued on page 22...



BURSTING THEIR BUBBLE

*Conservative Leader To Young
Obama Staffers: Tune Out the Wash-
ington Scrum and Think Beyond
the Minute-By-Minute News Cycle*

BY JULIA HARTE



Bill Kristol

When Bill Kristol joined Ronald Reagan's administration in 1985, 32 years old and fresh from the Ivory Tower at Harvard's Kennedy School of Government, he was immediately stunned by the sheer "number of players" in Washington.

From the relatively solitary world of academia, Kristol's new job thrust him into the frenzy of conflicting views and agendas pursued by various agency members, lawmakers, reporters and other familiar figures around the capital. The experience taught him that in government, "you're totally dependent on other people to get anything done. You come in with certain

plans, which turn out to be far less doable than you thought," he says.

His advice to young people working in the White House today? Stay open-minded and flexible.

"It's important not to get totally swamped by the day-to-day. Keep reading things, keep your eye on the ball, stay in touch with people outside the White House. Otherwise, you can get lost in the bubble pretty quick," he advises.

Kristol came to Washington to serve as chief of staff to Reagan's Secretary of Education, Bill Bennett. During his job interview at the White House, he was

quizzed by Becky Norton Dunlop, special assistant to the president, and a notoriously staunch defender of Reagan and his White House.

When Kristol jokingly mentioned that he had accidentally voted for the Communist candidate against Speaker of the House Tip O'Neill in the 1984 election, assuming the Massachusetts Democrat's opponent would be conservative but unaware that no Republican had entered the race, Dunlop was not amused.

"She said, 'Bill, you're in the Reagan White House. Voting for a Communist is no laughing matter,'" Kristol recalled at the banquet of the Federalist Society's National Student Symposium. Held at Penn in February, the symposium organized by the Penn Law chapter of the Federal Society brought together scholars from around the country to discuss originalism, or strict reading of the original meaning of the U.S. Constitution.

In a private interview after the symposium, Kristol continued to reminisce about his White House days, and the embattled atmosphere that pervaded the conservative movement throughout the 1980s. A founder and editor of the *Weekly Standard*, a right-leaning newsmagazine, and a regular commentator on the Fox News Channel, Kristol has the historical perspective and the bona fides to discuss all things conservative.

During the second half of the 1980s, Congress was dominated by Democrats and congressional committees on education were "dominated by liberal Republicans, so we never really had support in Congress for a conservative agenda," Kristol says. "We realized our best bet was not to get legislation passed, but to try to encourage others around the country to fight for education reform in various ways."

Bennett used his position as a "bully pulpit," Kristol recalls, lauding a conservative educational reform

agenda in his speeches and lending his support to organizations with similar goals. Kristol had to "learn on the job" how to run the Department of Education, work with Congress and communicate with the executive office. Amid these challenges, he says, he was delighted by the intellectual caliber of Bennett's staff: "I felt like I kept learning things; that I hadn't had to put my mind on hold to come to Washington."

When Kristol became chief of staff to Vice President Dan Quayle in George H.W. Bush's administration, the pace of activity increased.

"It's hard to convey how difficult it is, in the rush of events, to plan for things," Kristol says. Even with a definite strategy that he and Quayle had decided on from the start, Kristol found it difficult to keep up with and adapt to each day's new political developments, whether a legislative upset on the Hill or an unexpected meeting conflict. More than anything, Kristol says, the pace of activity kept "our ability to reflect pretty limited."

Moments of reflection must be even rarer for White House employees today, Kristol guesses, because of technological advances and the faster news cycle. "When the Internet and e-mail didn't exist, the world was obviously much slower," he says. "It was fast-paced then, but it wasn't instant-paced — our news cycle was daily, not hourly, or by the minute."

Kristol thinks the White House would benefit from hiring more individuals with fewer day-to-day responsibilities, who could focus on long-term strategy instead. Bennett's office had a few such employees on staff, Kristol recalls, who thought "strategically about what we could do to have an effect six months from now."

OBAMACORPS

Story continued from page 19...

White House until last March, when she became deputy director of legislative affairs for the vice president. On her first day she found herself down the hall from the president for the first of what have become daily meetings to discuss legislation.

“It was absolutely humbling to walk by the Rose Garden and to look towards the Oval Office. It was a breathtaking experience.”

Over the last several months Isaac has settled into her job as one of the vice president’s liaisons to Congress. In that role, she briefs Vice President Biden on the prospects for legislation, as well as tracks the progress of the American Recovery and Reinvestment Act and monitors the workings of the Middle Class Task Force. She has also been intimately involved in issues pertaining to health care reform and other legislative reforms, often attending and assisting in the preparations for meetings.

To keep watch on congressional actions, Isaac maintains an office in the Capitol. On this day in mid-December she occupies the Vice President’s Ceremonial Office for the interview. In the room sits President Johnson’s Oval Office desk, on which President Kennedy’s signature is faintly visible in the wood. The desk had been Johnson’s when he was Kennedy’s vice president.

In this historic setting, Isaac recounts her steep climb to the center of government. She grew up in a single-parent household in the Bronx. She had to contend with bad influences in her neighborhood but studied hard and earned scholarships to private school and to Brown University. In total, she has four degrees including a Master’s from Oxford University.


After graduating from Penn Law School, Isaac, 31, went to work in Washington, and later took a six-month leave of absence to clerk for the deputy chief justice of the Constitutional Court of South Africa. She joined the office of the assistant majority leader in early 2007, and although she did not know it at the time, her job as floor counsel to Sen. Durbin put her in proximity to the next president of the United States. Sen. Durbin introduced her to then-Senator Obama on the Senate floor. Three years later, she found herself sitting in on meetings with the president.

“I appreciate the president’s vision for this country, and it’s an honor to contribute to the work of this administration,” Isaac says.

To be sure, the circumstances have been difficult during President Obama’s first year. He’s had a tough time enacting his agenda, and many Americans have been in a surly mood about the economy.

How does Isaac remain upbeat amid the rampant cynicism about government?

She remembers witnessing the moment when the Senate passed its health care bill 7 a.m. on Christmas Eve, leading Sen. Robert Byrd (D-WV), the longest serving member of Congress in U.S. history, to exclaim that the vote was for Teddy Kennedy.

“Those are the moments when we are reminded that the work we do every day is greater than us, than all of us. We are reminded that this work is meant to last beyond our lives.” 



Nicola Isaac '04, deputy director of legislative affairs for Vice President Biden, confers with the vice president in the Russell Senate Office Building.

THIRTY-FIVE YEARS ON, STROKOFF STILL LOVES THE NITTY-GRITTY OF

WRITING THE NATION'S LAWS

BY LARRY TEITELBAUM



There are showhorses and workhorses in Washington. Sandra Strokkoff CW'71, L'75 falls into the latter camp. As legislative counsel of the U.S. House of Representatives, Strokkoff runs a thoroughbred operation that drafts almost all the legislation produced in the lower chamber.

And that is a big, no make that enormous, job.

Washington, D.C. is not the only place that's been snowed under this year. Strokkoff's office has handled an avalanche of bills, with 1,750 amendments alone to health care reform.

So, Congress has been extremely active this session, and that has tested the capacity of the nonpartisan Office of Legislative Counsel, forcing Strokkoff to conscript volunteers to augment the efforts of the small number of attorneys assigned to health care.

But one thing that has not been tested is Strokkoff's commitment to the only job she's known since graduating from Penn Law School 35 years ago. "You're involved in drafting the country's laws. People come to you for expertise that no one else has," says Strokkoff, who was appointed the first female legislative counsel in history last July. "You have to be willing to work behind the scenes. We don't get a lot of credit for it, but you have to be comfortable with that."

Strokkoff, who teaches Legislative Analysis and Drafting at George Washington University School of Law, specializes in patent, copyright, and trademark law, jurisdiction of the federal courts, lobbying and ethics, international trade law, and international relations.

As a consequence of her experience, she has written the second edition of the *Legislative Drafter's Desk Reference*, a book that explores the intricacies of committing laws to paper, or in this day and age, to computer.

Here are four of her simple secrets to writing good legislation:

- Know existing law.
- Reach out to experts to define what the bill should (and can) accomplish.
- Write with concision.
- Define terms, and be consistent with them.

In addition, she says, drafters should ask themselves a series of questions: To whom will the bill apply? Who is going to administer it? How is it going to be enforced? When will it take effect?


Finally, for her office at least, it's important to know what's going on in the U.S. Senate and to understand parliamentary procedure.

Strokkoff oversees 63 people. By necessity, she devotes much of her time to administration. However, she sets aside as much time as possible for drafting, which she still loves to do. She doesn't know how many bills she's written, but guesses thousands, some with historical significance. Two examples are the Civil Liberties Act of 1988, which provided reparations to Japanese-Americans interned in World War II, and the Panama Canal Act of 1979. The latter was necessary to implement the Panama Canal Treaty and turned out to be a nail-biter.

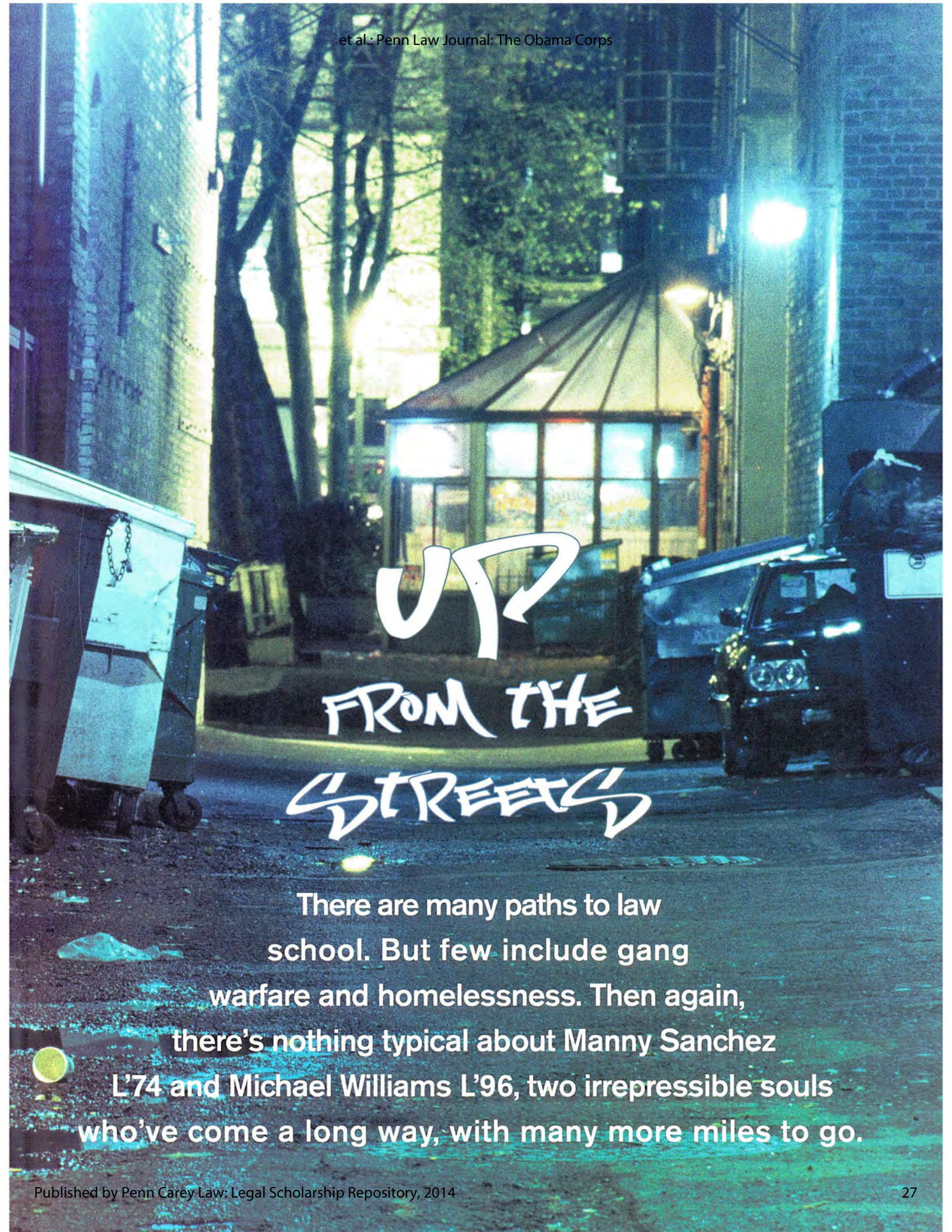
The bill passed the House and the Senate, and appeared ready to sail through conference agreement and go to President Carter's desk for his signature. Unexpectedly, the agreement failed on the House floor and the bill had to be rewritten, just days before the Treaty was to go into effect.

Rare by today's standards — the bill ran but 110 pages, yet managed to cover all aspects of the Panama Canal Treaty. Compare that to the 2,014-page health care reform bill.

Strokkoff says bills are harder to pass these days, so legislators package things and bills get bigger.

Which makes her job even harder. 





UP FROM THE STREETS

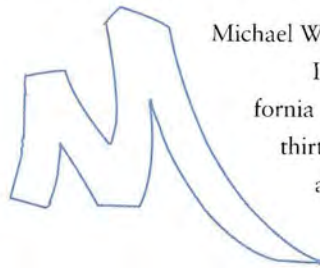
There are many paths to law school. But few include gang warfare and homelessness. Then again, there's nothing typical about Manny Sanchez L'74 and Michael Williams L'96, two irrepressible souls who've come a long way, with many more miles to go.

UP FROM THE STREETS



Once Homeless, Williams Finds Home Helping the Vulnerable

BY JULIA HARTE



Michael Williams L'96 has, in his own words, “an indomitable will to live.”

It's not difficult to believe after hearing the tribulations this California native experienced before entering Penn Law School at the age of thirty-four. Williams has survived a Job-like series of chronic illnesses and misadventures, and an impulsive habit, he admits with a booming laugh, of “making choices not based on much information.” He was kicked out of his parents' Compton home when he was seventeen because he had become “unmanageable,” and ended

up homeless in Philadelphia one year later, after dropping out of Temple University in 1978.

Today, Williams is a senior attorney in the Health and Adult Services Unit for the City of Philadelphia Law Department, where he primarily works on health care policy. Whether committing mentally ill individuals to the city's care system or arguing for the removal of children from unsafe homes, he regularly encounters individuals who are as vulnerable as he once was. Now he's on the other side of the courtroom — but his empathy for the homeless and destitute is undiminished.

“If a policy that I'm working on has some kind of link to the homeless, I am hyper-sensitive to make sure that they are treated with dignity, that they have real choices and real opportunities to get themselves off the streets,” he says. “I was not treated with dignity by the state when I was homeless.”

Williams describes his five months on the street with disarming cheerfulness. He was only a “mildly effective panhandler, and a less-effective thief,” he says, but he was “very effective at eating out of trash cans” in the area around an old Greyhound station on Market Street. In one traumatic encounter, a mentally ill person slashed his arm. The scariest part of the experience, Williams says, was that he couldn’t report the incident to the police because “under the administration at the time, the police were definitely not friendly to black men. And not only was I a young black man, I had no address, no job, no identification. It was really hairy.”

Rescue came in the form of Reverend Daehler Hayes and the Old First Reformed Church of Christ, located at Fourth and Race Streets. Hayes allowed Williams to sleep in the church and eventually got Williams a job as a transportation orderly at Pennsylvania Hospital.

After working for a year and a half at the hospital, Williams found himself deeply homesick and traveled back to Los Angeles. For most of the 1980s, Williams lived in southern California, where he worked various hospital jobs and met Tony, the man he would eventually marry.

In 1989, Williams moved to Philadelphia again, this time with Tony. Williams decided to go back to school, and graduated from Temple in 1993 with honors in French. “Like any liberal arts person, I said, ‘Let me look into this law school thing,’” Williams says with a laugh. “I hadn’t really researched law school. I had no idea what was coming.”

Intellectual and personal struggles attended his first semester at Penn. Three of his closest friends died, and Williams was exposed to HIV-positive blood in a car accident. His classes were more challenging than any he’d faced before. That didn’t stop him from walking up to Associate Dean of Student Affairs Gary Clinton in his first semester and declaring, in an apocryphal story Clinton has told every entering class since, “I own this place!”

Williams chuckles at the memory. “I’m sure that I was probably feeling that I wasn’t gonna let this Ivy League institution intimidate me just because I came from a lower working-class background,” he says. “I was not your typical Penn Law student, but I felt from the first day that I belonged there, and that I had earned my way there, that I was going to succeed. And I guess that must have just all welled up in that one moment.”

At Penn, Williams agitated for “quasi-legislative initiatives” that changed the grade system and made it easier for first-years to get credit for public service. He forged lasting relationships with several professors — two attended his wedding last year — and was pushed to explore legal and philosophical issues that he’d never fully considered, such as different religious perspectives on the law.

He’s since written anti-discrimination legislation and been appointed to several city committees on ethics and local business. Gov. Rendell has twice nominated him to be the governor’s Commonwealth Trustee to Temple University’s Board of Directors. Williams has even grabbed the attention of President Obama; he rode in the president’s motorcade when Obama visited Philadelphia.

And the Philadelphia he feared three decades ago has been transformed, he says.

“The Nutter administration has done an outstanding job of trying to bridge the gap between homelessness and not being homeless, and trying to give people opportunities to get permanent housing. And whatever small part that I can play, I’m proud of that work.”

“I was not your typical Penn Law student, but I felt from the first day that I belonged there, and that I had earned my way there, that I was going to succeed.”



OWNING A PIECE OF THE YANKEES AND MAJOR STAKES IN THE MINOR LEAGUES DREAM COME TRUE FOR GOLDKLANG

BY ROBERT STRAUSS

It was a bright spring morning in 1978, but Marvin Goldklang W'63, L'66 was getting antsy. He and his dad, Norman, were in Fort Lauderdale for their annual Spring Training jaunt and the first game was still three hours away.

As he sat on the deck of the hotel pool, he overheard a few young men, apparently New York Yankees employees, talking about how then-Yankee general manager Gabe Paul, and another part-owner, Steve O'Neill were making a deal to sell their share of the team so they could buy the Cleveland Indians.

"I filed that away, went to the games, came back to the office Monday morning and called Gabe Paul," says Goldklang, then a young Turk partner in the prestigious New York law firm of Cahill Gordon & Reindel. When Goldklang asked if he could

buy Paul's Yankee share, Paul said the deal seemed secure, but he would have anyone else selling get back to him. That started the wheels in motion. The following year, another part-owner, John McMullen, wanted to move up as well — selling his small part of the team to buy the Houston Astros.

"It wasn't the largest share, but it wasn't the smallest, so it did cost some money," says Goldklang, who grew up in the middle-class New Jersey suburbs of Bayonne and Teaneck. "But what a dream for a lifelong obsessed baseball fan, a Yankee fan, to own even a little bit of the team."

Unlike Paul and McMullen, Goldklang never intends on selling his share, no matter what its eventual worth.

In this case, Goldklang made a successful pitch. Not so in his time on the Penn baseball team. "I had a monumentally unim-

c Newsweek

Marvin Goldklang W'63, L'66, a minority owner of the New York Yankees, has much bigger holdings in the minor leagues. Here he dusts home plate at the ballpark that is home to one of his teams, the Hudson Valley Renegades of Fishkill, N.Y. In nonchalant poses on either side of him are Mike Veeck (left), a business partner since the late 1980s, and comedian and movie star Bill Murray, a large investor in Goldklang's minor league franchises.



pressive career,” says Goldklang in his office on the ground floor of a nondescript building in Florham Park, the North Jersey town where the New York Jets train. “I threw hard, but I had no second pitch. I never knew where the ball was going.”

With a baseball career as likely as Yankees’ closer Mariano Rivera in the designated hitter spot, Goldklang attended Penn Law School after Wharton — and gained the tools he needed to practice law, start a leveraged buyout division for an investment firm, and head The Goldklang Group, a sports entertainment and consulting and management firm that owns four minor league baseball franchises: Charleston Riverdogs (South Carolina), Hudson Valley Renegades (Fishkill, N.Y.), Fort. Myers Miracle (Florida), and the Saint Paul Saints (Minnesota).

Goldklang entered the world of minor league baseball when a friend of an investment banking client who owned a minor-league team in Utica, N.Y., asked Goldklang if he would help him negotiate the purchase of some concessions equipment. Goldklang says his attorneys fees may well have been more than the loan for the equipment, so instead he proposed that he write the client a check for a six-percent interest in the team instead.

“Part of the deal was that they would sign me to a contract and I would get to pitch a game, just one game,” says Goldklang, still pursuing that on-field baseball Valhalla. Unfortunately, as he was rounding into pitching shape the team was sold, taking his money and his “Field of Dreams” moment away.

In 1989, though, the whole baseball obsession came alive for Goldklang. While up in his family cabin in the Berkshires in Massachusetts, he would go to the games of the Pittsfield Cubs team in the AA-level Eastern League, in which he had made a small investment. The owner moved it to Williamsport, Pa., and then entertained offers for it, along with two other teams that he owned including one in Charleston, S.C. and a complete mess in Miami. Within a month, Goldklang purchased these teams, along with an AAA, or top minor league level, team in Oklahoma City and, in the following two years, added a team in Erie, Pa. (later moved to the picturesque Hudson Valley) and an independent team in St. Paul, Minn.

At this point, the entrepreneurial spirit awoke in him. He wanted to make the experience fun for fans and profitable for him.

"Twenty years ago, the product of minor league baseball was baseball. There was a problem with that. You are selling an inferior product. It is not major-league," says Goldklang. So he became determined to find a different paradigm. Along the way, he met Mike Veeck, son of an original "fun is good" owner, Bill Veeck, the maestro of baseball-entertainment innovation in the post-World War II era. The younger Veeck had been effectively blackballed from baseball when, after, as promotions director for the Chicago White Sox in 1979, he had Disco Demolition Night. What was to be a silly little stunt, the blowing up of a box of disco records, caused a fire and a near-riot in the stadium, forcing the White Sox to forfeit a game.

But Goldklang hired Veeck to rev up his moribund Florida franchise, then subsequently help him in other cities. He has made Veeck a partner in the baseball firm and he operated the Charleston River Dogs, Goldklang's South Atlantic League franchise, with panache, exemplified by "Nobody Night," where fans stayed out of the stadium until the fifth inning so they could set a record for smallest crowd.

"You mention the name of Marv Goldklang and Mike Veeck and 'creative' is too weak a word," says Eric Krupa, the South

"MARV HAS BEEN EXTREMELY GENEROUS. HE DOES EVERYTHING FIRST-CLASS AND FOR THE CUSTOMER. WE DON'T JUST HAVE GAMES HERE. WE HAVE FAMILY EXPERIENCES," SAYS ERIC KRUPA, THE SOUTH ATLANTIC LEAGUE PRESIDENT.

Atlantic League President. "But also, Marv has been extremely generous. He does everything first-class and for the customer."

"At the minor-league level," says Goldklang, "winning or losing doesn't mean that much at the gate or sponsorships, unlike in the majors. What we are selling is the ballpark experience, wrapped around a baseball game. We were among the industry leaders in develop-

ing innovative promotional concepts. Now the major leagues are looking to people like us."

"I can't believe I get to have so much fun," he continues. "Oh, it's work, sure, but for an old pitcher, it's like heaven."


Goldklang says his sliver of the Yankees gives him only moderate perks — he is, after all, one of 23 limited partners, and the Steinbrenner family is a confirmed majority presence.

"John McMullen (former part-owner of the Yankees) used to say, 'There is nothing more limited than being a limited partner of the Yankees,'" says Goldklang.

He gets to buy better tickets, but doesn't get them free. He has only been to the clubhouse once, to say hello to Darryl Strawberry in the mid-1990s, since he had signed Strawberry to a contract in St. Paul. He also gets four seats in the owner's box, although he prefers his regular seats.

"The good parking spot, though, I do like. That and just being able to be at games, well, I am a Yankees fan, so what could be better?"

He did experience an incredible moment last fall, when the Yankees won the World Championship and he rode down Broadway in the parade. It was his fourth parade, but it never gets old.

"Even people who have been very successful in life haven't gotten to do that," he says. "All those people cheering. Me, a lifelong Yankees fan. It takes your breath away. It really does." 

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



FACULTY NEWS

AND PUBLICATIONS

The Pinnacle

WHAT DOES A CHAIR MEAN?

It means recognition. It means achievement. And it signifies, more than anything, a high level of consistent scholarship that provokes thought and breaks new ground. Here are five recently named chairholders who passed the test. BY JULIA HARTE

Baker Connecting Dots Between Liability Insurance and Corporate Governance

INSURANCE PROTECTS US against paying for damages, whether from natural hazards or lawsuits. But insurance is more than just passive protection; it has the power to actually regulate markets, argues Tom Baker, who was recently appointed William Maul Measey Professor of Law and Health Sciences.

In Baker's opinion, that power needs to be better understood.

"In return for the benefits that we get from insurance, how much regulatory power do insurance institutions have?" he asks. "And is that a good or bad thing?"

A prime example is the health care industry. Medical fees are mainly covered by health insurance companies. But to keep the health insurance industry profitable, managed care techniques emerged to control health care costs.

"It's inevitable that managed care will place some form of administrative limit on insurance benefits," says Baker. "So managed care is a really obvious example of regulation by insurance." If the regulatory role of insurance were better understood, it could be used to effect positive change in the economy, according to Baker.

Baker joined Penn's faculty in 2008. He didn't always know he wanted to teach, but after working at a large law firm for a few years, he "missed having the time to delve deeply into



Tom Baker

things," he says. Baker taught at University of Miami and University of Connecticut for sixteen years before Penn's interdisciplinary assets and urban location drew him here.

His current work concerns directors' and officers' liability insurance, also known as D&O insurance, which covers the costs

FACULTY NEWS AND PUBLICATIONS

incurred by directors and officers of a company who are sued for malfeasance on the job.

“You can understand a liability insurance price as insurers’ best bet about whether you’re going to do something that will have you brought to account,” says Baker. So the price a company pays for D&O insurance reflects how well it’s governed, to some extent.

Given this, Baker and Griffin wondered, how do the price and structure of D&O insurance affect the corporate governance practices of its clients? Could D&O insurers improve corporate governance by charging higher prices from companies that were poorly governed?

Currently, the price a company pays for D&O insurance is private. But if those prices were made public, analysts could derive a “corporate governance score” for each company, according to Baker. Those scores could be used in trading, which might exert market pressure on companies to improve their governance and lower their risk of being sued.

Baker and Griffin’s findings will be published in a book later this year. In the meantime, Baker is working on a project about liability insurance for the American Law Institute, and studying what behavioral economics has to contribute to insurance research and policy.

Throughout his career, Baker has used methods from many disciplines other than law, such as economics, history and sociology.

“For someone like me, who’s interested in a particular part of the economy and a particular set of institutions, I think I can learn more about them by borrowing from as many disciplines as possible,” Baker points out.

But part of it, he says, is just personality: “I’m not a disciplined person; I don’t want to think about things in just one way.”

Finkelstein Touts the Benefits of ‘Practical Reflection’ Through Alliance of Law and Philosophy

IN 2000, CLAIRE FINKELSTEIN joined the faculty at Penn after teaching law at the University of California, Berkeley for five years. At Berkeley, where dissent against the administration is customary, she had grown used to an antagonistic dynamic between students and faculty. So when she saw a group of students coming up to her desk after one of her first classes at Penn, she immediately wondered what she might have said to offend them.

As it turned out, the students simply wanted to invite Finkelstein to lunch. “That was an absolutely lovely realization,

that Penn students are so willing to have close relationships with faculty,” she says. “It made the teaching much more enjoyable.”

After receiving a doctorate degree in philosophy and a J.D. in law, Finkelstein, who was recently appointed the Algernon Biddle Professor of Law and Professor of Philosophy, deliberated long over which field she should enter. She eventually settled on law, partly out of a belief that philosophers not only “can improve their own work by grappling with the real-world consequences of their ideas,” but also have an “obligation to engage in practical reflection.”

Much of Finkelstein’s work focuses on the nature of human rationality and its implications for substantive areas of law. But she thinks philosophy can benefit a lot from examining certain age-old legal practices.

“The practices of the common law, that go back many hundreds of years, often have a deep and intelligent logic buried within them, despite the fact that they do not always present the correct rationale for that logic,” she says. “So in many instances, the practice is actually wiser than the theory.”

Finkelstein is working on a book that examines law through a theory she calls “rational contractarianism.” According to a contractarian view of society, a particular social institution should only exist because members of society would rationally seek that institution if designing their society from an initial,



Claire Finkelstein

pre-societal position, rather than because of abstract arguments about the fairness or justice of that institution.

While legal theory has been perennially divided between utilitarian and ethical approaches to substantive legal questions, rational contractarianism frequently offers a “middle ground” alternative to the dominant views on a given law, according to Finkelstein.

An example is the death penalty. In a rational contractarian system, the moral and practical benefits that a society might accrue from having the death penalty are likely to be outweighed for an individual member of society by the cost of potentially facing execution, Finkelstein argues. So rational contractarianism, unlike utilitarianism or ethics, is likely to conclude that the death penalty would not be adopted by rational agents establishing the major institutions of their society.

Contractarianism “gives you normative results, a way of normatively resisting legal and economic impulses, without having to reject law and economics entirely,” Finkelstein says.

Finkelstein is also currently interested in the legal philosophy of warfare and human rights, and has been writing about the torture memos issued by the Department of Justice in the Bush administration in particular.

Even at home, she can’t resist theorizing. While watching her younger daughter studying violin and piano, Finkelstein says, she became interested in education theory and child psychology. Now an avid reader in these fields, she says, “I might do some work in educational philosophy or law one of these days.”

Financial Crisis Keeps Fisch Busy Studying Pros and Cons of Regulation

TWO YEARS AFTER major U.S. financial institutions began to collapse from overly risky lending and investment practices, it’s unclear whether the survivors will undergo any lasting reform, according to Jill Fisch, who was recently appointed Perry Golkin Professor of Law.

“Some people say that now, the pressure to adopt massive regulatory changes has passed, the stock market has stabilized and we’re not going to see comprehensive reform,” says Fisch. “Some people say the opposite.”

Not being a government insider, Fisch says she can’t predict which outcome is more likely. But she does think the administration should spend more time discussing ideas for reform with “people who were actually involved in the underlying businesses.”



Jill Fisch

Fisch, who joined the Penn Law faculty two years ago, has devoted her career to understanding how much markets need to be regulated. For a law professor with Fisch’s interest in finance, “it’s been a real treat to teach in this multi-disciplinary context, where you get Wharton students and occasional undergraduates.”

It’s no surprise that the financial crisis has given Fisch and her business law colleagues “reasons to rethink the regulatory status quo.” Unprecedented questions have been raised as well, such as: Should the government have the power to shut down or take over companies that are too risky?

Fisch thinks not. “It’s very difficult for the government to assess risk. One of the reasons we’re in the situation that we’re in is because the government isn’t very good at that,” she explains. But she does think the structure of the market could be changed to insulate it against the firms that take on too much risk, and prevent their collapse from damaging the market as a whole.

Currently, Fisch is examining a more subtle weakness in the market. She noticed that retail investors — individuals who buy or sell securities for their personal benefit — are increasingly encouraged to invest in the market through retirement savings plans, mutual funds and the like.

“My studies indicate that thousands of intermediated products are marketed to retail investors, and that existing regulation does not give investors sufficient information to understand

WORKS IN PROGRESS

Mental Disorders and Moral Responsibility

ANITA L. ALLEN is calling for legal theories of moral agency and moral responsibility to pay greater attention to the ethical lives of persons affected by mental illness.

Race and Law Explored in Documentary Films

REGINA AUSTIN is analyzing three documentary films: “Flag Wars,” “Home,” and “American Casino,” to understand the importance of social resources, such as social activism and protest, to sustained Black home ownership. In a separate paper, Austin is also exploring race and law-genre amateur documentaries.

The Pragmatic Incrementalism of Common Law Intellectual Property

SHYAM BALGANESH is examining how courts approach the task of intellectual property law-making in the context of state intellectual property regimes, commonly referred to as “common law intellectual property”. Balganesh argues that there might indeed be structural and substantive lessons to be learnt from the nuanced techniques and strategies that courts employ there.

Are Brain Scans on Convicts Unconstitutional?

STEPHANOS BIBAS is exploring the legality of requiring convicted criminal defendants to undergo psychological tests or brain scans. New functional magnetic resonance imaging (fMRI) tests show brain processes at work, supplementing older MRIs and psychological assessments. Bibas is considering whether the Fourth, Fifth, or Sixth Amendment limits these brain scans and psychological tests at sentencing or parole hearings.

Leaving the Bench: The Choices Federal Judges Make

STEPHEN BURBANK and Circuit Judge S. Jay Plager are studying the choices federal judges make to remain in active service, resign, retire from office, or retain office but reduce activity. Burbank and Plager are questioning when and why judges make those choices, and their implications for the performance of the federal judiciary.

A History of Religious Property Ownership in the United States

SARAH GORDON is working on a book about property ownership by religious institutions across American national history, beginning with the consequences of disestablishment in the late eighteenth and early nineteenth centuries, and continuing through the schisms and bankruptcy filings of the early twenty-first century.

The Diffusion of State Health Care Quality Reporting

KRISTIN MADISON is examining the factors associated with state adoption of statutes mandating public reporting of hospital- and physician-specific quality and safety measures.

The Role of Extralegal Factors in Determining Punishment

PAUL H. ROBINSON is examining the extralegal factors, such as demonstrated remorse, forgiveness by the victim, and good or bad deeds unrelated to the offense, that affect the punishment a criminal receives. After examining various arguments for and against including extralegal punishment factors in the determination of punishment for an offense, Robinson’s paper will present his own opinion on the issue.

Understanding the Protestant Influence on U.S. Law

DAVID SKEEL is working on a book about the influence of Protestant Christian groups on American law over the past hundred years or so. The book focuses in particular on how different understandings of the Sermon on the Mount led to different emphases in Protestant Christians’ campaigns for legal reform.

The Internet’s Effect on Competition, Innovation, and Free Speech

CHRISTOPHER YOO is exploring how the nature of competition and innovation is likely to change as the Internet matures in the upcoming issue of the Northwestern University Law Review. In an article forthcoming in the George Washington Law Review, he analyzes how Internet intermediaries are inevitable and play roles that both benefit consumers and promote free speech values.

Bulletin Board

An Update on Faculty Activities

ANITA ALLEN was named deputy dean for Academic Affairs. She will be joined as deputy dean by Cary Coglianese, who is serving the second year of his two-year term. She has also been appointed by President Obama to the Presidential Commission for the Study of Bioethical Issues. Penn president Amy Gutmann chairs the commission.

STEPHANOS BIBAS and the students in his Supreme Court Clinic helped shape the arguments for a U.S. Supreme Court case that questioned whether the Sixth Amendment guarantees effective counsel for non-citizen criminal defendants.

STEPHEN B. BURBANK testified before the Senate Judiciary Committee in December that recent rulings by the U.S. Supreme Court have circumvented the power of Congress by undermining access to court and the constitutional right to trial by jury.

CARY COGLIANESE edited *Import Safety: Regulatory Governance in the Global Economy* with co-editors Adam M. Finkel and David Zaring.

ERIC FELDMAN represented Penn Law at the first East Asian Law and Society conference in Hong Kong.

AMY GADSDEN published an article entitled "From the Prisoners to the People: America's Human Rights Policy toward China 20 Years after Tiananmen" at the Foreign Policy Research Institute, where she is a senior fellow.

HOWARD LESNICK published *Religion in Legal Thought and Practice* (Cambridge University Press). The book examines how religious beliefs and practices channel the moral stances we take in public and private life.

SETH KREIMER published papers in the *University of Pennsylvania Law Review* and the *Lewis & Clark Law Review* arguing that there is no constitutional basis for a right to public information, but that the Freedom of Information Act nevertheless performs an important role in society.

STEPHEN MORSE was named associate director of the newly launched Penn Center for Neuroscience and Society.

SARAH PAOLETTI moderated Penn Law's "Forum on Haiti: Relief, Recovery and Aid," which brought together a journalist, an aid worker and the president of the United Nations Association of Greater Philadelphia.

PAUL ROBINSON and the students in his Criminal Law Research Group were commissioned by the Pennsylvania General Assembly to investigate how well punishments fit their crimes under Pennsylvania state law.

KERMIT ROOSEVELT was a 2009 honoree for Exemplary Legal Writing by legal-writing journal *The Green Bag* for his essay "Justice Cincinnatus: David Souter — a dying breed, the Yankee Republican," which was published in *Slate*.

DAVID RUDOVSKY received the Pennsylvania ACLU's inaugural Keystone of Civil Liberties Award for his work furthering civil rights in cases involving governmental misconduct, prisoners' rights, first amendment freedoms and racial discrimination.

CATHERINE STRUVE moderated a discussion between four federal court judges who gathered at Penn Law in February to discuss "problems with precedent", or issues that members of the judiciary face when confronted with contradictory judicial precedents, en banc proceedings and unpublished opinions.

AMY WAX published *Race, Wrongs, and Remedies: Group Justice in the 21st Century* with cooperation from the Hoover Institution.

TOBIAS B. WOLFF discussed the future of marriage equality with civil rights attorney Eva Jefferson Pateron during a program at UCLA's Hammer Museum.

CHRISTOPHER YOO testified on how piracy law applies to live sports broadcasting over the Internet before the House Judiciary Committee, and spoke at the Federal Communications Commission's workshop on "Innovation, Investment and the Open Internet."



BOLD AMBITIONS

The Campaign for Penn Law

EDWARD SCOTT MEAD L'82 has made a significant gift to establish the Mead International Fellows Program. The program will provide funding for students to work on projects related to human rights and economic progress in the developing world.

Mead is a former Goldman Sachs managing director in London. Since his retirement from Goldman in 2003, Mead has continued to serve as an active investor, investment banker, philanthropist and photographer.

Over time, the Mead Program will award an average of three fellowships per year to first-year students who will use the fellowship funding to support work overseas between their first and second years of law school. Fellowship winners can participate in direct legal service work, development programming aimed primarily at furthering rule of law and economic policy, or advocacy and policy work.

Successful applicants will participate in a briefing program designed to familiarize them with legal and operational issues that they may encounter in their work and to give them guidance on preparing to do human rights and rule of law work. Upon their return to the Law School, Fellows will be asked to submit a brief policy paper addressing an issue that they worked on during their placement. Fellows will present their policy papers and discuss their work experience at a presentation at the Law School and will participate in briefing sessions for other students.

ROBERT C. HEIM W'64, L'72 made a substantial gift to establish the Robert C. Heim Endowed Scholarship Fund. His gift also supports the Annual Giving Fund. Heim, a partner at Dechert, is a nationally known trial lawyer who specializes in class action and complex commercial litigation. He is a past chancellor of the Philadelphia Bar Association and past president of the National Conference of Bar Presidents. Heim has received numerous awards, including the Law Alumni Award, the Philadelphia Bar Association Fidelity Award, and the Learned Hand Award for distinguished service to the profession and the community.

The following gifts were made in support of the Sansom Street Project, the new building that will be erected to replace Pepper Hall:

KEVIN BAINE L'74 is a partner Williams & Connolly in Washington, D.C., where he has been engaged in First Amendment, media and commercial litigation for over 30 years. Baine has been counsel for many of the country's major media organizations in cases involving issues of freedom of speech and press, and for a variety of churches and educational institutions in cases involving freedom of religion. In one of his cases involving the Establishment Clause, *Agostini v. Felton*, the Supreme Court for the first time in its history overruled a prior decision it had rendered in the same case. Baine was a law clerk for Associate Justice Thurgood Marshall and for Judge Edward Weinfeld of the U.S. District Court for the Southern District of New York.

STEPHEN A. COZEN C'61, L'64, a member of the Penn Law Board of Overseers, is chairman of Cozen O'Connor. His firm donated \$2 million to the Law School several years ago to establish a professorship in his name. It was the first law school to endow a chair in school history. Cozen is a leader in the Philadelphia community. He and his firm have represented businesses in high-profile transactions and high visibility, high stakes litigation. Cozen serves on numerous education and philanthropic boards and two public company boards. He is the recipient of many civic and professional honors and awards.

DAVIS-VILLAMIL FAMILY FOUNDATION. Mark Davis and Yolanda Villamil-Davis. Mark Davis L'75, a member of the Penn Law Board of Overseers, is head of a group of companies in the real estate, gaming and investment businesses. A past gift established a scholarship fund for students in Puerto Rico. (with changes)

MARCY ENGEL L'83 and STUART COBERT. Engel is chief operating officer and general counsel of Eton Park Capital Management. A member of the Penn Law Board of Overseers, she has also served on the board of the Journal for International Economic Law. In addition, she has been a class agent and reunion committee chair.

JOSEPH FRUMKIN L'85 is managing partner of Sullivan & Cromwell's Mergers & Acquisitions Group. He has also been an investment banker and an aide late U.S. Sen. John Heinz. Frumkin is a member of the Penn Law Board of Overseers and chairs Penn's Institute for Law and Economics.

PAUL HAAGA JR. L'74, WG'74, chairman of the Penn Law Board of Overseers, is vice chairman of Capital Research and Management Co., which manages more than \$1 trillion in investments. He is also vice chairman of the 12 fixed-income funds in the American Funds Group. From 2002 to 2004, he served as chairman of the Investment Company Institute, the national association of the U.S. mutual funds industry. He effectively steered the industry through a series of scandals in which several firms were accused of improper trading.

OSAGIE IMASOGIE GL'85 and LOSENGE IMASOGIE. Osagie Imasogie is a member of the Penn Law Board of Overseers and an adjunct professor at the Law School. He is a co-founder of Phoenix IP Ventures, and was a senior consultant to President George W. Bush's Emergency Plan for AIDS relief. A previous gift was made to establish the Osagie & Losenge Endowed Scholarship Fund, which supports students who grew up in Africa or are citizens of an African country.

PAUL LEVY L'72 and KAREN LEVY. In what is known as the Levy Challenge, Paul Levy has agreed to match all \$50,000 gifts toward the new building. As a result, each contribution will total \$100,000. All donors will have an opportunity to name a faculty office in the new building for \$50,000. Traditionally, naming of a faculty office requires a gift of \$100,000. Levy, senior managing director of investment firm JLL Partners,

is chairman of the Bold Ambitions campaign for Penn Law School. He served as chairman of the Board of Overseers from 2001 to 2007. In addition, he is a trustee of Penn and Penn Medicine. He established the Levy Scholars Program which annually gives a group of students the resources to pursue specialized study in law-related areas such as business, medicine, engineering and communications.

PAUL SHAPIRO C'64, L'67 and CAROLYN SHAPIRO CW'64. Paul Shapiro, a member of the Penn Law Board of Overseers, is chairman of Q Capital Strategies. Along with Dan Promislo L'66, he was a co-founder and co-director of the Institute of Paralegal Training, the first paralegal school in the country.

ROBERT C. SHEEHAN L'69 and ELIZABETH SHEEHAN. Sheehan is a member of the Penn Law Board of Overseers. He was executive partner of Skadden Arps from 1994 to April 2009, and is now a pro bono partner at the firm. Recently, firm partners made a substantial gift in honor of Mr. Sheehan. The gift supports the Penn Law Human Rights Project. Penn Law School will recruit a full-time professor to guide students as they work on asylum cases in partnership with local providers of legal services to immigrants. Sheehan received the Pro Bono Institute's Laurie D. Zelon Award from U.S. Supreme Court Justice Ruth Bader Ginsburg in recognition of his exemplary pro bono service. Elizabeth Sheehan is a retired teacher.

SHANIN SPECTER L'84 and THOMAS R. KLINE. Tom Kline and Shanin Specter are the founding partners of the Philadelphia law firm of Kline & Specter, P.C. The firm represents people catastrophically injured through medical negligence and product liability throughout the Commonwealth of Pennsylvania, as well as in other state and federal courts. Specter received the 2008 Michael A. Musmanno Award, the highest honor conferred by the Philadelphia Trial Lawyer's Association, and in 2007 received the Pennsylvania Trial Lawyers Association's highest honor, the Milton D. Rosenberg Award. The *National Law Journal* selected Specter as one of the top ten litigators in the Commonwealth of Pennsylvania. Specter is also on the adjunct faculty at Penn Law School. Kline is co-founder of Kline & Specter. Kline has received at least as many accolades as Specter, including his elected position as immediate past president of the Inner Circle of Advocates, described as "a select group of 100 of the nation's most celebrated trial lawyers."



Earlier generations of Law Alumni helped open these doors to you, now it's your chance to continue the tradition.

Many Penn Law Alumni have provided for the future of the school and established a lasting legacy by including the Law School as a beneficiary in their estate plans. Bequests and beneficiary designations, both large and small, have been crucial to Penn Law's success since its founding, and remain among the largest source of scholarship support each year.

Including Penn Law in your estate plans is as simple as naming the school as a beneficiary of your 401(k), IRA, or other retirement plan. For those in the highest tax brackets, such a technique not only supports Penn Law, it can also save over 70% in estate and income taxes. Penn Law welcomes your bequest of cash, property or a percentage of your estate through your will or living trust.

BENEFITS OF AN ESTATE INTENTION

- Enables you to make a significant contribution that may otherwise not have been possible during your lifetime.
- The value of an estate intention reduces your taxable estate.
- When set up as a percentage, an estate intention allows for changes based on the value of your assets.

For more information on ways to create your Penn Law legacy, contact Al Russo at 215-573-1198 or alrusso@law.upenn.edu.
<https://scholarship.law.upenn.edu/tj/vol45/iss1/1>





ALUMNI BRIEFS

1950s

HAROLD S. ROSENBLUTH C'47, L'50, chair of Rosenbluth Vacations, was appointed president of the Phi Beta Kappa Association of the Delaware Valley.



HERBERT R. WEIMAN L'57 received two professional awards. He was honored for fifty years of law practice by the Philadelphia Bar Association. Herbert also received the William J. Brennan Award by Philadelphia VIP, a legal services program in partnership with the Philadelphia Bar Association. He is a partner at Weiman & Weiman, a law firm that handles all types of family law matters, wills and estates, real estate

transactions, personal injuries and criminal matters.

1960s

HENRY W. LAVINE C'57, L'61 senior counsel with Squire, Sanders & Dempsey LLP, was appointed to the board of directors of A Better Chance, a national organization that recruits academically talented and motivated students of color and guides them to a variety of educational opportunities. Lavine previously served on the board of A Better Chance from 1972 to 1978.

CLAYTON H. THOMAS, JR. L'62 joined the firm Wade Clark Mulcahy as of counsel for their Philadelphia offices. Clayton specializes in insurance defense litigation.

DAVID H. MARION W'60, L'63 was named "Philadelphia Best Lawyers Appellate Lawyer of the Year" for 2010 by Best Lawyers. David is chairman emeritus and of counsel at



Montgomery, McCracken, Walker & Rhoads. His trial and appellate practice has focused on business litigation, antitrust and securities, class actions, professional liability and First Amendment Law.

HENRY F. MILLER L'63 was named Philadelphia Real Estate Lawyer of the Year for 2009 by Best Lawyers. Henry works as of counsel in the Business Law Department of Cozen O'Connor's Philadelphia office. Formerly, he was a partner with Wolf Block LLP.

ROBERT G. FULLER L'64 published a crime novel titled *Unnatural Deaths* (Dog Ear Press). The novel is set in Maine, where Robert practiced law for thirty-five years prior to retiring. He also served in the Judge Advocate General's Corps of



the United States Navy as a reserve officer.

JOSEPH J. CONNOLLY C'62, L'65 joined the Philadelphia office of Stevens & Lee as a partner in its corporate, finance and capital markets department. Formerly, Joseph served as assistant solicitor general of the United States, assistant special prosecutor on the Watergate Special Prosecution Force and staff counsel to the President's Commission on Law Enforcement and Administration of Justice.

PAUL C. HEINTZ L'65 was selected to serve as a volunteer member of the American Cancer Society's new Nationwide Gift Planning Advisory Council. Paul and his fellow members will help increase the quality and quantity of planned gifts to the

Under Graboys' Guidance, Nonprofits Combine Forces to Meet Needs



AS CHAIRMAN AND CEO of Citizens Financial Group in the late 1980s, George Graboys L'57 negotiated the sale of the bank to the Royal Bank of Scotland: a merger that helped transform Citizens into one of the largest banks in the United States. But nowadays, Graboys facilitates mergers between institutions of a different sort: nonprofit agencies.

"We're a very philanthropic country," notes Graboys, but that also means nonprofit organizations are constantly competing for charitable funds, even when their goals overlap. "There need to be more coalitions; many more non-profits working together, so long as they have missions that are comparable."

In 2008, while chairing the executive board of the Rhode Island Foundation, which gives grants to nonprofit organizations in the state, Graboys oversaw the creation of the Initiative for Non-profit Excellence – a program that encouraged Rhode Island's more than six thousand nonprofit agencies to combine funds and forces wherever possible.

The emphasis on fiscal efficiency couldn't have come at a more crucial time, according to Graboys. "With things as bad as they've been in the last year or so, we had to put some long-term goals on the back burner and divert funds to address the immediate needs of many people who have come upon hard times," he said.

At nearly 12 percent, Rhode Island has the third highest unemployment rate in the country, which Graboys says has propelled the state into a homelessness crisis. Small donations from individuals have all but dried up. As a result, nonprofit agencies, such as homeless shelters, food banks and the Salvation Army, rely more than ever on grants to stay in business.

Graboys now chairs the University of Rhode Island Foundation, which is currently focused on resuscitating the school's endowment to restore funding for scholarships and other university programs. But even in his new position, Graboys is working together with the Rhode Island Foundation to improve the school system in the city of Central Falls. The Rhode Island Foundation brought the city and state governments on board, and the University of Rhode Island Foundation designed a new teaching philosophy for the city's schools.

The result, he says, is "a very creative, innovative experiment to enhance the city's education" – a ray of hope in dreary times, and a testament to the power of collaboration.



Society by providing guidance in a variety of legal areas. Paul is currently chairman of the Trusts & Estates Department with Obermayer Rebmann Maxwell & Hippel LLP in Philadelphia.

GILBERT P. HIGH L'65, a partner at High Swartz LLP, was a featured speaker at the 2010 Penn-Del Shade Tree Symposium in Lancaster, Penna., which promotes the science and practice of professional arboriculture in Pennsylvania and Delaware. Gilbert, who regularly lectures on municipal liability in maintaining the Urban Forest, led a forum on the topic of legal liability issues facing commercial, consulting, municipal and utility arborists.

EDWARD F. MANNINO C'63, L'66 published a new book, *Shaping America: The Supreme Court and American Society*. Intended for undergraduate and law school courses on Legal History, the book examines the cultural context inherent in Court rulings throughout history. Edward currently works in Pennsylvania as a trial lawyer concentrating on business litigation.

EMERY H. ROSENBLUTH, JR. L'66 was included in *The Best*

Lawyers in America 2010 for his contribution to Bet-the-Company Litigation and Commercial Litigation. Emery is an attorney with Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A., in Orlando, Fla.

BURTON K. HAIMES L'68, a partner at Orrick, Herrington & Sutcliffe LLP in New York, was inducted into the National Soccer Hall of Fame. For 20 years he served as both national president and chair of the American Youth

Soccer Organization and on the United States Soccer Federation Board.

HOWARD L. SHECTER

L'68 joined Reed Smith as senior M&A partner in the firm's corporate and securities practice. Formerly, Howard led the global M&A practice at Orrick Herrington & Sutcliffe, and served as chairman and managing partner of Morgan Lewis.



MICHAEL F. CUSICK

C'67, L'70 joined the firm of Dickstein Shapiro as a partner in the energy practice. Formerly, Michael was a partner at Jones Day and Winthrop Stimson Putnam Roberts.

STEVEN B. FUERST

W'67, L'70 was named the Somerset County Bar Association's 2009 Professional Lawyer of the Year. The annual award recognizes professionalism, character and competence. Steven is a member of Lowenstein Sandler.

JON G. HILLSBURG

W'68, L'71 has joined the Philadelphia law firm of Deeb, Petrakis, Blum & Murphy P.C., as a partner in its Business Transaction Group. Previously, he was a partner with Blank Rome LLP.

RICHARD D. BANK L'72

published his sixth book, *The*

Everything Guide to Writing Nonfiction, which provides tools for writing and selling nonfiction books, articles, essays, reviews and memoirs. Richard has taught writing and publishing courses at the University of Pennsylvania and Temple University, and works as an attorney on cases of copyright, libel and privacy law.

BRETT C. KLEIN L'72

retired in November after nearly twenty years of judgeships on the Los Angeles Superior Court and the Los Angeles Municipal Court. He intends to go into private judging, and said he hopes to be known as "the only known inexpensive rent-a-judge." Formerly, Brett taught law at the University of La Verne and worked as a writs attorney in the L.A. Court of Appeal.

MICHAEL M.

MUSTOKOFF L'72, a partner in the Philadelphia office of Duane Morris LLP, has become a fellow of the American College of Trial Lawyers. He specializes in white collar criminal defense and complex civil litigation.



SHERRIE SAVETT

CW'70, L'73 appeared at three national and international confer-

ences to address the exposure of companies in electronic data loss and securities litigation issues. She also spoke on a Philadelphia Bar Association Women in the Profession panel about mentoring. Sherrie is chair of the securities litigation department and a managing principal of Berger & Montague, P.C., in Philadelphia.



STEVEN BERK L'74, a

partner in the law firm of Segal, Berk, Gaines & Liss, has been elected chairman of the Albert Einstein Healthcare Services Board of Trustees. The board governs the Albert Einstein Medical Center, the Belmont Center for Comprehensive Treatment and other healthcare entities. Steven chairs his firm's Civil Litigation Department and handles Business, Real Estate and Commercial Transactions for the firm.

WILLIAM BOHNETT

L'74, a partner in the law firm Fulbright & Jaworski L.L.P., was elected to the National Board of the Smithsonian. The Smithsonian National Board is a body of volunteer leaders that counsels the Smithsonian and its many museums and research centers.

CARRIE MENKEL-

MEADOW L'74 is this year's faculty director and professor at Georgetown University's new Center for Transnational Legal Studies in London. CTLS is a consortium of 11 law schools from around the world devoted to the study of comparative and transnational legal issues. In 2010, Carrie will join the founding faculty at the new law school at University of California, Irvine, while continuing a joint appointment at Georgetown. She focuses her scholarship and practice on global conflict resolution.



DAVID B. PUDLIN L'74

was elected to the Board of Directors of the Mural Arts Project in Philadelphia. David is the president and CEO of Hangley Aronchick Segal & Pudlin, where he concentrates his practice in tax law, estate planning, and business/employment law.

STUART WEISBERG L'74

has written his first book, a biography of U.S. Representative Barney Frank. Stuart is an attorney who spent ten years as staff director and chief counsel for the House Government Operations Subcommittee on Employment and Housing.

ALUMNI BRIEFS

JAMES R. TANENBAUM L'75 published two books last year: *Exempt and Hybrid Securities*, a practical resource about offerings exempt from the registration requirements of Section 5 of the Securities Act, and *SEC Reporting Issues for Foreign Private Issuers*, a practical resource for legal practitioners and clients raising capital within the current SEC framework.



BRUCE S. KATCHER W'71, L'76 was included in *The Best Lawyers in America 2010* for his contribution to Environmental Law. Bruce, who has been included on the list for more than ten years, is an attorney with Manko, Gold, Katcher & Fox, LLP, an environmental, energy and land use law firm.

MICHAEL P. MALLOY L'76, distinguished professor and scholar at the University of the Pacific McGeorge School of Law, delivered a paper titled "Caught in the Cross-Currents: International Economic Sanctions in Contemporary Practice" during the annual meeting of the Association of American Law Schools in New Orleans. The paper details the effect of sanctions imposed

on four countries in response to human rights abuses.

RICHARD BOYDSTON L'77 was selected for inclusion in *The Best Lawyers in America 2010*, *Cincy Leading Lawyers 2010* and the 2010 *Ohio Super Lawyers* lists. Richard is an attorney with Greenebaum Doll & McDonald PLLC in their Cincinnati office, and practices in the area of bankruptcy and creditor-debtor rights law.



ROBERT D. LANE, JR. L'77, a shareholder of Stevens & Lee, was elected a fellow of the American Bar Foundation, an honorary organization of attorneys, judges, law faculty and legal scholars elected by their peers. Robert is nationally recognized in all aspects of commercial real estate development, acquisitions and financing.

PETER MARCEL ROTH GL'77 was appointed to be a Justice of the British High Court's Chancery Division. In accordance with the honor he was knighted by the Queen of England. Peter was a visiting associate professor at Penn Law School in 1987 and is a former vice president of the Penn Law European Society.

JASON M. SHARGEL L'77 joined the Philadelphia office of Cozen O'Connor after working as a corporate and securities attorney at the firm of Wolf Block for over a decade.

MARK ALDERMAN L'78, formerly the chairman of Wolf Block, joined Cozen O'Connor as a member of its government relations practice with special emphasis on federal public strategies. In his new job, Mark will draw on his experiences serving on advisory committees within the Democratic Party and in Philadelphia.

DAVID S. ANTZIS L'78 was re-elected as managing partner of the law firm Saul Ewing. As managing partner, David serves as the firm's CEO. David is a transactional lawyer who splits his time between the firm's offices in Center City Philadelphia and Wayne, Penna.

BRIAN P. FLAHERTY L'78 joined the Philadelphia office of Cozen O'Connor after serving on the executive committee of Wolf Block and practicing in its commercial litigation department for over a decade.

RONALD CROEN L'79 joined Tufts University as its second entrepreneur-in-residence. Ronald founded the software technology company Nuance Communications. At Tufts, he will divide his time between mentoring students on commercial ventures, conducting research and teaching an

entrepreneurial leadership class during the spring semester.



ROY S. DIAMOND L'78, GCP '79 was elected to the Board of Directors of the Inglis foundation, a non-profit organization that serves people with physical disabilities. Roy is a real estate development advisor in affordable housing and community revitalization. He founded Diamond & Associates in 1990, a real estate advisory firm specializing in affordable housing. In 2006, he formed Multifamily Management of Philadelphia.

CHRISTEL FORD BERRY L'79 was appointed to the Board of Trustees at Westfield State College in Massachusetts by Governor Deval L. Patrick. Before the appointment, Christel headed Ford Berry Associates in Hartford, Conn. for more than 25 years. She was also previously an associate attorney with the Hartford law firms Hebb & Gitlin and Shipman & Goodwin.

GERALD A. MCHUGH, JR. L'79, a senior partner at the firm of Raynes McCarty, has once again been listed in the Directory of Best Lawyers in America in the fields of product

liability, medical malpractice and personal injury. Gerald recently received the 2009 McClanaghan Award from the St. Joseph's University law alumni for achievement in his profession.



MARTIN C. CARLSON L'80 was appointed to a newly created magistrate judge seat in Harrisburg for the U.S. District Court for the Middle District of Pennsylvania. Before the appointment, Martin worked as a U.S. attorney for the Middle District, and formerly served as chief of its criminal division.



STEVEN N. COUSINS L'80 was named the 2010 "St. Louis Best Lawyers Bankruptcy and Creditor-Debtor Rights Lawyer of the Year" and a 2009 Missouri & Kansas "Super Lawyer" in annual listings of outstanding lawyers. Steven is a partner at Armstrong Teasdale LLP, where he leads the firm's Financial Restructuring, Reorganization and Bankruptcy practice as well as the Financial Services Group.

PAULA DOW L'80 was appointed attorney general of New Jersey by incoming governor Chris Christie. Paula was prosecutor for Essex County. Previously, she was a U.S. attorney in New York and New Jersey.

MARIANNE ROSENBERG L'80 joined the corporate law department at the New York office of Cozen O'Connor. Marianne concentrates her practice on banking, project and structured finance, mergers and acquisitions, derivatives and equipment and facility financing. In 2002, she was named by Air Finance Journal as one of 50 air finance industry "market shapers" over the previous 22 years.



KYRA G. MCGRATH L'81 was named one of the 75 Most Influential Irish-American Women of 2009 by the Irish Voice newspaper. Kyra is the executive vice president and Chief Operating Officer of WHYY, Inc.

MARJORIE K. SHIEKMAN CW'71, GED'71, L'81 joined the Philadelphia office of Eckert Seamans Cherin and Mellott, LLC as a member. Formerly, Marjorie worked at Dechert LLP. She concentrates her practice

in the field of product liability defense, with a particular emphasis in pharmaceutical and tobacco mass tort litigation.

MARCY ENGEL L'83 was honored by the Anti-Defamation League at the Grand Hyatt in New York on December 8, 2009. Marcy is Chief Operating Officer and general counsel at Eton Park Capital Management.

ROBERT MARCHMAN L'83 was named to the Top 100 Most Influential Blacks in Corporate America by Savoy Magazine. Robert is executive vice president at the New York Stock Exchange. He manages the Regulation Enforcement Division.



MICHELE TUCKER PONDER L'83 has been appointed executive director of The Women's Fund of New Jersey, a foundation formed to promote philanthropy to advance economic security and social justice for the women and girls of New Jersey. Formerly, Michele was the mayor of Princeton, N.J., and CEO of the Girl Scouts of Delaware-Raritan, Inc.

JOSEPH GATTO WG'84, L'84 became chairman of investment banking for the Ameri-

cas at Barclays Capital, where he previously served as co-head of corporate finance in New York. In his new position, Joseph will focus on constructing and solidifying senior relationships with the bank's clients.

LISA C. GOODHEART L'85 was elected vice president of the Boston Bar Association. Lisa is a partner at Sugarman, Rogers, Barshak & Cohen, P.C., where she focuses on environmental, real estate and business disputes. She is chair of the Massachusetts Judicial Nominating Commission, and has been active in the ABA as a member of the Standing Committee on Environmental Law.

MATTHEW A. CARTWRIGHT L'86 was elected to the board of governors of the American Association for Justice during the group's 2009 convention. Matthew also served as chairman of the association's Section Leadership Council in 2008-2009. He currently works as an attorney with Munley, Munley & Cartwright, P.C., a Pennsylvania personal injury law firm.

SAFRA A. CATZ W'83, L'86 was named the sixteenth most powerful woman in the world by Forbes magazine. Safra has been president of the computer technology corporation Oracle since January 2004. She also currently serves on the board of directors for HSBC Holdings plc, one of the world's

ALUMNI BRIEFS

largest banking and financial services organizations.

SHELDON D. POLLACK

L'86 has published his third book, *War, Revenue, and State Building: Financing the Development of the American State* (Cornell University Press). Sheldon is director of the Legal Studies Program at the University of Delaware.

JONATHAN K.

BERNSTEIN L'87 joined Morgan Lewis & Bockius as a partner in its Business and Finance Practice, based in the firm's Boston office. Jonathan has represented several Fortune 500 companies and a number of funds that have engaged in distressed deal transactions. He is also experienced in representing clients in all aspects of professional sports enterprises.



JILL HYMAN KAPLAN

W'84, L'87 was included in *The Best Lawyers in America 2010* for her contribution to Environmental Law. Jill is an attorney with Manko, Gold, Katcher & Fox, LLP, an environmental, energy and land use law firm.



SHAUNA SULLIVAN L'87

was promoted to vice president, legal and corporate secretary for Cox Enterprises, Inc., a leading communications, media and automotive services company. In her new role, Shauna is responsible for all legal matters, regulatory compliance, litigation management and corporate governance of Cox's roughly 300 subsidiaries, as well as supervising the company's Legal Department.

NOEL M. GRUBER L'88

joined BuckleySandler LLP, a leading financial services law firm based in Washington, D.C., as counsel. Noel formerly worked as an attorney with Kennedy & Baris LLP. He represents financial institutions throughout the United States on securities, corporate, transactional, and regulatory matters.

ATHANASIOS PAPAIOANNOU GL'88, GRL'90

was appointed Secretary General of the Hellenic Parliament. Athanasios has worked at the Ministry of Foreign Affairs in Athens since 1998.

HOWARD S. KROOKS

L'89 has been included in Super Lawyers South Florida 2009 edition. Howard is a partner of

Elder Law Associates PA, a firm specializing in issues affecting seniors, persons with disabilities and their families.



KEVIN DONOVAN L'90

joined the University of Virginia School of Law as head of its Office of Career Services. Prior to joining UVA, Kevin worked as a litigation partner for eighteen years at Morgan, Lewis & Bockius in Philadelphia, where he focused on complex tort cases, including class actions and national serial litigation.

WIFREDO FERRER L'90

was nominated to become a U.S. attorney for the Southern District of Florida by President Barack Obama. Formerly, Wifredo worked as an assistant Dade County, Fla., attorney and deputy chief of staff to then-Attorney General Janet Reno.



STORM WILKINS L'90

recently completed her first book, *The Law of Evidence: The Seven Most Important Things for Claims Professionals to Understand*. For the

past fifteen years, Storm has practiced insurance law. She owns and operates Precedent Corporate Training, LLC, which aids property and casualty claims professionals.



LT. COL. THOMAS E.

AYRES L'91 was promoted to the rank of brigadier general. He will serve as the assistant judge advocate general for Military Law and Operations at the U.S. army base in Rosslyn, Va.

MELISSA ROGERS L'91

received the Abner V. McCall Religious Liberty Award from Baylor University's Alumni Association, to honor her belief and commitment to religious liberty. Last year, President Obama appointed Melissa to his Council on Faith-Based and Neighborhood Partnerships.

EDWARD J. WEISS L'91

became general counsel at New England Sports Ventures LLC, owner of the Boston Red Sox. Edward joined the group after thirteen years in the legal department at Time Warner Inc., where he was most recently deputy counsel.

GLEN S. BERNSTEIN

L'92 joined the Washington, D.C. office of Sidley Austin LLP as a partner. Glen's practice focuses on electric utility regulation and deregulation matters, primarily before the Federal Energy Regulatory Commission.

BART CASSIDY L'92 was included in *The Best Lawyers in America 2010* for his contribution to Environmental Law. Bart is an attorney with Manko, Gold, Katcher & Fox, LLP, an environmental, energy and land use law firm.



WENDY BEETLESTONE

L'93 was elected to serve as president-elect of the Philadelphia Bar Foundation for 2010, and a two-year presidential term in 2011 and 2012.

Wendy is a shareholder in the litigation practice at Hangley Aronchick Segal & Pudlin and has long served the foundation in various capacities.



JONATHAN H. SPERGEL

L'93 was included in *The Best Lawyers in America 2010* for his contribution to Environmental Law. Jonathan is an attorney with Manko, Gold, Katcher & Fox, LLP, an environmental, energy and land use law firm.

AMY EPSTEIN FELDMAN

GED'94, L'94 has co-authored a book with her sister, humor writer Robin Epstein, called *So Sue Me, Jackass!* The book describes a range of legal issues encountered in daily life, pertaining to everything from jobs to relationships to pets, with humorous anecdotes taken from real life.



FRANK C. TESTA L'94

has been named assistant vice president of claims litigation for Harleysville Insurance. He will oversee the development of case strategy by the company's claims litigation staff, and evaluate and direct the performance

of outside counsel. Formerly, Frank was a partner with the law firm of Morgan, Lewis & Bockius LLP, where he had been a trial attorney for 15 years.



GALIT KIERKUT C'91,

L'95 was named chief financial officer of the Executive Committee of the New Jersey Women Lawyers Association Board of Directors and re-appointed co-chair of the Task Force on Women in the Profession for Essex County Bar Association. Galit, a partner with Greenbaum, Rowe, Smith & Davis LLP, is a member of the firm's Employment Practice Group and concentrates her practice in employment litigation and counseling and complex commercial litigation.

MEENU T. SASSER L'95

was appointed to the Circuit Court of the Fifteenth Judicial Circuit in Florida. She currently serves in the Circuit Civil Division as a trial court judge. Formerly, Meenu was a member of the Litigation Department at the firm Gunster, Yoakley & Stewart.

QUANG J. HA L'96 was

appointed general counsel at Algenol Biofuels, developers of advanced third-generation bio-fuel technology. Formerly, Quang

worked as general counsel and chief legal officer for several financial services and asset management businesses of FSI Capital, LLC.

EUGENIO A. BRUNO

GL'97 was consulting editor for a book on the current global financial crisis and how it intersects with the law and practice of select key jurisdictions. The book is titled *Global Financial Crisis: Navigating and Understanding the Legal and Regulatory Aspects*. Eugenio currently practices law at the Argentine firm Nicholson & Cano Abogados.

CARL B. MCCARTHY L'97

joined Herzfeld & Rubin, P.C. as a member. Carl will work in the firm's Corporate and Securities Practice from its New York office. Formerly, Carl was an attorney at Shearman & Sterling LLP.

ELIZABETH S. FENTON

L'98 was appointed to leadership positions in two American Bar Association Committees: co-chair of the Programs subcommittee of the Business Torts Litigation Committee, and Written Materials Editor for the annual meeting of the Corporate Counsel Committee. Elizabeth is a member of Reed Smith's Commercial Litigation Practice Group in the firm's Philadelphia office.

JASON T. POLEVOY C'94,

L'98 received the Lawyers Alliance for New York's 2009 Cornerstone Award, honoring outstanding pro bono legal services to nonprofits. The award

ALUMNI BRIEFS

fyi: PERSONAL UPDATES



JAYNE S RESSLER L'94 and her husband, Dr. Kenneth Rose, are overjoyed to announce the birth of their second son, Benjamin Richard Ressler Rose, on June 6, 2009. Benjamin joins four-year-old big brother Nate. Jayne is an associate professor of Legal Writing at Brooklyn Law School.



RACHEL S. SOLOMON C'92, L'95 is excited to announce her wedding to Jim Solomon on August 30. Rachel is the Style Editor of Rue La La, an online destination for private-sale boutiques of fashionable items, and writes a column for Stuff Boston magazine. Jim is the chef and owner of The Fireplace restaurant, and now the stepfather of Jack, age six, who was adopted from Korea in 2003.



KEVIN S. BOYLE, SR. L'97 and his wife, Elizabeth Boyle, are proud to announce the birth of their second son, Sean Patrick Boyle, who was born on October 15, 2009, in Houston. Kevin Sean Boyle, Jr., was excited to become a big brother, and celebrated his first birthday on October 16.

MICHELE D. HANGLEY L'98 is overjoyed to announce the birth of her daughter, Julia Lambert Hangle, on February 6, 2009. Michele is a shareholder in the Litigation Department of Hangle Aronchick Segal & Pudlin in Philadelphia.



HENNING KAHMANN GL'99 and his wife, Anna Kahmann, announce with great joy the birth of their son Moritz

Carl Georg on March 30, 2009. Henning has also recently become a partner at the Berlin law firm von Trott zu Solz Lammek doing real estate and restitution law.

CHRISTINE Y. CHANG GL'07 and **PASHA L. HSIEH L'06** are happy to announce that they got married on December 6, 2009. Christine was a lawyer in Taipei. Pasha recently joined the Singapore Management University School of Law as an assistant professor. They now reside in Singapore.

CHRISTOPHER LUISE L'08 and **REBEKKA LEVY W'05** were married at the Lawrenceville School, where they first met. Chris and Rebekka live in New York.

JEREMY ESTERKIN C'06, L'09 and **KIMBERLY SIEGAL C'06** were married at the Pleasantdale Chateau in West Orange, N.J., on Aug.

8. They recently moved to Los Angeles, where she is attending the MBA program at the USC Marshall School of Business and he is working with the environmental litigation practice at the law firm Bingham McCutchen.

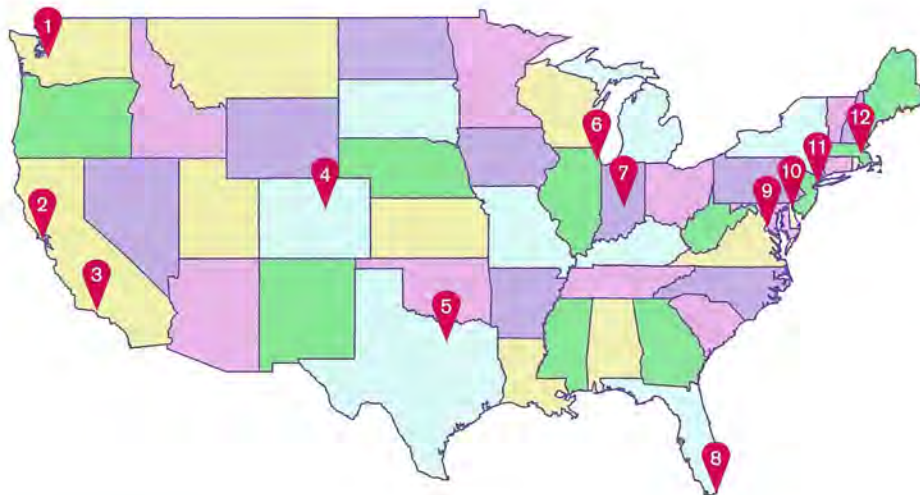
EMILY PETKUN C'06, L'09 was engaged to Dr. Michael Ast in October. The couple is planning a November 2010 wedding. Emily is an associate for Wilkie Farr & Gallagher, Manhattan. Michael is a resident in orthopedic surgery at North Shore-Long Island Jewish Health System in New Hyde Park, N.Y.

WILL MCENROE C'05, L'10 married **ELISA PONCZ C'04** in Philadelphia on Aug. 23. They live in Narberth, Pa. Elisa is an attorney in the Litigation Department of Morgan, Lewis & Bockius in Philadelphia and Will is going to clerk for the Eastern District of Pennsylvania.

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.

Alumni Clubs Directory

AFFINITY AND REGIONAL CLUBS around the world provide a Penn Law presence and a vibrant connection wherever there's alumni interest and leadership. Please contact club leaders for more information about specific groups and Nancy Rasmussen (nrasmuss@law.upenn.edu) for opportunities to help establish a group or take part in club leadership in your area.



- 1. Penn Law Seattle Alumni Club**

Bryce Holland L'79
bholland@riddellwilliams.com

Inti Linkletter Knapp L'00
knapps@gmail.com

Diankha Linear L'01
diankha@earthlink.net
- 2. Penn Law Northern California Alumni Club**

Sara Fanton L'05
sfanton@gmail.com

Mark Farrell L'01
mfarrell@qvhospitality.com

Cathleen Garrigan L'07
cathleengarrigan@quinnemanuel.com

Iman Lordgooei L'07
ilordgooei@jonesday.com

Gerald Niesar L'69
gniesar@nwvlaw.com

Pezhman Pakneshan L'03
pezh.esq@gmail.com
- 3. Penn Law Southern California Alumni Club**

Jolene Negre L'06
President
jenegre@hhlaw.com

- Jeffrey Kohn L'97**
Vice President
jkwit@yahoo.com

Lindsay Larris L'07
Vice President
lindsay.larris@gmail.com
- 4. Penn Law Colorado Alumni Club**

Donald Mares L'82
Co-Chair
donmares1@comcast.net

Michelle Rose-Hughes L'93
Co-Chair
MichelleRose-Hughes@tuthillhughes.com

Nicole Elias Seawell L'96
Co-Chair
neseawell@yahoo.com
- 5. Penn Law Dallas-Ft. Worth Alumni Club**

Adrienne Brown L'99
adrienne.a.brown@fritolay.com

Don Delorenz L'84
don.delorenz@acs-inc.com

Robert Ivey L'05
rivey@munsch.com

Marc Klein L'91
marc.klein@tklaw.com

- Juan Llambias L'94**
juan.llambias@sba.gov

Mike Saslaw L'82
michael.saslaw@weil.com

Emeline Yang L'95
eyang@winstead.com
- 6. Penn Law Chicago Alumni Club**

Rachel Loftspring L'09
rachelloftspring@yahoo.com

Cesar Rosado L'04
crosado@kentlaw.edu

Mark Weisberg L'88
mweisberg@winston.com
- 7. Penn Law Indianapolis Alumni Club**

Kevin Erdman L'87
kevin.erdman@bakerd.com

Chris Murray L'01
cmurray1212@gmail.com

Ron Soskin L'73
rsoskin@boselaw.com
- 8. Penn Law South Florida Alumni Club**

Alex Bokor L'02
Chair
alexbokor@yahoo.com

- Enrique (Rick) Martin L'92**
Locksley Rhoden L'00
- 9. Penn Law Washington D.C. Alumni Club**

Alyson Cooke L'89
atcooke1@gmail.com

Jessica Keefe L'07
jessica.keefe@gmail.com
- 10. Penn Law Wilmington Alumni Club**

Lori Knauer L'89
lori.knauer@usa.dupont.com

Brian Lenhard L'04
brian.lenhard@skadden.com

Bruce McCullough L'83
bmccullough@bodellbove.com
- 11. Penn Law New York City Alumni Club**

Melissa Iachan L'06
Co-Chair
miachan@pattonboggs.com

Ben Schireson L'05
Co-Chair
benschireson@gmail.com

Sara Shikhman L'06
Co-Chair
sara.shikhman@db.com

Julius Towers L'03
Co-Chair
j.y.towers@gmail.com

- 12. Penn Law Boston Alumni Club**

Gerry Frim L'84
gfrim@mccormackfirm.com

Dale Kerester L'86
dkerester@lynchbrewer.com

Aaron Kesselheim L'02
akesselheim@partners.org

Marc Laredo L'84

Jolie Siegel L'01

Marianne Staniunas L'04



IN MEMORIAM

In Memory of Ed Baker, Gentle Defender of Free Speech

IN DECEMBER, Penn Law lost a professor whose intellectual prowess was matched only by his compassion and devotion to social justice. C. Edwin Baker, the Nicholas F. Gallicchio Professor of Law at the University of Pennsylvania, died unexpectedly on Dec. 8, 2009, at the age of 62. A leading scholar in constitutional law and communications law, Baker was a soft-spoken yet powerful advocate for his liberal theory of the First Amendment and free speech.

Baker was well-known for his “liberty theory” of the First Amendment’s right to free speech. He argued against the more common “marketplace of ideas” model of the First Amendment, which values free speech for its benefit to society, and instead focused on free speech’s value to the individual regardless of whether it helps achieve a collective good. After Baker’s theory became widely known, “no serious legal discussion of the First Amendment theory could fail to grapple with Ed’s work,” said colleague Seth Kreimer, Kenneth W. Gemmill Professor of Law.



Professor C. Edwin Baker

Just as important was Baker’s recent commentary on the newspaper industry. Last year he spoke to a Congressional subcommittee on the danger to democracy posed by the layoffs of journalists and the closure of many daily papers, and wrote an essay requesting a federal tax credit to help newspapers hire more journalists.

Not only do a newspaper’s readers benefit from a well-staffed newsroom, he argued, but even those who don’t read the paper benefit from the corruption it exposes, the attention it draws to certain societal problems, and the degree to which it creates a better informed voting public. Baker “saw the role of press in society as a necessary element in creating an informed public and

in empowering individuals to perform their civic roles,” said Monroe Price, director of the Center for Global Communication Studies at the Annenberg School. “For him, media institutions had to be subject to social adjustment to make sure their functions could be performed.”

Baker started teaching law in 1972 as an assistant professor at the University of Toledo Law School. He spent seven years at the University of Oregon Law School until he began teaching at Penn Law in 1981 as a visiting professor. In 1986, he was named the Nicholas F. Gallicchio Professor of Law.

According to Kreimer, Baker’s work “was fueled by

profound concerns for the way real people live their lives.” In 1987, for example, he served as the very first scholar-in-residence at the American Civil Liberties Union, in an effort to bring First Amendment theory to First Amendment practice.

Baker’s noteworthy concern for others is also illustrated by a story his sister tells. When Baker was 18, according to Nancy Baker, professor at the Fielding Graduate University, he was set on going to Mississippi to help register voters. But he had diabetes, and his father warned him that it would be too risky to make such a long trip. According to Ms. Baker, their father explained to Baker that “the need to get Ed to food or insulin might place others in the untenable position of either getting back on the road when it was too dangerous to be there, because the Klan was roaming, or letting Ed die due to complications of diabetes, for which they might also be blamed.” It wasn’t the risk to his own life that stopped him from going, in other words, but instead “the concern for the safety or well being of others,” said Ms. Baker.

As committed as Baker was to his scholarly work, which Price said he used as a “mantle to help be an architect of a more democratic world,” he was also just as dedicated to teaching. Regina Austin, William A. Schnader Professor of Law, who rode the same train from Greenwich Village to Philadelphia as he did, said she’d often find Baker in the café car working on that day’s classes. “Penn Law lost a teacher of commitment and insight,” Kreimer said.

In spite of all he accomplished as a scholar, an activist, and a teacher, and the four books and many articles he authored, he was always humble and unpretentious. “As one of his colleagues put it,” his sister explained, “in a world full of people whose egos are bigger than their accomplishments, Ed was one of those rare people whose accomplishments were greater than his ego.”

His loss will echo far beyond the halls of Penn Law. As Dean and Bernard G. Segal Professor of Law Michael Fitts said, “Generations of lawyers benefited from his insights, his high expectations, and his caring approach to everyone around him. His death is a great loss to the Penn Law community as well as for the larger community of academicians and practitioners focused on free speech, the media and human rights.”

He is survived by his sister, Nancy Baker; Nancy’s spouse, Cathy Hauer; his seven first cousins; and his girlfriend, Jennifer Mathews.

— WALTER CANNON

IN MEMORIAM

HOWARD W. AMOS W'35, L'39

Retired special agent of the FBI

JACK WOLGIN L'41

Developer who remade Center City Philadelphia

M. KALMAN GITOMER W'47, L'50

THOMAS S.J. MALLON L'48

Retired partner, Schubert, Bellwoar, Cahill & Quinn

ALVIN R. SCHOMER C'47, L'50

Municipal Judge, Voorhees and Mt. Ephraim, N.J.

CLIVE S. CUMMIS L'52

Founder of one of the largest law firms in New Jersey,
Sills Beck Cummis Radin & Tischman
(now Sills Cummis & Gross)

FRANK S. DEMING W'49, L'52

Retired head of real estate department, Montgomery,
McCracken Walker & Rhoads

LOUIS J. PHILLIPS JR. C'49, L'52

Retired vice president of industrial relation,
MacAndrews & Forbes

EDWARD B. MEREDITH L'51

Retired attorney

CHARLES F. HUBER II L'54

Retired managing director,
William D. Witter and Associates

CHARLES J. BASCH L'56

JAMES M. MULLIGAN JR. L'57

HARDY WILLIAMS L'57

Former State Senator, Pennsylvania

KENNETH L. OBERG L'67

Retired from the international legal department,
Merck & Co.

JOSEPH F. VARGYAS L'71

Retired attorney in enforcement division,
Commodity Futures Trading Commission



CASE CLOSED



A Bounty of Pumpkins

A few days before Halloween, the courtyard was filled with more pumpkins than the set of Cinderella. Which set the stage – ta da! – for the Third Annual Great Penn Law Pumpkin Carving Contest. Some 50 students participated, carving everything from the traditional “Jack-o-Lantern” to, shall we say, more whimsical variations, such as depictions of administrators. Think Gary Clinton. In lower right the grim reaper haunts this pumpkin, which has the requisite great backlighting. In the upper left, Natasha Fedder sports her own Cheshire grin while resting atop her creation.

NON PROFIT
US POSTAGE
PAID
PERMIT 5634
PHILA PA 19154



3400 Chestnut Street
Philadelphia, PA 19104-6204
www.law.upenn.edu/alumni