

et al.: Penn Law Journal: 10 Years of Grief, Resolve, and Change

# PENN LAW JOURNAL

UNIVERSITY OF PENNSYLVANIA

FALL 2011 VOLUME 46, NUMBER 2



9/11

10 Years of  
**GRIEF,  
RESOLVE,  
AND  
CHANGE**

**Also:**  
**The Patented  
Peter Detkin  
The Bookish Sort**

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# PENN LAW JOURNAL

## FEATURES

### 9/11/11

BY LARRY TEITELBAUM AND KRISTIN EKERT

The tenth anniversary of 9/11 reminds us of the terrible toll exacted on a cloudless September day which shook the Law School community and the whole country. It also serves as a reminder of the security and policy changes the attacks wrought, and, on reflection, the lessons learned.

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### Writer's Bloc

BY DAVID BRADLEY, SALLY FRIEDMAN, MIRIAM HILL, AND DANA VOGEL

If writing is putting experience into words, then authors Jeffrey Cohen L'88, Pam Jenoff L'01, Charles Morris C'63, L'72, and Lisa Scottoline C'77, L'81 have quite a story to tell. And they have, in book after book, distilling their experience in the worlds of business, government, diplomacy and law for readers lucky enough to pick up their work.

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### The Game Changer

BY MARK EYERLY

Peter Detkin EE'82, L'85 may not enjoy the name recognition of Mark Zuckerberg, Steve Jobs or Andrew Grove, but don't let that fool you. He's a gathering force in the world of technology, in which his company, Intellectual Ventures, collects patents and works with major research organizations, as well as Bill Gates, to solve problems throughout the world. His newest venture: The Intellectual Property and Technology Legal Clinic at Penn Law School.

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### A New Model for Legal Education

BY DANA VOGEL

Blogs are fun to read and informative. But as Penn Law's RegBlog is demonstrating, they can also be wonderful teaching tools. RegBlog gives students an opportunity to apply classroom learning to analysis of regulatory issues. And policymakers are taking notice.

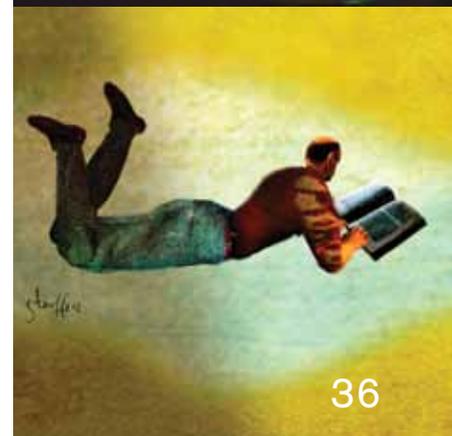
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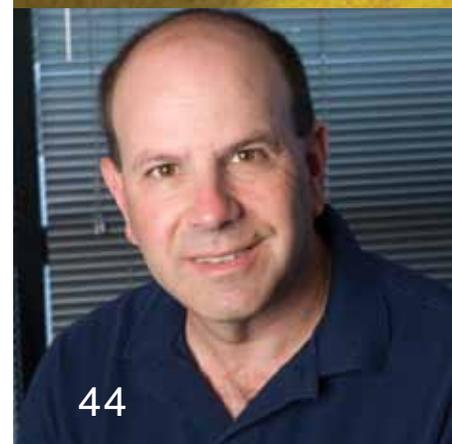
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# A MESSAGE FROM THE DEAN



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

**PENN LAW IS DEFINED BY** the events that have framed our nation's history. Many older alumni remember vividly such moments as the assassination of President Kennedy or Martin Luther King's "I Have A Dream" speech, which occurred while they were students and became the subject of deep community involvement and inquiry.

The events of September 11th were such an institution-defining experience — both then and now. That fall, on a picture-perfect day in mid-September, an attack of unimaginable proportions was launched against our country. With fears of additional attacks abounding, many feared the whole world as we knew it might fall apart. The Law School cancelled classes mid-morning, but understood the importance to the Penn community of facing this new challenge together. The buildings remained open and virtually the entire community remained, huddled around televisions in the Goat and Clock areas, garnering communal connection and support. Similar experiences were replicated throughout the country. Americans gathered at work and at home to comfort one another. Even politicians temporarily put aside their differences. Who can forget the sight of Democrats and Republicans singing "God Bless America" on the steps of the Capitol?

Students returned to classes the next day, but not to their normal lives. A cascade of events followed hard on the heels of 9/11 — anthrax threats, wars in Afghanistan and Iraq, and eventually additional terrorist attacks on the Western World. America responded by tightening security at airports, sealing off the White House, and enacting laws such as the Patriot Act, unleashing a wave of debates about America's role in the world, constitutional concerns surrounding terrorist detention and domestic surveillance, and an economic tsunami that still washes over us today.

In the ensuing years, the Law School has responded to these issues as a great academic institution should: helping to lead in the policy and academic debates over the appropriateness of our national response. Our faculty and students, along with other leading scholars and international figures, have explored all of these issues in a series of classes, conferences and seminars. We continue that discussion in the current *Penn Law Journal*, where a range of esteemed alumni and faculty reflect on the implications of 9/11, touching on everything from border security and immigration to the reordering of relations between China and the United States. It makes for interesting commentary on the state of America ten years after 9/11. We also retell inspiring and sad stories, as alumni, students and one family who suffered a grievous loss recall the chaotic events that none of us will ever forget.

The response to 9/11 produced a brief period of national unity. We focused on our common humanity rather than our differences — a way of life that prevails at Penn Law School. Many of our students experienced the worst national tragedy of their lives on 9/11. On that day, we remembered the virtues of community. It has guided us every day since.



# THE BRIEF

## NEWS

### Fitts Leads Historic Summit of U.S. and Chinese Deans

**DEAN MICHAEL A. FITTS** led a delegation of U.S. law school deans to China in June for an unprecedented summit with their counterparts. After the meeting, the deans issued a joint statement outlining future efforts to promote collaboration between law schools and to explore new initiatives in substantive areas of law such as public health and the environment.

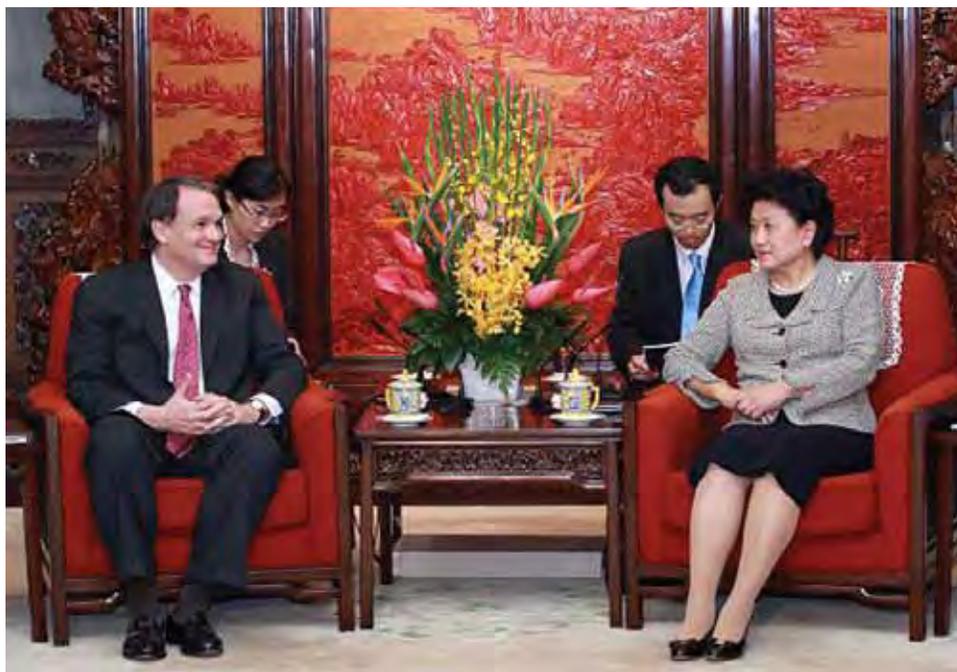
The deans agreed to form an assembly of five deans from each nation to foster these multilateral exchanges, and there was mutual recognition of the importance of the rule of law.

Also addressed were U.S. concerns over civil and political rights, due process and judicial independence in China.

The summit was convened by Fitts at the suggestion of then-U.S. ambassador to China, Jon Huntsman, who saw it as important forum for Chinese and American leaders in law and higher education to come together on the basis of shared values and interests.

The nine U.S. participants and their Chinese colleagues met for more than an hour with State Councillor Liu Yandong, the senior Chinese government official responsible for education. They also met with U.S. embassy staff as well as Tung Chee Hwa, the former chief executive of Hong Kong, and Gao Xiqing, the head of the China Investment Corporation (China's sovereign wealth fund).

"This was an incredibly valuable set of meetings," said Fitts. "All of our country's law schools have engaged in various efforts at globalization in one form or another with many countries, including China, but the size and speed of economic and legal change in China of late tests all of our experiences and thinking."



Dean Michael A. Fitts meets with State Councillor Liu Yandong, the senior Chinese government official responsible for education, in Beijing during a summit of deans representing U.S. and Chinese law schools. Fitts led the U.S. delegation. Chinese and American deans discussed potential collaborative efforts and mutual support for rule of law.

The summit allowed us to focus on where the legal relationships with, and in, China are likely to evolve for all of our institutions over the near and far term.”

“The summit was an important first step,” stated Wang Zhenmin, dean of Tsinghua Law School. “We look forward to building on this foundation to strengthen legal education and exchange between the United States and China as well as the rule of law and the legal profession.”

During the summit the deans from China focused on ways in which legal education is able to confer both substantive knowledge of law and its implementation, as well as how it fosters analytical thinking that lawyers apply to a range of social and economic questions. They noted that China has moved to a new stage in its legal development, focused on implementation and realization of law’s meaning in society. More than once, the Chinese participants inquired about the high number of American public and private sector leaders who started out in law school.

The American deans explored the rationale for internationalization and expressed appreciation of the significance that robust global linkages have played in the rapid scale-up of law schools in China. A number of participants agreed that internationalization will be a game-changer for law schools, requiring American schools to understand law as a sociological and dynamic force as much across and beyond borders as well as within them.

Accompanying Dean Fitts were Evan Caminker, University of Michigan Law School; Chris Edley, University of California, Berkeley, School of Law; JoAnne Epps, Temple University Law School; Larry Kramer, Stanford University Law School; Paul Mahoney, University of Virginia Law School; Robert Post, Yale Law School; Michael Schill, University of Chicago Law School; and William Treanor, Georgetown University Law Center.

## Fitts Makes Dean’s List

An influential article on legal education cites Michael Fitts as one of only a handful of law deans in the United States who have transformed their institutions over the last decade.

The author, Professor Brian Leiter of the University of Chicago Law School, singles out Dean Fitts for his success in recruiting and retaining leading scholars, expanding the faculty, creating a supportive academic culture, as well as a “remarkable increase” in the endowment to further these efforts.

## Bibas and Vázquez Win Award for Supreme Court Litigation

**PENN LAW PROFESSOR** Stephanos Bibas and clinical supervisor and lecturer Yolanda Vázquez have received the 2011 Jack



Stephanos Bibas



Yolanda Vázquez

Wasserman Memorial Award from the American Immigration Lawyers Association (AILA) for their work on the 2010 U.S. Supreme Court Case *Padilla v. Kentucky*.

Bibas and Vázquez were among a twelve-member team of pro bono attorneys selected for excellence in litigation in the field of immigration law. Students in Penn Law’s Supreme Court Clinic, which Bibas directs, also worked on the case.

Penn Law’s Supreme Court Clinic is the nation’s first to closely integrate students’ practical experience

on U.S. Supreme Court matters with a semester-long academic seminar on the workings of the Court. Students conduct research, draft briefs, and help prepare strategy. In the past two years students have worked on three Supreme Court cases that clinic instructors argued on the merits, and many more as *amici*, co-counsel, or at the cert stage.

The AILA recognized the Padilla team for improving the rights of immigrants in the U.S. court system by successfully arguing to the Supreme Court that “criminal defense lawyers must advise their noncitizen clients about the risk of deportation if they accept a guilty plea.”

Bibas is a former assistant U.S. attorney and a leading scholar of criminal procedure with expertise in criminal charging, plea bargaining and sentencing. He studies the powers, incentives, information, and psychology that shape how prosecutors, defense counsel, defendants, and judges behave. Bibas has litigated a wide range of Supreme Court cases, both criminal and civil, and is writing a book (*Assembly-Line Criminal Justice*, Oxford University Press, forthcoming 2011) on how criminal justice

## THE BRIEF

should do more to encourage acceptance of responsibility, remorse, apology, and forgiveness.

Vázquez, a former public defender in the District of Columbia and Chicago, is an expert on the intersection of immigration and criminal law and its impact on defendants, society, and the criminal justice system. Her research focuses on defense counsels' duty to advise noncitizen defendants on the immigration consequences of a criminal conviction. Vázquez also studies the effect of the intersection of immigration and criminal law in the criminal justice system on Latinos, arguing that the incorporation of immigration law and enforcement into the criminal justice system has become the primary means to subordinate and socially marginalize Latinos living in the United States. She co-teaches in the Civil Practice Clinic in addition to teaching a Crimmigration seminar.

### EVENTS

## The Perils of the Imperial Presidency

**IT'S HARD TO IMAGINE** an America without a strong, powerful leader in the White House. This strong, powerful leader was not, however, what the Founding Fathers had in mind when they wrote the Constitution. And according to constitutional

**Ackerman said a number of developments have caused the modern presidency to become “a platform for charismatic extremism, bureaucratic lawlessness, (and) increasing military control over nominally civilian institutions.”**

theorist Bruce Ackerman, the executive has gotten too powerful in the last 40 years.

“My aim is to convince you that we really do have a very serious problem in the 21st century,” said Ackerman, the Sterling Professor of Law and Political Science at Yale Law School and author of *The Decline and Fall of the American Republic*, which details his concerns about the imperial presidency. Ackerman, this year's Roberts lecturer, said a number of developments have caused the modern presidency to become “a platform for charismatic extremism, bureaucratic lawlessness, (and) increasing military control over nominally civilian institutions.”

Ackerman, who started his academic career at Penn, said the rise of the primary system has led to the nomination of more extreme candidates. “Notice that President Obama accepted the nomination not before the convention but before a football stadium ... of 70,000 theological people shouting ‘Yes, we can do it.’”

Similarly, he said, “the rise of media manipulators,” or propagandists in the White House, starting under President Jimmy Carter, has contributed to an increase in presidential power and, if unchecked, potential extremism.

Before 1939, the White House had no executive staff, said Ackerman. Under President Roosevelt there were six people assigned to the White House. Today, said Ackerman, there are 2,000 highly politicized and loyal staff members who work to consolidate power in the White House. In addition, said Ackerman, the Office of Legal Counsel and



In his Roberts Lecture, Yale Law School Professor Bruce Ackerman warned that the rise of power in the executive branch, if unchecked, could lead to extremism and military control over civilian institutions. The lecture was based on his book, *The Decline and Fall of the American Republic*.

the White House Counsel, in particular, practice a form of what he called “executive constitutionalism,” interpreting the Constitution and its statutes in ways that are binding on the executive branch.

Another worrisome trend, according to Ackerman, is the use of public opinion polls to validate a president’s actions. He said the public and the media track polls with the frequency of the Dow Jones Average. “If Obama’s at 70 percent, he has much more democratic authority than if he is at 25 percent,” he said.

“The question is, ‘What has President Obama done, first, to respond to this scenario?’ And I’m afraid the answer is he has confirmed the developments that I have outlined,” he said.

However, Ackerman acknowledged that many of these developments — especially the primary system and the role of media manipulators — are institutionalized and changing them is beyond President Obama’s power.

## Former Clinton Aide Envisions New ‘Interconnected’ Foreign Policy

**ANNE-MARIE SLAUGHTER**, a former aide to Secretary of State Hillary Clinton, proposed at the Holt Lecture last April a redefinition of foreign policy in which development and social empowerment play as big a role in the future as traditional state-to-state diplomacy.

“To be a global leader is a far more complex task today than it has ever been. It requires more knowledge and more understanding of more actors in an interconnected world,” said Slaughter, a professor of Politics and International Affairs at Princeton University and former director of Policy Planning at the U.S. State Department.



Professor Anne-Marie Slaughter, former director of policy planning in the State Department, proposed a new approach to foreign policy during the Holt Lecture, with more emphasis on development, social empowerment through technology and public-private partnerships. Slaughter left the Obama administration in February to return to Princeton University, where she is a professor of Politics and International Affairs.

Slaughter, who left the Obama administration last February, said we are moving from “a world of states in which states are the primary and indeed really the only actors that matter to a world in which you still have to work very intensively in government-to-government relations, but you also have to focus on societies.”

Slaughter said the shift in approach puts greater weight on development, technology as a tool for social and economic empowerment, Internet freedom, and public-private partnerships.

Slaughter praised the Obama administration for including development among its “three D’s” of foreign policy, which also include defense and diplomacy. “Even listing development as one of the pillars of our foreign policy is new.”

Development is crucial, said Slaughter, for combating major threats to society, such as proliferation of nuclear or biological weapons, terrorist networks and the spread of violent extremism, instability in the global economy, climate change, global pandemics, and resource scarcity.

Slaughter also stressed the importance of the often forgotten segments of society — women, youth, and entrepreneurs — in promoting conflict resolution, human rights, and democracy. “A dollar spent on a woman reverberates through her health, her family’s health, the community (and) livelihoods,” she said, noting that a new model in foreign relations is confirmed daily through the uprisings in the Arab world.

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# Sister Scullion Calls on Students to Seek ‘Genuine Justice’ for the Poor and Powerless

**SISTER MARY SCULLION**, the crusading co-founder and president of a nonprofit that provides temporary housing and services to Philadelphia’s homeless, stood before students and implored them to fight for “genuine justice,” recounting her five-year struggle to overcome opposition to a group home in Philadelphia.

Scullion, head of Project H.O.M.E., said she had planned to create a permanent residential facility in North Philadelphia for 48 homeless and mentally ill persons. But residents and local officials did not welcome the so-called 1515 Fairmount Project. They filed lawsuits in state courts and worked to deny H.O.M.E. funding from the state housing finance agency.

“From our perspective, it was a fundamental issue of civil and human rights,” Scullion said during her keynote at this year’s Edward V. Sparer Symposium in March, which focused on poverty law. “Namely, the rights for people in America to live in the neighborhood of their choice. It was a fight for ‘We the People’... not them and us.”

With the aid of pro bono legal advisors, like Penn Law professor David Rudovsky, H.O.M.E. compelled the U.S. Department of Justice to file a case in the Federal Court of Appeals. Citing the Federal Fair Housing Act, the court ruled in favor of H.O.M.E. concluding that a neighborhood could not discriminate against the homeless and mentally ill.

Since the victory, Scullion said, property values have increased in the neighborhood. And many who once vigorously opposed “1515,” are now supporting a second development in the area, she said.

Named one of Time Magazine’s 100 Most Influential People in 2009, Scullion urged Penn Law graduates to continue her work. “Your education, your intelligence, and your inherent talent should not be sold to the highest bidder,” she said. “Our legal system was established with the highest ideals of preserving democracy, human rights, and helping society realize the greatest public health and well-being. Yet, under the influence of money and power, many in this profession end up not fighting for genuine justice.”



Sister Mary Scullion, co-founder and president of Project H.O.M.E., delivers stirring remarks at Sparer Symposium in which she encouraged students to eschew money and power and take up meaningful public interest work. Her nonprofit organization provides housing and services to homeless people in Philadelphia.

Since she opened the nonprofit in 1989, Scullion has watched H.O.M.E. grow from one emergency winter shelter to 447 housing units across Philadelphia. None of which would have been possible without the services of the legal community, she said.

The Sparer Symposium closed Public Interest Week, an annual series of workshops and events that explore issues in pro bono and public interest lawyering. Joan Messing Graff, executive director of the Legal Aid Society, served as Honorary Fellow in Residence and delivered a lecture on representing disadvantaged workers.

## Bin Laden Gone But Counterterrorism Effort Goes On

**WHEN PENN LAW HOSTED** an April 14 discussion on counterterrorism neither the participants nor the audience could know how relevant the topic would soon become: Just two weeks later President Barack Obama would announce that al-Qaeda founder Osama bin Laden had been killed in a raid that has become a milestone in the U.S.' counterterrorism campaign.

Before that landmark event, Ambassador Dell Dailey, former U.S. Department of State coordinator for Counterterrorism and retired U.S. Army lieutenant general, explained the current counter-terror model. He said it includes capturing and killing terrorist leaders, interrupting terrorist organizations' abilities to function, and attacking the foundation of terrorism.

Dailey said the capture or kill tactic, while "glamorous" and engrained in American culture, simply buys time while terrorist organizations rebuild from the bottom up. He said interrupting terrorist organizations also buys time by hindering their ability to communicate, recruit, and obtain supplies.

He explained that people feel compelled to become terrorists for a number of reasons: a lack of political integration and social equality, religious persecution, ideological extremism, and economic deprivation.

"The 15 or so Saudi Arabians that came in 9/11, you can thread each one of their motivations, as best we can tell, back to one of those five categories," Dailey said. "Sixty percent of our effort ought to be to go after those five areas."

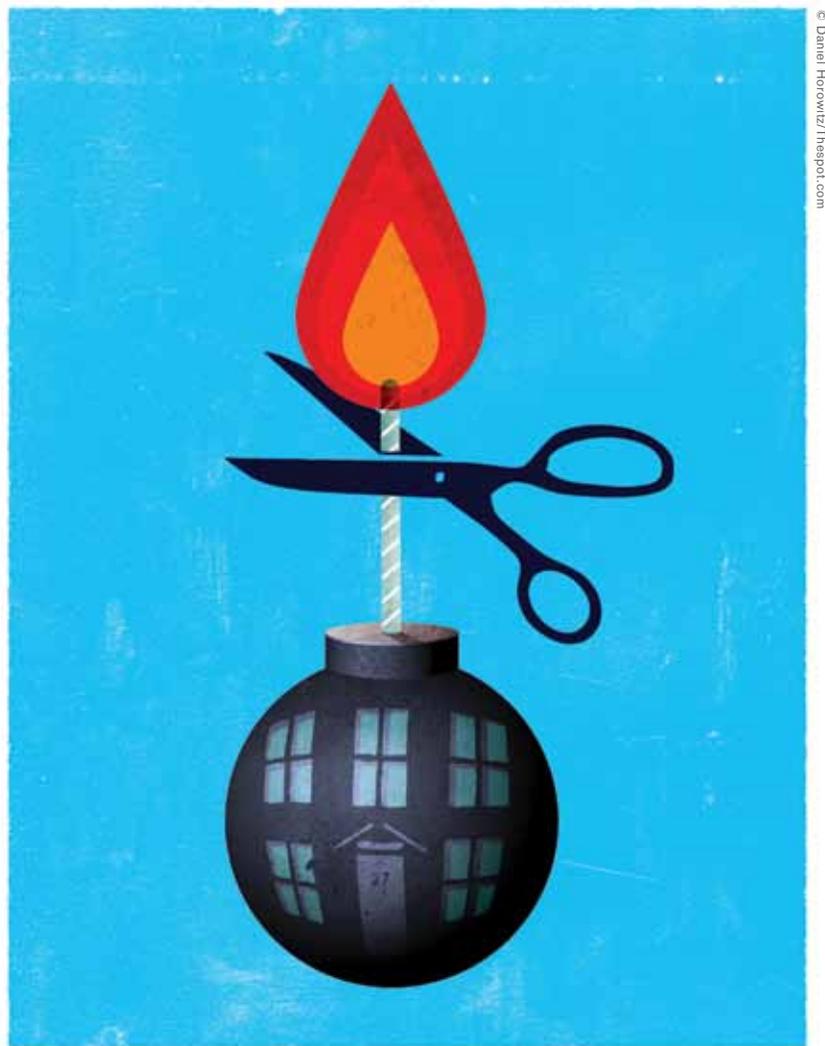
Deborah Pearlstein, associate research director in the Law and Public Affairs Program at Princeton University's Woodrow Wilson School and visiting faculty fellow at Penn Law, spoke to the policy implications of counterterrorism. She said most counterterrorism measures are rights neutral, but many legal

scholars are raising questions about how best to balance rights against security.

"Focusing on just those initiatives of the government that burden rights, I think, misses a substantial part of the picture," Pearlstein said, adding that one must weigh the short-term benefits of rights-burdening initiatives against possible long-term costs.

Addressing the question of whether the Obama and Bush administrations have different approaches to counterterrorism, Pearlstein said there is no definitive answer. "Depending on what day you ask me, I have two very different thoughts about that question."

Dailey agreed that the comparison is difficult to make because of the different circumstances of their terms. Obama "didn't have the reality that Bush had. Bush's reality was here and now, something could happen tomorrow."



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© AP Photos/Wisconsin State Journal, John Hart

Thousands of opponents of Wisconsin Governor Scott Walker's budget repair bill gather for protests at the State Capitol in Madison.

## Union Attorney Compares Labor Battle in Wisconsin to Civil Rights Movement

**AFTER WISCONSIN GOV. SCOTT WALKER** signed a bill that stripped collective bargaining rights from public employees into law in March, tens of thousands of pro-labor protestors descended on the capital in Madison to contest the measure. Among the crowd was Richard Kirschner L'57, AFL-CIO Lawyers Coordinating Committee attorney, who returned to Penn Law School in April for a nationally recognized teach-in in response to the events in Wisconsin.

"It was extremely impressive," recalled Kirschner, founding partner of Kirschner and Gartrell PC. "We felt this was a seminal movement, not unlike the civil rights movement many years

ago and the movement opposing the Vietnam War. It was so encouraging to see all of these people, and it wasn't just public employees... virtually every single union was there."

Fifty tractors circled the capital in a colorful protest of Walker's decision but the rally remained peaceful and no arrests were made, Kirschner told students at the teach-in sponsored by the American Constitution Society and Penn Law's Toll Public Interest Center. Protesters rejoiced when the 14 Democratic senators, who fled Wisconsin in an attempt to block the legislation, made their first public appearance at the rally since ending their self-imposed exile.

Kirschner called Gov. Walker's efforts "atrocious," adding that the anti-union movement has picked up momentum across the U.S.

"[Legislators] are blaming the labor movement for all the financial ills they're allegedly suffering, but what they don't talk about are the tax breaks to the corporations of Wisconsin," he said. "And it's not unique to Wisconsin. That's going on across the country. We are under siege and it's time to fight back."

**“[Legislators] are blaming the labor movement for all the financial ills they’re allegedly suffering, but what they don’t talk about are the tax breaks to the corporations of Wisconsin,” said Kirschner.**

While Gov. Walker contends that ending collective bargaining gives local governments flexibility to deal with cuts in state aid, Kirschner countered that the bill is simply an attempt to “castrate the union’s financial abilities.”

In June, the state Supreme Court overturned a lower court ruling and reinstated the law that changes the terms of collective bargaining in Wisconsin.

## Inside Baseball with Two Pros

**THE BROOKLYN DODGERS** shocked the baseball world by moving to Los Angeles after the 1957 season. The storied franchise is now causing shockwaves by struggling to survive the costly, headline-grabbing, Hollywood-style divorce of owner Frank McCourt and his wife.

In May, one month before the Dodgers declared bankruptcy, Boston Red general counsel Ed Weiss opined on the team’s freefall during a freewheeling discussion during reunion weekend on the economics of baseball that also covered the expiring collective bargaining agreement (CBA), digital rights, and the state of the minor leagues.

According to reports, as of June, the Dodgers owed \$75 million to 40 creditors, including Manny Ramirez and other players and legendary broadcaster Vin Scully. The team was reportedly in danger of defaulting on its payroll.

“I don’t think the commissioner is going to allow anything to happen that will cause a substantial day-to-day disruption,” said Weiss L’91, referencing the Texas Rangers’ bankruptcy filing last year that satisfied creditors and resulted in a successful \$590 million bid, led by Nolan Ryan, to buy the team.

Baseball has prospered in recent years through higher attendance and lucrative television deals and has achieved a measure of parity through revenue sharing. But this period of peace could be tested when the collective bargaining agreement expires in December.

Weiss said he expects the next agreement to contain reforms to increase competitive balance, as well as spell out ways to improve the draft and set rules for the signing of international players. He also thinks owners and the league might agree to add another wild card team to the playoffs.

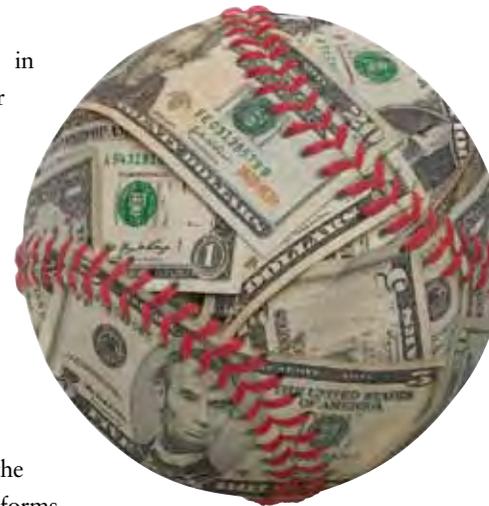
There have been eight strikes in the history of major league baseball. The last one, in 1994, was damaging, as the league cancelled the postseason including the World Series.

Marv Goldklang W’63, L’66 knows something about strikes, even though he once hit four batters in a row as a pitcher for the Penn Quakers. Operator of four minor league franchises and minority owner of the New York Yankees, Goldklang benefited from the last baseball strike as attendance spiked in the minors. However, he said, “the minor league side of me is not rooting for a strike.”

He wants to see major league baseball stay healthy for good reason. MLB pays for players and the salaries of managers, coaches, and trainers, said Goldklang, who described the majors and minors as leagues apart.

“Major league baseball owners are selling principally the baseball game between the lines,” he said. “At the minor league level (it) is really an entertainment product wrapped around a baseball game. What we’re really selling is the atmosphere in the ballpark.”

Conversely, major league baseball is selling not only television but increasingly, digital rights. Weiss, the Red Sox official, said baseball has been “way ahead” of other professional sports. He predicted that fans will be able to watch games on any device or platform, even when traveling, in the future. But the convenience could come, he said, at the cost of a higher subscription fee.



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## THE BRIEF

# Dodd-Frank Reforms Hold Promise in Averting Future Financial Crises

**WITH THE PASSAGE OF** the Dodd-Frank Act, has government done enough to avert another meltdown? This was one of the key questions addressed during a Reunion weekend panel discussion on the aftermath of the financial crisis.

Robert Hoyt L'89, G'89, former general counsel of the Treasury, said he thinks so. He said in time Dodd-Frank, a sweeping overhaul of financial regulations with consumer protections and provisions to prevent bailouts, will be a major asset in helping the government to obtain information about the activities of financial organizations — something it was unable to do when the economy began its freefall.

Heath Tarbert L'01, a former staffer in the Office of Legal Counsel in the White House, went further, calling Dodd-Frank “the most fundamental change in financial legislation since the Great Depression.” Tarbert said areas of the law governing securitization and over-the-counter derivatives will be important in preventing future crises, as will the Volcker Rule, which would restrict banks from making certain kinds of speculative investments.

**“Whether Dodd-Frank will be an adequate solution to the next problem, I think any answer to that question is, until it happens, truly speculative. I think you absolutely can’t tell,” Beller said.**

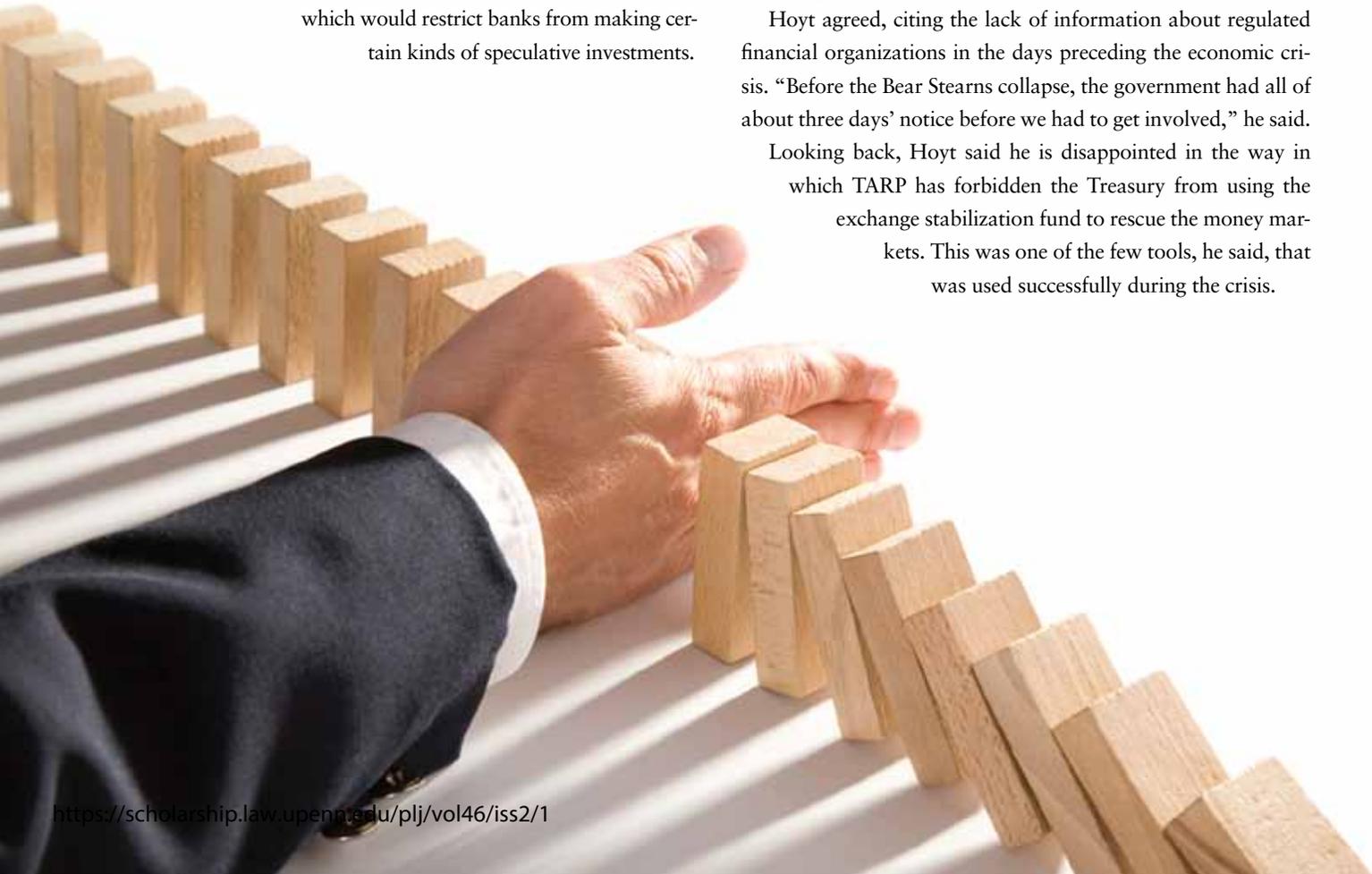
Alan Beller L'76, former director of the Division of Corporation Finance and senior counselor to the Securities and Exchange Commission chair, was more circumspect in his assessment.

“Whether Dodd-Frank will be an adequate solution to the next problem, I think any answer to that question is, until it happens, truly speculative. I think you absolutely can’t tell,” Beller said.

Beller criticized the SEC for what he called a “subpar performance” during the crisis and expressed concern that the agency has not made significant improvements. “There’s been a lot of talk about tools. There’s, I think, been a lot less talk in the public debate about information, but in my view that was at least as big of a problem,” said Beller.

Hoyt agreed, citing the lack of information about regulated financial organizations in the days preceding the economic crisis. “Before the Bear Stearns collapse, the government had all of about three days’ notice before we had to get involved,” he said.

Looking back, Hoyt said he is disappointed in the way in which TARP has forbidden the Treasury from using the exchange stabilization fund to rescue the money markets. This was one of the few tools, he said, that was used successfully during the crisis.



## Germany is Setting for Course on Telecommunications

**THE GLOBAL RESEARCH SEMINAR (GRS)** is living up to its name. Since the beginning of the program in 2010, students have been to Italy and Japan. This fall, they go to Germany.

Professor Christopher Yoo will be teaching a course on comparative telecommunications policy. The course will examine structural issues, such as government ownership and federalism, shaping Internet policy. Students will meet with regulators and other stakeholders in Washington, D.C., before heading to Germany and Brussels in the spring to visit the German Constitutional Court, German regulatory agencies, Deutsche Telecom, and the EU Directorate charged with regulating telecommunications. Penn Law and German law students will also collaborate on a research project and publish their findings.

The GRS is designed to provide students with the opportunity to develop substantive expertise on an issue as well as key professional and cross-cultural skills. The program integrates practical and academic learning and exposes students to the law in action.

## Master(s) Stroke: New Dual Degree, in French and English

**STARTING THIS FALL**, the Law School will be offering a true multicultural experience with a new dual Master's degree program in International Finance and Law. The program will be taught in both French and English, with core courses in management, finance, corporate law and international law.

The first year features studies in finance at Sciences Po in Paris, where degree candidates can take courses in everything from financial macroeconomics to international trade to mergers and acquisitions. Students earn a Master of Laws during the second year at Penn Law School. Courses include Commercial Law, Intellectual Property & the Internet, International Law, Public Interest/Human Rights, Trade Law, and Securities and Banking.

"Sciences Po and Penn Law curricula are perfectly complementary as they address two subjects that are, in many cases,

merging," said Eole Rapone L'11, who completed the degree before the official launch of the program. "Business Law and Finance are two fields often intertwined, and being able to navigate with ease between them is an extremely valuable asset."

Sciences Po is a premier research institution that draws students from 130 countries.

## Paul Lafarge Cup: A Tradition in the Making

**PAUL LAFARGUE** was comfortable in many cultures. Born in Brazil, he attended college in England and France and lived in Norway, Peru, Singapore and the United States. So when this handsome, gregarious guy with a perpetual smile arrived for the Penn Law LLM program in 2007, it did not take him long to become one of the most popular members of his class. And that's why his sudden loss shocked so many of his classmates.

Lafargue, a nationally ranked swimmer in France and champion in South America, drowned while surfing in Brazil on winter break. In response to the tragedy, his classmates established a soccer tournament which culminates with the awarding of the Paul Lafarge Cup. (Lafargue also loved soccer.)

The first tournament took place last school year. Conor B. McLaughlin GL'11, who organized the tournament, said: "It was important to get a tradition going." He said he hopes to make it an annual event. Students interested in playing in future tournaments should contact McLaughlin at [cmaclochlainn@yahoo.com](mailto:cmaclochlainn@yahoo.com).



# 9/11



10 Years of

# **GRIEF, RESOLVE,** **and CHANGE**



## RUDY'S RIGHT-HAND MAN RECALLS 'HELL ON EARTH'

BY RANDY MASTRO L'81

It's been said of New Yorkers that there are eight million stories in the "Naked City." And to this day every New Yorker I know has a vivid story to tell of where they were on September 11, 2001. This is my story.

That morning started out like any other. I walked my five-year-old daughter to school and then hopped on the subway to my law firm's midtown Manhattan office tower. But then things took a decidedly abnormal turn. And like most New Yorkers, I would never be the same.

I got off the elevator at the 48th Floor of the Met Life Building above Grand Central Station and was greeted by our receptionist telling me that a small plane had just hit one of the World Trade Center towers. I went immediately to my office facing south over Park Avenue with a perfect view of the "Twin Towers." I could see the smoke billowing. I turned on the TV in my office, and colleagues gathered there to watch with me. To my surprise, and horror, within minutes, I saw a second plane hit the other tower and, turning to my colleagues, said, "This has to be terrorists."

Then, the phone rang. It was a CNN reporter. I had recently been a deputy mayor in the Giuliani Administration and often got press calls. The reporter said he was having trouble reaching anyone at City Hall and wanted me to come over to CNN's broadcast headquarters on Manhattan's Westside to talk about the city's emergency preparedness. Not yet appreciating the severity of what had just happened but knowing the city had put in place rapid emergency response protocols generally, I agreed to go on the air and made my way over to CNN's studio. I was escorted to the roof of the building facing south and interviewed by Aaron Brown. As we were talking on a live international feed, one of the towers collapsed in a huge mushroom cloud of devastation. I understood instantly that thousands had probably died at that moment, including many city rescue workers. Brown then turned to me and asked, "Where do you think Rudy Giuliani is right now?" I gave some lame, ambiguous response, knowing that Rudy would certainly have gone to the scene of the crisis, and might well have already lost his life in the process. (I learned only later that he was, in fact, there, but got trapped in a nearby building by the falling debris, and was able to escape through an underground passage, allowing him to lead the rescue effort).

At the next on-air break, I excused myself and rushed home to my Manhattan apartment on East 102nd Street. Family, friends and work colleagues were already congregating there,

unable to get to their suburban homes because Manhattan was literally closed down for security reasons: no one could enter or leave it. Several stayed the night.

Over the next several hours and days, the news came fast and hard. Dozens of friends had died that day, including almost the entire hierarchy of the New York City Fire Department. In the immediate aftermath, Rudy Giuliani, asked at a press conference to estimate the death toll, captured what all of us were feeling: "The number of casualties will be more than any of us can bear."

In the immediate aftermath, I, like so many other New Yorkers, wanted to help and worked as volunteers. I obtained credentials to visit the downtown disaster scene. It was a shocking sight. Hell on earth: a smoldering, glowing fire pit, smoke billowing, with strewn, twisted metal piled high around it. Even more than five miles away where I lived uptown, I could still smell the odor of burning rubble that continued to hang over Manhattan for weeks.

As each week passed, the funerals came in ever increasing numbers. That first Saturday, I travelled to Washington, D.C., by train — since there were no flights being permitted — to attend the funeral of Barbara Olson, the prominent TV commentator and spouse of my current law partner, Ted Olson, who was then the U.S. Solicitor General. Barbara died tragically that day, having delayed her cross-country trip to be with her husband on his birthday, only to have the flight she ultimately took that morning hijacked by terrorists and crashed into the Pentagon. It was like a State funeral, attended by Cabinet members, Supreme Court Justices, and Senators, yet so personal and moving.

Then came the New York funerals: more than 300 New York City firefighters and other emergency workers sacrificed their lives to save others that day. One of them was Captain Terry Hatton, the firefighting husband of Rudy's long-time assistant, Beth Petrone, who learned just after her husband went missing on 9/11 that she was pregnant with their first child.

It took weeks before the missing could be confirmed dead, and their funerals occurred largely on a series of heartbreaking fall weekends where as many as a dozen deceased firefighters were memorialized on a single day. Rudy Giuliani tried to attend all of their funerals, but that proved impossible, so he turned to me and others to eulogize the fallen when he could not be in multiple places at the same time. We spoke the stirring words he would have: "This was the greatest rescue operation in history:



New York Mayor Rudy Giuliani, with Deputy Mayor Randy Mastro L'81, speaks at a news conference during better times before 9/11 transformed his city and the nation.

more than 25,000 lives were saved that day.” But nobody could say them with more comfort and conviction than Rudy. At one funeral, he arrived late from another memorial just in time to speak. And what I witnessed that day was inspiring. He left the pulpit to approach the family, leaned down next to the deceased firefighter’s two young children, and told them in hushed tones: “Know that your father is a hero. He lives inside you. And he always will.” There was not a dry eye in the entire church.

Over those same weeks, I experienced the tumult of post-9/11 life in New York: bomb scares and building evacuations, anthrax scares, a Yankee Stadium interfaith prayer rally hosted by Oprah Winfrey, and a World Series where our beloved Yankees lost a nail-biter and fans wept openly every time famed Irish tenor Ronan Tynan sang “God Bless America.”

As time passed, I returned full-time to my law practice at Gibson Dunn, spearheaded a fundraising drive for 9/11 charities (my firm and colleagues all over the world were extraordinarily generous), and found myself drawn to cases helping 9/11 victims’ families.

First, I represented, pro bono, more than 80 fallen firefighters’ families in challenging the union’s refusal to distribute to them the \$70 million that Americans so generously contributed to its “Widows and Orphans Fund” after 9/11. The New York Daily News broke the story, running a front page banner headline, “Firestorm.” The union quickly caved, agreeing to distribute almost all of the money to the families for whom it was intended, regardless of marital status.

Later, my fellow deputy mayor, Rudy Washington, who was in perfect health before 9/11, became a fixture downtown during the recovery effort, and then suffered horrific, life-threatening breathing problems afterward, applied for health benefits as a result of his work-related condition, only to be denied by the Bloomberg Administration. I took up his cause, again on a pro bono basis.

He won an administrative ruling entitling him to health benefits due to 9/11-related injuries. But the Bloomberg Administration appealed. We then went public with the case, and the public was outraged. The day after the story broke, Mayor Bloomberg held a press conference to announce he was ordering his lawyers to drop the appeal. Justice was done, but even with the health care he deserved, my friend will never be the same.

That is part of 9/11’s legacy. It continues to leave a hole in New York’s skyline. And a hole in our hearts. We are rebuilding. Not only at Ground Zero, but within families devastated by the tragedy. We are looking forward, but we will never forget. For New Yorkers, the memories of 9/11 remain fresh a decade later. But the memories we hold most dear are of the many heroic and generous acts, big and small, that have restored and transformed us.

**We spoke the stirring words he would have: “This was the greatest rescue operation in history: more than 25,000 lives were saved that day.” But nobody could say them with more comfort and conviction than Rudy.**

## 9/11 MEMORIAL RISES IN DEATH DEFYING ACT

Ten years later, visitors and families finally have a place in which to mourn, commemorate and learn about the most monumental tragedy of our times.

Take a bow, Joe Daniels L'98.

BY LARRY TEITELBAUM

Ten years ago the Twin Towers fell to earth, consuming nearly 3,000 souls in the heart of Manhattan's financial district. Joe Daniels L'98 saw the tragedy in real time. And like many New Yorkers, he finds it hard to shake the memories.

Sitting in his office overlooking the site, Daniels relives the day. He had stepped off the E train to visit a client in a building across the street from the World Trade Center. He remembers looking up and seeing a raging fire and gaping black hole in the North Tower. He recalls hearing a massive explosion and watching a fireball rip through the South Tower. He recollects witnessing desperate people jump from windows 1,000 feet above ground and plunging to their deaths. And he remembers the piercing screams of bystanders who saw the South Tower collapse.

Three thousand six hundred and fifty-two days later, Daniels performed the ultimate act of remembrance by overseeing the opening of a memorial on 9/11/11 — the 10th anniversary of the worst terrorist attack in U.S. history.

The thought of it fills Daniels, president and chief executive officer of the National September 11 Memorial & Museum, with awe. Daniels describes the memorial as a sacred site, both inspirational and educational. He projects it will draw up to four to five million visitors per year. Even before it opened its doors, guests included President Obama, Queen Elizabeth and Pope Benedict XVI.

If it meets those projections, the memorial and mu-

seum will be the most visited attraction in a city filled with them. But, of course, it will be more than just another tourist attraction. "The memorial is about the individuals who died that day ... who simply get up every morning and go to work," says Daniels. "People will be able to see that a lot of care was put in by a lot of people to produce something that is going to be a permanent part of New York City, and people from around the world are going to be visiting and thinking about what happened on that day."

The memorial will feature two reflecting pools in the exact footprints of the towers. Each will contain 30-foot-high man-made waterfalls — the largest in the United States. But what people will likely remember — and be affected by the most — are the bronze panels around the perimeter of the pools. Cut into those panels will be the names of all of the victims of the 9/11 and 1993 attacks on the World Trade Center, as well as the names of those who lost their lives on Flight 93 and at the Pentagon.

A year to the day later, the museum will open. While 70 feet below street level, one of the striking features will be very much above ground. A large pavilion with a glass atrium will house two 80-foot-high tridents — both are artifacts of the North

Tower's original steel façade, and resemble giant hands reaching for the sky. In addition, the museum will be home to an exclusive collection of photographs, audio and video tapes, recorded testimonies and personal belongings, such as a charred pock-



Aerial view rendering of the memorial and museum.



Joe Daniels L'98, president and chief executive officer of the National September 11 Memorial & Museum, has led the effort to pay tribute to the fallen in New York City. Here he stands before one of the two reflecting pools on the site of the memorial. As a witness to the tragedy and a Manhattan resident, Daniels took the project to heart.

## 9/11/11

etbook with lipstick and rosary beads, firefighters' helmets, and mud-encrusted boots. There also will be two private areas for victims' families — one where they can store memorabilia and another for unidentified remains.

At \$700 million, the project has required a huge fund-raising effort, in addition to initial state and federal funding. As of June 2011, nearly 400,000 donors have contributed close to \$400 million. Donations have come from all 50 states and 39 countries, including Spain, Mexico, Portugal and Russia.

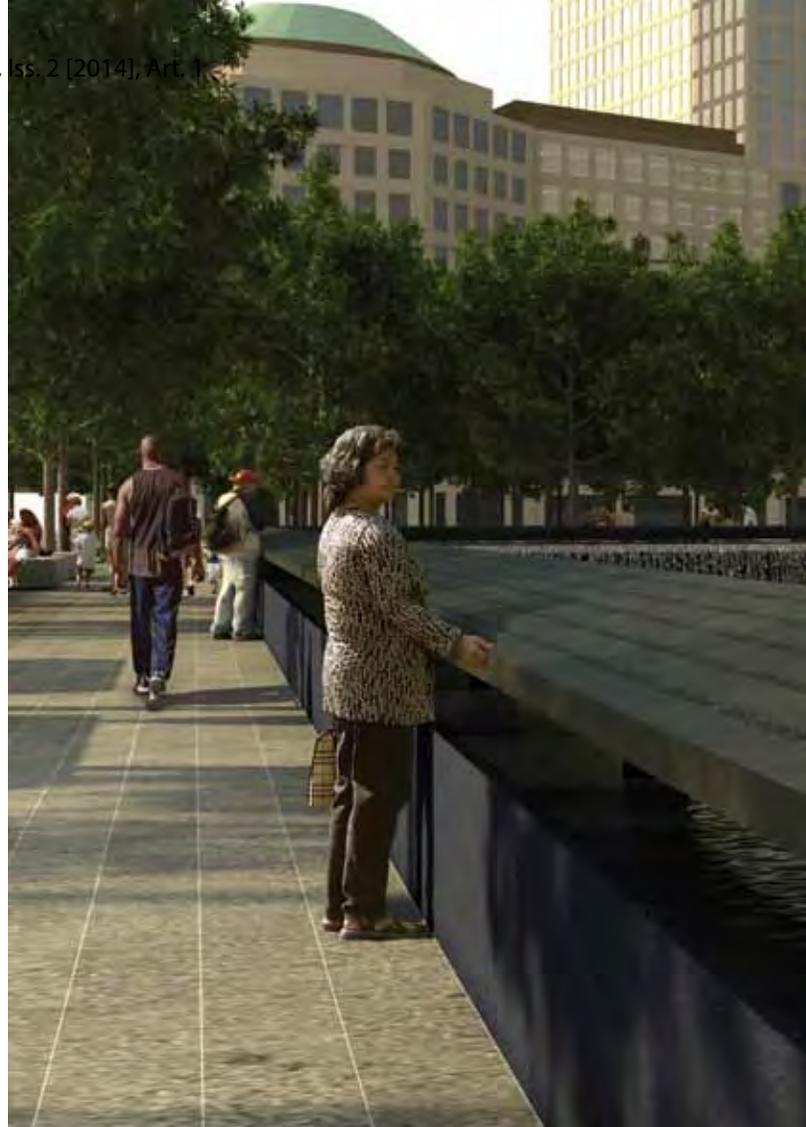
The project also required infinite patience. Originally scheduled for completion in 2009, the memorial ran into a number of roadblocks. As Daniels explains, a project of this magnitude and complexity demanded extraordinary levels of coordination among government, private entities and various stakeholders. It also faced a number of logistical and engineering obstacles, from bringing to grade a 16-acre, 70-foot-deep hole to working around trains running through the site.

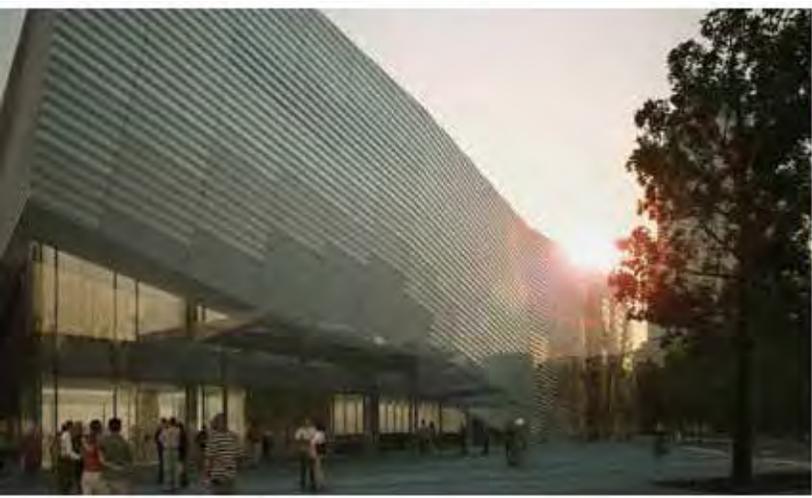
But from Daniels' perspective, all the frustration and toil will be worth it if the 9/11 Memorial and Museum reminds people of their common humanity. People from 92 nations — almost half the world's countries — were lost on 9/11. They came to work every day, at the World Trade Center, in pursuit of the American dream. And now, ten years later, they will be commemorated.

Daniels remembers the carnage, the human toll, the confusion, the fear and all of the emotions that overtook him and the country on 9/11. But he also remembers the sacrifice, the compassion and the sense of unity that followed the attacks. And he hopes the memorial and museum reignite those feelings.

"It feels almost like a pilgrimage to come to that site," says Daniels. "To remind people of that connection, I think that has the potential to be very powerful."

One of the most somber aspects of the memorial (as seen on top) are the two long bronze panels with the names of victims of 9/11. The panels are on the perimeters of the two reflecting pools. Below are images of the 9/11 museum, which is scheduled to open on Sept. 11, 2012. The purpose of the museum is to educate visitors about the roots and history of 9/11 through exhibits and artifacts. Portions of the original foundations of the Twin Towers will be on display.







# DIVINING THE MEANING OF 9/11

## **AZIZAH AL-HIBRI GR'75, L'85**

**Professor of Law, University of Richmond**

**Founder and President, KARAMAH:  
Muslim Women Lawyers for Human Rights**

**Member, U.S. Commission on International  
Religious Freedom**

We were full of hope and inspiration. You could say these were “the Sixties” of interfaith activism. We crossed political lines. We crossed ethnic lines. We crossed social lines. We stood together and promoted religious virtues of cooperation, civility and understanding. We did this together in churches, mosques and synagogues. Nothing seemed to stop us from fulfilling the American ideal of a harmonious interfaith society... until the planes hit the skyscrapers, and everything fell apart, even our interfaith dreams. In the aftermath, the fact was lost that many Muslims died at Ground Zero along with other victims. Islam became a dirty word and all Muslims became suspect. I remember the traumatized Muslim women who sought counseling after sudden law enforcement raids on their homes in Virginia. In an art class, one of them painted a blurred red, white and blue flag. When the counselor asked why was it blurred, the woman answered: “Because of my tears.” Her friend began using paper cups and plates because she did not know when “they would come back and take us.” The raids did not uncover any troubling information, but scores of Muslims were scarred forever. Others were deeply touched by acts of kindness, like the human chain formed by their non-Muslim neighbors who surrounded a mosque to protect it from vandalism. Now that the clouds may be slowly parting, might we not reconstruct our dream of a happy and harmonious interfaith world, one that truly honors the First Amendment of our Constitution?

## **ANITA A. ALLEN**

**Henry R. Silverman Professor of Law  
and Professor of Philosophy**

After the events of September 11, 2001, there was a lot of talk in the ethics community about America having been “remade” as

a nation more conscious of the need for security and less smug about our moral stature in the world. In the wake of 9/11 we could better see the importance of personal values and character: for not only had a handful of men lacking a moral compass taken down major businesses and employers like Enron and WorldCom, a handful of such men took down hubs of America’s economic prowess and military might — the World Trade Center and the Pentagon. Yet the heroism on board the aircraft that crashed in the Pennsylvania countryside on 9/11, thwarting another vicious attack on Washington bespoke America’s moral core. 9/11 pulled us together, created a sense of common purpose, recommitted us to fair, open, sacrificial democracy. The tenor of our involvement in Iraq, both some of how we got there and some of what we did when we arrived, was cause for concern about American values. The election of an idealistic, young African American president in 2008 symbolized the “Yes We Can!” character and freedom to which we aspire. Ten years after 9/11, some might say we seem to be losing our way, individually and collectively. Nothing like a major anniversary to renew flagging optimism.

## **DAVID AUFHAUSER L'77**

**Former General Counsel, U.S. Treasury,  
and Former Chair of the National Security Council  
Policy Committee on Terrorist Financing**

**Partner, Williams & Connolly**

9/11 confronted the U.S. with fractured, transnational non-sovereign threats. In al-Qaeda’s dogma of nihilism, any target was game — a train station in Madrid, London’s bus and metro system, Bali’s restaurants, Times Square and, of course, the twin towers. Moreover, any form of weaponry became an acceptable means to demonstrate the limits of our national defense and international power.

The popular view is that the U.S. legal response was characterized by a concentration of intelligence and investigatory resources in the Executive Branch with corresponding jeopardy in the area of civil liberties. But what is frequently overlooked was our im-

## **“THOSE WHO WOULD GIVE UP ESSENTIAL LIBERTY TO PURCHASE A LITTLE TEMPORARY SAFETY DESERVE NEITHER LIBERTY NOR SAFETY.” – BENJAMIN FRANKLIN**

mediate realization that much of what needed to be done was beyond the ken of government, i.e., you can't bunker every shopping mall, school or transportation terminal. So the government dispersed (some might say imposed) powers and responsibilities upon gatekeepers — corporate citizens in the areas of finance, communications and technology whose private actions now serve the national defense. Indeed, perhaps as a kind of ironic symmetry, today much private action is taken to meet the new non-sovereign threat that we confronted on September 11, 2001.

One quick example. In September 2005, the Treasury Department published a proposed rule under the Patriot Act stating that a small bank in Macao — Banco Delta Asia — had assisted North Korea in proliferation activity. Treasury did not go final on the rule for two years. But it didn't have to. The international banking community treated BDA as a leper as soon as the scarlet letter of the proposed rule was issued and it soon closed because of the multilateral action of private actors.

In a world of non-state actors — multinationals, NGOs, Balkanized media and universal banks — homeland security rests on the judgments made by private parties, as much as does on guys with badges.

### **CHANDRA BHATNAGAR '01**

**Senior Staff Attorney, Human Rights Program  
American Civil Liberties Union**

The 10th anniversary of the attacks of 9/11 offers an opportunity to reflect not only on the impact of the horrific event, but also upon our government's response to the tragedy which has been largely in violation of many basic civil rights and civil liberties.

In the past decade in the name of “keeping us safe”, we have witnessed serious and ongoing human rights abuses with minorities, women, immigrants and the accused among those populations who have borne the brunt of the violations. Former President George W. Bush severely damaged long-respected traditions of privacy and the requirements of the rule of law through the implementation of a program of illegal warrantless wiretapping. In 2008, Congress worsened the situation by passing the Foreign Intelligence Surveillance Act Amendments Act (FAA), which permits the government to get annual court orders that

can capture all communications coming into or going out of the United States — even if an American citizen is on one end, and even if that person is not suspected of doing something wrong. This unconstitutional spying continues under President Obama. Another policy that raises grave human rights concerns is the “targeted killing” program. According to news reports, President Obama has authorized a program that contemplates the killing of suspected terrorists — including U.S. citizens — located far away from zones of actual armed conflict. If accurately described, this program violates international law and, at least insofar as it affects U.S. citizens, it is also unconstitutional. Another troubling policy has been the embrace of military commission trials at Guantánamo by the Bush Administration and the Obama Administration (albeit with some procedural improvements). Over 100 prisoners remain locked up in the Guantánamo prison, over two years after President Obama promised to close the facility. In court, the administration has fought the release of detainees against whom the government has scant evidence of wrongdoing. Worse, the administration has embraced the theory underlying the entire Guantánamo detention regime: that the Executive Branch can detain militarily — without charge or trial — terrorism suspects captured far from a conventional battlefield.

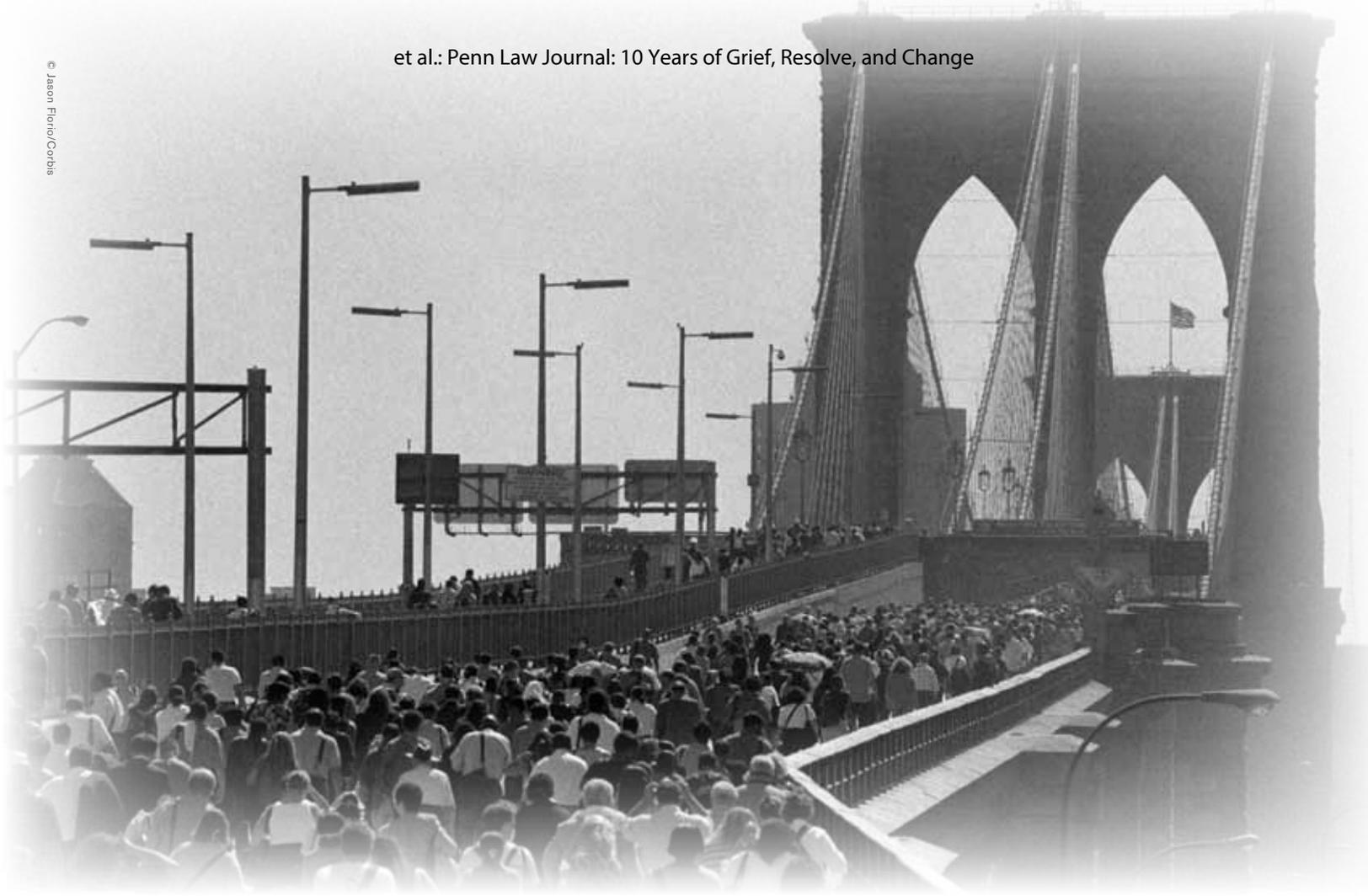
We must remain cognizant of civil liberties violations and human rights abuses committed by the U.S. government “in our name” and remind ourselves that throughout history those abuses have never made us more secure and are always looked upon in hindsight as a source of shame and failure. As Benjamin Franklin famously stated, “Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.”

### **WILLIAM BURKE-WHITE**

**Professor of Law**

**Former Member of the Secretary's Policy Planning Staff, U.S. Department of State**

September 11 shifted the fundamental assumption on which U.S. policy had rested since the end of the Cold War. During the 1990s, the U.S. enjoyed relative security from external threats; our security could be guaranteed at our own borders.



Pedestrians flee Manhattan by walking across the Brooklyn Bridge.

On September 11, America's vulnerability became all too clear. Yet, unlike the threats of the Twentieth Century, new threats stemmed not from states but from amorphous, often invisible terrorist networks rooted overseas but potentially operating anywhere. In this new environment, U.S. security came to depend on the stability, effectiveness, and cooperation of other states — whether enforcing their own domestic laws, preventing the spread of weapons of mass destruction, or apprehending terrorist suspects. In the decade since 9/11, the U.S. has tested two very different models of this external assurance of American security. To oversimplify, one model has sought to transform foreign governments — forcibly if necessary — to ensure both their capacity and willingness to participate in these efforts. The second model has sought to build a global architecture of cooperation to achieve the same goal. Both models have proved to have their limitations; the decade ahead will likely see continued shifts and experimentation. But, the real danger is that while orienting our foreign policy to address the threats of 9/11, we will overlook the challenges presented by rising powers, economic statecraft, and energy security.

## HOWARD CHANG

### Earle Hepburn Professor of Law

In the summer of 2001, ambitious plans to address the problem of illegal immigration by liberalizing access to employment-based visas appeared to be a priority on the national political agenda. With the support of both labor unions and business interests, President George W. Bush seemed poised to guide these liberalizing reforms through Congress as essential elements of comprehensive immigration reform. The terrorist attacks of September 11, however, placed these plans on hold as the public suddenly came to view immigration policy through the lens of national security concerns. Congress quickly adopted a series of restrictive amendments to our immigration laws, including expansions in the exclusion and deportation grounds related to terrorism, designed to make it more difficult for terrorists to enter and remain in the United States. Restrictionists, however, now invoke the threat of international terrorism as a reason to oppose any liberalizing reforms, and when efforts at comprehensive immigration reform resumed in 2006 and 2007, legislation that would have liberalized access to visas died in Congress. The irony is that the

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September 11 attacks themselves illustrate how comprehensive immigration reform would not undermine national security. Each of the hijackers who struck on September 11 entered the United States legally on non-immigrant visas; most of them used tourist visas. None of them needed or used an immigrant visa, nor did they need or use any visas for temporary workers. Thus, liberalized access to either immigration visas or visas for guest workers would not make it easier for terrorists to enter and attack, given the availability of tourist visas and other visas for temporary visitors, including those actually used by the terrorists who carried out the September 11 attacks. Yet the pall that those attacks cast over the prospects for comprehensive immigration reform lingers to this day as an unfortunate legacy of September 11.

### **CARY COGLIANESE**

**Edward B. Shils Professor of Law  
and Professor of Political Science**

**Director, Penn Program on Regulation**

The United States responded to the horrific attacks on September 11, 2001, by making numerous changes to its airline security regulation. Anyone who travels regularly knows of these changes, including the creation of the Transportation Security Administration (TSA), the federalization of screening personnel, and requirements for cabin door locks — not to mention new procedures for photo identification, body scans and pat-downs, and checked bag screening. For those who follow regulation, the challenges the government faced implementing these legal and administrative changes have also been familiar. It took several years before all checked baggage could be screened and still longer before domestic cargo could be inspected; to this day, cargo on international flights entering the U.S. is still not fully inspected. Despite the fact that weapons still do slip past screeners and other security vulnerabilities remain, the TSA's screening efforts have generated lawsuits and public resistance about privacy invasions and discrimination. Ten years ago, late night comedians temporarily suspended their broadcasts following September 11th; today TSA screeners find themselves the butt of television comedy. In the immediate wake of September 11, 2001, many Americans wondered why their government had failed to guarantee their safety; the intervening decade has provided at least a partial answer by revealing the profound challenges that regulators confront when dealing with complex, dynamic problems. Regulating well is seldom easy, and although airplanes may well be safer today than ever before, the United States' experience with security regulation in the last ten years has only revealed more clearly how challenging the regulatory task can be.

## STEPHEN A. COZEN C'61, L'64

**Chairman, Cozen O' Connor**

As the 10th anniversary of the terrorist attacks of September 11th are upon us, I feel a sense of disappointment and regret directed toward our institutions of government. My reasoning is quite simple: As has been recognized by the 7th Circuit Court of Appeals in the Boim case, the biggest terrorist threat we have comes from those who provide financing of and give material aid and support to terrorist organizations. Neither the State Department nor the courts have been the least bit helpful in attacking this root problem. We know from WikiLeaks that while the State Department was telling the September 11th victims not to worry about their denial of access to our civil justice system because the Kingdom of Saudi Arabia was cooperating with our government to eradicate support for al-Qaeda, the Kingdom was doing exactly the opposite and the State Department knew it. When one couples the disingenuous public statements of the State Department with a politically motivated decision by the Second Circuit in the terrorist litigation we have prosecuted in the Southern District of New York, which reinterpreted the Foreign Sovereign Immunities Act and its exceptions, to say things which the Congress never intended, which can only now be remedied by new legislation modifying, amending and making clear that U.S. citizens damaged in the United States by the acts of funders, aiders and abettors of terrorism can be sued in our courts, there is great disappointment and regret.

## JOE DANIELS L'98

**President/CEO, National September 11 Memorial & Museum at the World Trade Center**

On the day of the 9/11 attacks I lived in lower Manhattan with my family, and I still do today. Nearly 10 years ago I witnessed an unprecedented horror as well as unequalled courage and heroism. I'm proud my neighborhood, city and nation remained resilient in the weeks, months and years that followed. After all we experienced and endured, to see how far we have come, and to be given the opportunity to play a major role, not only in the reconstruction effort, but also in honoring and remembering the nearly 3,000 victims, brings this full circle for me.

## JACQUES DELISLE

**Stephen A. Cozen Professor of Law**

In a narrow and immediate sense, the aftermath of 9/11 was good for U.S.-China relations. In an effort to secure Beijing's cooperation on United Nations Security Council resolutions and in

anti-terrorism efforts more generally and as a consequence of the U.S.' focus on international terrorist threats and the wars in Iraq and Afghanistan, Washington put less emphasis on issues that had been perennial sources of friction in relations with Beijing, ranging from trade to human rights. But a positive tone in U.S.-China relations is not necessarily good for the U.S.' China-related interests, especially in the long run. Although we have become accustomed to thinking of 9/11 and terrorism emanating from strains of radical Islam as the major change in international affairs in the last decade, the rise of China is more important. The dominance of anti-terrorism in U.S. foreign policy — including the wars it spawned — since 9/11 has weakened the U.S.' ability to address the rise of China in several ways. First, it has distracted U.S. policymakers from focusing on the consequences of China's ascension and China's foreign policy agenda — something which has been greatly welcomed among those in Chinese policymaking circles who see the U.S. as a potential adversary or imagine a U.S. plot to contain China's rise. Second, the U.S.' post-9/11 wars and other anti-terrorism expenditures have reduced the resources the U.S. has available — and, perhaps more importantly, the resources China thinks the U.S. will have available — to address and engage China's rising military and economic clout. Third, throughout much of the decade, American military intervention in Islamic countries and the dominance of anti-terrorism agendas in U.S. engagement with Southeast Asian states diminished U.S. soft power, relative to China's, among China's near-neighbors — although this situation recently has improved with shifts in U.S. policy and China's shift to a more assertive, even aggressive, stance on the South China Sea and other regional issues. Finally, the U.S.' response to 9/11 has diminished the U.S.' ability to press American goals to change China's behavior. American critiques of the Chinese regime's human rights behavior face rebuttals that invoke Abu Ghraib, Guantánamo, the erosion of civil liberties in U.S. law, and so on. And Beijing invokes U.S.-driven U.N. resolutions and the “global war on terror” to defend its measures targeting alleged “terrorists” in China's restless Muslim northwest and even in Tibet.

## KENNETH R. FEINBERG

**Special Master, September 11th Victim Compensation Fund**

**Founder, Managing Partner, Feinberg Rozen, LLP**

The September 11 Victim Compensation Fund was a unique response by the United States government to an unprecedented historical tragedy. It is rare indeed that a compensation fund

9/11/11

— entirely financed by the taxpayers — is made available to the innocent victims of a tragic event. When I was asked by the attorney general of the United States to design and administer such a program, I never anticipated that a decade later I would again be called upon by the Obama Administration to implement another somewhat similar alternative to the conventional tort system. This time, it was an environmental tragedy arising out of the explosion of an oil rig in the Gulf of Mexico. As a result, millions of gallons of oil spewed into the Gulf and BP agreed to pledge \$20 billion to compensate all eligible victims. BP, not the taxpayers, agreed to establish the compensation program. But, like the 9/11 Fund, a voluntary compensation process was created that would permit some 300,000 individuals and businesses to avoid going to court. Programs like the 9/11 Fund and the BP Fund should not be viewed as precedents for fundamental changes in the traditional tort system; instead, they should be viewed as unique responses to unprecedented tragedies. They are one-off programs, unlikely to be replicated.

## ERIC FELDMAN

### Deputy Dean for International Affairs and Professor of Law

Many like to speak of the post-9/11 world as if something elemental changed in 2001 that left an indelible mark on societies across the globe. In certain ways they are correct. For those directly harmed by the hijacked planes, the horror of terrorist violence will never recede. But even those who suffered no immediate harm were faced with a new geopolitics. Those living in the West awoke to the reality of their vulnerability. Citizens accustomed to broad civil liberties were forced to relinquish some of their freedoms for what they believed (or were told) was greater security. Governments realized how little they knew about the Muslim world, and made the study of Islam and Arabic a priority. Lawyers began to study Sharia, and anthropologists sought to better understand family and kinship relations in Islamic societies. In the West, and in what one might call the Rest, there was a sense that the world was at a precipice, with great apprehension about global stability accompanied by at least some degree of commitment to pursue new opportunities for engagement. Now, a decade after 9/11, it is clear that we have fallen short in our efforts to reframe global relations. George W. Bush, widely praised for his actions in the aftermath of 9/11, found himself just a few years later dodging a shoe thrown in disgust by an Iraqi journalist. American students, not sensing an opportunity, are in 2011 as likely to be studying Latin as Arabic. Every trip to



the airport is a reminder of our diminished civil rights, yet there is little evidence that what we have lost in liberty we have gained in security. Economic and political instability are more common around the globe today than a decade ago. No progress has been made in crafting a rapprochement between the world's religious communities, nor have the enmities between long-feuding neighbors like India and Pakistan, or Japan and China, been healed. For the tens of thousands of individuals and families directly impacted by the attacks, 9/11 will always be a searing reminder of loss. But for the global community more broadly, the lessons of 9/11 have yet to be learned.

## SUSAN GINSBURG L'86

### President, US Civil Security LC

#### Senior Counsel and Team Leader, 9/11 Commission

Does the U.S. secure borders strategy hurt or help?

Unquestionably it is tougher for malefactors to enter the United States now than on 9/11; "security first" replaced a policy of promoting access. The cost is high: desirable visitors are excluded or deterred; legitimate U.S. travelers, visitors, and immigrants may be treated as criminal or terrorist suspects; U.S. citizens under suspicion may be blocked from flying home; and tough border security and immigration enforcement are poor substitutes for an effective immigration policy. We need a new strategy: securing the movement of people. After all, global movement is a



hallmark of work and family life today, and security against risks is a must. New goals should include bringing the rule of law to global movement channels; precluding terrorists, criminals, and human rights violators from exploiting global travel pathways; protecting citizens' right to movement; and adopting a U.S. immigration policy more responsive to market and innovation needs. These goals are achievable, despite widespread worries about illegal immigration and terrorist travel. However, movement lanes are a global common good, and securing the movement of people a global challenge. Governments have to join forces to secure and advance global mobility, uphold the rule of law in travel lanes, and prevent illegal cross-border movements.

### **EVAN KOHLMANN L'04** **NBC Terrorism Analyst**

Like many Americans, I have vivid memories of exactly where I was on September 11, 2001 when news broke of the terrible tragedy taking place in New York, Washington D.C., and Shanksville, Pennsylvania. I had arrived only days earlier in Philadelphia as a first year law student occupied with thoughts of a staid career in the corporate field.

That sense of complacency was shaken when our Tuesday seminar on Civil Procedure came to an abrupt halt: two airplanes had hit the World Trade Center, and America was at war. In the tumultuous days that followed, the notion of placing hardened terrorists inside the confines of a courtroom seemed oddly an-

tiquated. Yet, a decade later, a starkly different narrative has emerged. In scores of cases since 9/11, federal prosecutors and their law enforcement counterparts have successfully crippled al-Qaeda's financial network, snared homegrown extremists, and have squashed renewed plots by Osama bin Laden's cohorts targeting major U.S. cities. No less credit is due to criminal defense attorneys who have stepped forward, under the most trying of circumstances, to vigorously and impartially argue on behalf of those accused of conspiring to murder their fellow Americans.

One of the darkest days in modern history — and what some had feared would present an impossible challenge to the rule of law — has instead proven the resiliency and effectiveness of the U.S. legal system. For those of us focused on the intersection of the law and society, there has rarely been a more critical era for study and scholarship.

### **HOWARD LESNICK**

#### **Jefferson B. Fordham Professor of Law**

Most of the economic, cultural, and political changes that have occurred in this country in the last decade - the legitimization of endless rapacity in economic life and the resulting insulation of its consequences from political redress, the pervasive militarization of foreign policy and the growing ordinariness of "wars of choice," the largest patronage boondoggle in American history (aka the War in Iraq), the near-total annihilation of independent journalism, disastrous turns in policy toward public education and immigration — probably would have occurred in some form had September 11, 2001, been just another day. Yet it seems hard to discount its tragic significances. Like historic assassinations, it seems a defining moment, a critical turning-point, burned into our national consciousness. Shooting an archduke, or a President may set in motion terrible things, but the act itself is all too ordinary; incinerating over 3,000 people who just happened to go to work that day is of a different order of thing. Pearl Harbor, after all, was a naval base. Speculations about causation seem beside the point. My daughter was walking across Washington Square that morning, and saw one of the towers fall. For an American, happily, that is a different order of things.

### **HARRY REICHER**

#### **Adjunct Professor of Law**

Different measures instituted following 9/11, both in the United States as well as elsewhere, have thrown into sharp relief potential tensions between different rights adumbrated in the Universal Declaration of Human Rights. Security measures often require a

**“IT WOULD BE NICE TO SAY THAT 9/11 WAS THE DAY THAT THE ‘GREED IS GOOD’ ETHOS OF THE 1980S AND 1990S ENDED, AND WAS REPLACED BY SENSIBLE REGULATION AND A MORE NUANCED PERSPECTIVE ON MARKETS AND FINANCE. BUT THAT WOULDN’T BE ACCURATE. WE AREN’T THERE YET.” – DAVID SKEEL**

diminution in the freedom of the individual. It is often overlooked, though, that the right to live, and not have one’s life peremptorily ripped away, is also a human right; indeed, it is the first of the rights listed in the Universal Declaration. It is also qualitatively and fundamentally different from all other rights: Once torn away, it can never be restored; the victim can never be compensated; and its deprivation ipso facto carries with it the loss of all other rights. Thus, when different rights are weighed in the balance, there is a strong argument for tilting the scales in favor of the right to live. A proper analysis then requires consideration of all other circumstances, to determine whether, in a particular instance, the balance should remain tilted in that direction, and it is worth compromising individual rights if doing so results in greater security, or whether it is unnecessary to derogate from the rights under discussion.

### **DAVID SAMSON L’65**

**Chairman, Port Authority of New York and New Jersey**  
**Former Attorney General of New Jersey**  
**Founding Member of Wolff & Samson**

America is, without question, safer today in its defenses against the threat of another terrorist attack than it was in 2001. The creation of the Department of Homeland Security and, more importantly, the integration of federal, state and local resources have made an enormous difference in our ability to employ intelligence, law enforcement and emergency management operations in ways that never existed before the horrific September 11 attacks. These organizational improvements, coupled with concomitant public awareness programs, have also engaged the private sector, so the business community is now a partner in our defense network.

At the Port Authority of New York and New Jersey, we oversee the nation’s largest and most complex transportation system — airports, vehicular and rail tunnels and bridges, port facilities — with responsibility for an integrated cargo operation, not to mention rebuilding the World Trade Center site. With hundreds of thousands of customers using our facilities daily, and with

responsibility for the movement of goods, the Port Authority’s facilities are among the most visible targets in the world. Accordingly, security has been a primary focus and the Port Authority has invested billions of dollars since 2001 in hardening our facilities against attack. Although this investment has come at great financial cost, requiring the re-ordering of priorities in infrastructure investment, our region’s facilities are certainly safer.

Finally, although we have ramped up our vigilance, it has been my experience we have not done so in a way that has deviated in a systemic way from those core values respecting the public’s rights or expectations; by and large, although there have been incidents of profiling and other excesses, the implementation of our political decisions has successfully maintained the balance necessary and effective counter-terrorism policies with individual liberties.

### **DAVID SKEEL**

**S. Samuel Arsht Professor of Corporate Law**

The morning the Twin Towers were destroyed, I was on my way to the law school to teach (I thought) my bankruptcy class. There hadn’t been many noteworthy bankruptcies that year, but this would soon change. Enron collapsed a few weeks later, and its scandal-riddled collapse would be followed by Global Crossing, WorldCom and other companies.

No one would have imagined those scandals on that unnervingly brilliant September morning, and still less would they have imagined the even greater collapses of Bear Stearns, Lehman Brothers, AIG and others seven years later. In retrospect, 9/11 stands like a line of demarcation between the old business and financial order that dated back to the 1930s, and a new order that is still emerging, even after two major pieces of legislation: the Sarbanes-Oxley Act of 2002, and the Dodd-Frank Act of 2010.

It would be nice to say that 9/11 was the day that the “greed is good” ethos of the 1980s and 1990s ended, and was replaced by sensible regulation and a more nuanced perspective on markets and finance. But that wouldn’t be accurate. We aren’t there yet.

## Q+A SPECTER CRITICIZES OVERREACH OF PATRIOT ACT

For the first time since 1981, Arlen Specter C'51 is not serving in the U.S. Senate, having been defeated in his bid for the Democratic nomination. But that doesn't mean he's been relegated to the sidelines. He continues to, in his words, "stir up trouble," writing an open letter, for example, to UN Secretary-General Ban Ki-moon urging him to use a special unit to encourage authoritarian Arab governments to stop the violence against demonstrators and undertake reforms. Next March, Specter will release an as yet untitled book chronicling his last two years in office. In the meantime, the senator will teach a course at the Law School in the fall on Congress' role in the confirmation of Supreme Court justices. Here, in typically provocative fashion, he addresses where he thinks we went wrong in Afghanistan and inveighs against violations of civil liberties in the Patriot Act.

**Q: Did you expect that U.S. troops would still be in Afghanistan 10 years after 9/11?**

**A:** I opposed the surge of 30,000 troops. I thought it was a bad idea. There never has been an appreciable al-Qaeda force in Afghanistan. I don't know what we're doing there today. I felt a long time ago that we should have moved into Pakistan and found bin Laden. I think we have a right under international law, Article 1 of the UN charter, to move on a foreign country. Twenty-five years ago, I advocated kidnapping terrorists from countries which wouldn't extradite them. So I would have treated Pakistan very differently a long time ago.



© AP Photo/Haraz N. Ghahbari, File

**Q: Is the Patriot Act working as intended?**

**A:** It's really very hard to say. How often has it been used successfully?

**Q: Are there unintended consequences?**

**A:** To what extent have civil rights been violated that we don't know about? I fought to have The Patriot Act limited to situations involving terrorism. The FBI opposed that. Some parts of The Patriot Act preclude somebody whose records are being sought from even telling his lawyer ... I think we needed it at the time to respond to terrorism, but only to terrorism – not as a broad law enforcement tool. We have sufficient law enforcement tools without The Patriot Act.

**Q: Was it a good idea to establish the Department of Homeland Security?**

**A:** It was done a decade too late. I chaired the Intelligence Committee of the 104th Congress (1995-'96) and I proposed legislation at the time to bring all the intelligence agencies under one umbrella ... So I think the coordination was a sensible thing.

**Q: We haven't been attacked since 2001. Is that an endorsement of Homeland Security?**

**A:** I think it's more a matter of fortuity than legislation. More a matter of good luck.

**Q: What has been the most significant change in the country since 9/11?**

**A:** We live in a fortress society. You drive through the streets of Washington there are barricades everywhere. You go into an office building in Center City Philadelphia and they (security guards) take my picture and make me sign in. You go to the airport and you're frisked in your stocking feet. Big changes in society.

- LARRY TEITELBAUM

## ‘SURREAL CLOUD’ HOVERED OVER LAW SCHOOL ON 9/11

BY KRISTIN EKERT

When the sun rose on that clear September morning 10 years ago, it was just another day of classes and on-campus recruiting interviews for the Penn Law Class of 2003. By sundown, thousands of people had died, and it seemed as if the world had changed forever.

The summer leading up to September 11, 2001 was filled with reports of shark attacks off the eastern seaboard of the United States. Michael Tieff L’03 remembers watching *Good Morning America*’s coverage on what felt like another slow news day before the interruption came: A plane had hit the World Trade Center’s North Tower. That’s all anyone knew at 8:50 on that Tuesday morning.

Tieff called to his girlfriend (now wife) Candice Enders L’03, who, like many of her 2L classmates, was busy preparing for a day of on-campus interviews. During those first few minutes of news coverage, there was little talk of terrorism. Reporters on the scene remarked that it was hard to imagine how a pilot could run into a 110-story building on such a clear morning. Enders watched the news briefly, put on her interview suit, and headed to Penn’s interview center in the basement of Wharton’s McNeil Building.

Meanwhile, Elizabeth Kim L’03, also dressed in a suit, left David Rudovsky’s Constitutional Criminal Procedure class early for a 9:30 interview, stopping on her way at the Law School’s Career Planning & Professionalism Office. The usually hectic office was at a standstill as staff and students listened to the radio. Kim learned the basic news that the World Trade Center had been hit, but beyond that, no one had any idea what had happened. She continued on to the interview center. “We’re trained to go on auto pilot when we don’t know what else to do,” she observed as she recalled that morning.

Melanie McMenamin L’03 was also preparing for a day of interviews when she received an e-mail from her sister reporting that a plane had crashed into the World Trade Center. She turned on the television to watch the news and, by the time the second plane hit the South Tower at 9:03, had a sense that something bad was unfolding. “At a certain point, I thought, relative to law school, what are we doing? Am I supposed to still put on my suit and go interview?” She did. “In this surreal cloud,” she recalled, “I went about the business of putting on my suit and

preparing and walking through the beautiful campus and going to do the interviews.”

When McMenamin arrived, the interview center was in a state of chaos. The below-ground space didn’t have any televisions or radio and, and in the pre-smartphone era, there was virtually no Internet access. “It was like a vacuum box where no one knew what was going on,” said McMenamin. Interviewers, many of whom had come from Manhattan earlier that morning or worked for firms with Manhattan offices, learned bits and pieces from e-mail messages they received on their Blackberries. By the time Enders arrived at the center, the scarce knowledge she had gained from watching a few minutes of *Good Morning America* was enough to make her a hub of information.

Back at the Law School, Dean Michael Fitts and Dean of Students Gary Clinton, still trying to make sense of the morning’s events, arranged for a television to be set up in the Law School’s Clock lounge area. Members of the Law School community gathered around the TV, watching in disbelief as the networks alternated between footage of two planes plowing into the Twin Towers and live shots of thick, dark smoke billowing from the soaring buildings.

Bernadette Spina Tiso L’03 was in Ken Feinberg’s Mass Torts class when a classmate, who had stepped out of class and caught the news coverage, told her that the World Trade Center had been hit and that it was reported to be a terrorist attack. Tiso walked out of class and, standing next to Feinberg, watched the horrific scene on TV. “He looked back at me and shook his head,” she recalled. Within days, Feinberg would be appointed administrator of the federal 9/11 Victim Compensation Fund, a topic that would become a focus of that semester’s Mass Torts class.

As Tiso watched the initial coverage, she wondered if the top floors of the building could be rebuilt. A few minutes later, she watched the entire tower come down. Still, she had interviews to attend, and the extent of the tragedy wasn’t yet apparent.



“I remember thinking, I’m a professional now, I have to pull it together.” She headed to the interview center.

Shortly after the second tower was hit, Deans Fitts and Clinton would cancel classes for the day and arrange for crisis counseling for students. Later that day, the Pentagon would burn, a plane would crash in western Pennsylvania, and the death toll would rise to 3,000. Eventually, Bin Laden, Taliban, al-Qaeda, War on Terror, and Homeland Security would become household terms. People would speak of lost innocence and a new normal.

A decade later, has this country really changed? Yes and no, say my ’03 classmates.

“9/11 started a whole new conversation within the legal field and the Law School about the treatment of terrorists and the Patriot Act,” McMenammin noted. “We didn’t come to law school thinking about civil liberties in that way, about the interplay of the branches of government in that way. And suddenly that became very important.”

We also became a nation that looks over its shoulder. We slip off our shoes at airport security, place our liquids and gels in ziplock bags. We have “go packs” in case we need to evacuate in an instant, designated meeting places in case our cell phones don’t work. “I think it was a game changer and it continues to be,” said Tiso, who has lived and worked in the New York City area for many years post-9/11. “I’m a little bit more afraid. It doesn’t mean I’m not going to go about my day. But I do walk whenever possible rather than taking the

subway. It’s not like you think about it all the time, but sometimes you wonder, am I upping my risk if I’m on the subway?”

Still, the mundane needs of life loom large. “Life goes on,” said Enders, a new parent, with Tieff, to a baby girl. “We go to work and pay the bills and take care of our kids. On a day-to-day basis, it feels like life is back to normal.”

Elizabeth Kim, who has worked and lived in or near New York City in the post-9/11 years, agreed. “We fall back into our routines where we live and get by and do the best we can. It’s hard to maintain the kind of heightened awareness we had right after 9/11.”

Kim added, “I think 9/11 made everyone stop for a brief moment, reassess where they were in their lives, ask, ‘What’s really important to me.’ Some people had a baby, some people moved out of the city,” Kim’s voice trailed off. “And we, at the Law School, we returned to classes.”

KRISTIN EKERT IS A SENIOR WRITER AT PENN LAW SCHOOL.

**“9/11 started a whole new conversation within the legal field and the Law School about the treatment of terrorists and the Patriot Act,” McMenammin noted. “We didn’t come to law school thinking about civil liberties in that way, about the interplay of the branches of government in that way. And suddenly that became very important.”**

## THE POWER OF FRIENDSHIP REVEALS ITSELF AMID RUBBLE OF 9/11

BY LARRY TEITELBAUM

**THEY WERE BEST FRIENDS**, Doug Mastroianni L'90 and Geoffrey Cloud L'90. It all started in law school, where they lived down the hall from each other in the cloistered environment of the old dorms. They took classes and meals together, and developed a rapport around their mutual love of politics and sports.

After the crucible of law school, the friendship continued to flourish, with Mastroianni serving as best man at Cloud's wedding and the two visiting each other several times a year, even though Mastroianni lived in Los Angeles and Cloud in New York.

They were not just best friends, but like brothers. Mastroianni had every reason to believe that he and Cloud would go through all of life's stages together: marriage, children, jobs, retirement — the gamut. Not to be.

While on hiatus from law practice, Mastroianni was in Italy studying Italian and getting acquainted with members of his far-flung family. One day, while eating lunch, he overheard disturbing news. A person on a cellphone was talking about an attack on the World Trade Center. He immediately called Cloud, who was a lawyer in the compliance department of Cantor Fitzgerald, a big investment bank and brokerage house that occupied the top four floors of the North Tower, where Cloud worked on the 104th floor. No answer.

Late that night, Mastroianni reached Cloud's father, who delivered the shocking news: the towers had fallen. Mastroianni returned to the States and decided to stop in New York on a quixotic mission to find Cloud, thinking, at least hoping, he might locate him in a hospital lying unconscious or suffering from amnesia. He quickly realized the futility of that plan.

Instead, he attended a memorial service and spent a week with Cloud's wife, Mio, sorting through and bagging her husband's clothing for donation to Goodwill and playing with his friend's young children, Geoffrey, Jr. and Jaelyn. Such is the power of friendship.

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**MIO GREW UP IN JAPAN.** She came to the United States to go to law school. Mio met Geoffrey while both were summer associates at a Boston law firm. Geoffrey hailed from the Boston area. The couple was married on Feb. 23, 1991.

After law school, Geoffrey worked as a litigator at two law firms in Stamford, Conn. But what he really wanted to do, according to Mio, was work on Wall Street. To his good fortune, he landed a job as an enforcement lawyer with the New York Stock Exchange, and later moved to Cantor Fitzgerald. "I remember he was so excited when the Dow Jones Industrial Average hit 10,000," says Mio. "The stock market was the most fascinating thing in this world (to him)."

On September 11, Mio was in her office at the Bank of Tokyo in midtown Manhattan when someone shrieked, " 'Omigod, two airplanes hit the World Trade Center.'" She called her husband immediately, but could not reach him. Mio left work early. Over the days and weeks Mio, now desperate and forlorn, carried pictures of her husband to firehouses and visited Cantor's headquarters to see if she could get any information. A couple months later, she received a call from the medical examiner telling her that they had found a collarbone matching Geoffrey's DNA.

His children were five and six years old. "My son went through so many Father's Days and Boys Nights Out," says Mio of her son, Geoffrey Cloud, Jr. "Everybody takes it for granted that everyone has a father."

Mastroianni has tried to fill the void. Mio and her teenage children visit him almost every year in California, where Mastroianni runs his own law practice. Their visits are a reminder that things could have turned out differently.

Cloud was planning a vacation to visit his friend in Italy. Mastroianni suggested he come on September 11, 2001, the day his cousin was scheduled to fly in. **PLJ**



Classmates raised money to erect two plaques in memory of Geoffrey Cloud L'90, who died in the attacks on 9/11. The plaques are situated in one of the new classrooms in Gittis Hall.



© Peter Murphy

Mio Cloud embraces portrait of late husband Geoffrey Cloud, a victim of the 9/11 attacks on the World Trade Center. With her are children Geoffrey, Jr. and Jaelyn.



© Brian Stauffer/Thespot.com

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## WRITER'S BLOC

From thrillers to foreign intrigue  
to economic analysis, these authors  
have it covered with 38 books among  
them. What are you waiting for?

**START READING.**

## WRITER'S BLOC

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### THE LONG, TWISTING ROAD TO A 'KILLER' FIRST NOVEL

BY DAVID BRADLEY C'72

I met Jeffrey A. Cohen L'88, in 1983, when he took my undergraduate fiction workshop at Temple University. He attended George Washington University, in Washington, D.C., although he fit Temple's born-and-raised-in-Philadelphia profile, and he was doing his junior year in Philadelphia.

I liked the story he submitted; it displayed a wicked wit. Three years later, when he told me he was taking a sabbatical from Penn Law to "do some writing," I invited him to audit my graduate workshop.

Cohen submitted a partial novel called, *Manager of the Year*. A department store floor manager dreams of being an acclaimed writer. He gives his meager manuscript to a junior editor at a literary magazine. She gives him an honest critique. He kills her. Enter the legal system. What follows is Theater of the Absurd.

Some of my students didn't know what to make of Cohen. He had literary models — Dostoevsky, Heller, Kesey. He seemed to know what he was trying to do. But was he a serious writer, or, like his character, a wannabe?

I told them writers have to wannabe; as for serious, only time would tell.

Cohen finished law school and became an associate in litigation at Blank Rome. He wrote satirical pieces which appeared in the *Penn Law Forum*, *The Shingle* (later, *The Philadelphia Lawyer*) and the *New Virginia Review*. He took no more workshops, but we'd sometimes talk shop over drinks.

By then "legal thriller" had become a sub-genre. Lawyer-novelists — John Grisham, Scott Turow, Lisa Scottoline C'77, L'81 — were best-selling authors. Cohen's novel wasn't a legal thriller, but during his sabbatical he'd learned about Jack Henry Abbott, the killer who'd written to author Norman Mailer from his prison cell. Mailer decided Abbott was "an important

American writer," and convinced the parole board to release him and a publisher to turn the letters into a book. Abbott celebrated by killing a waiter. The resulting notoriety made Abbott a best-selling author. Cohen found this so "perverse" he'd taken his novel in a different direction.

Cohen too was going in a different direction. In 1990, he'd partnered with his brother to launch Voice FX, which provided voice information services to university registrars. By 1996 he'd left the law behind. He finished a draft of the novel, but had no time for revisions; he was growing a company.

In 1999, Voice FX merged with Student Advantage, listed on NASDAQ. Cohen made a pot of money. He still had management responsibilities but was living the *Lifestyles of the Rich and Famous*: top shelf, first class, exotic locales, nubile companions, including a Brazilian woman he met in a gentleman's club.

I teased him about the Girl From Ipanema; he replied with a revision of his book. He'd gentled satire to irony, softened sarcasm into sympathy and added one absurdist element: a reporter who promotes the killer as a literary genius. The new title: *The Killing Of Mindi Quintana*.

In 2009 his first novel was accepted by Welcome Rain, a New York house with a profile similar to Wynwood Press, which published John Grisham's first novel.



I suggested he send it to an editor I thought would say yes. She said no. So did every publisher he approached over the next four years. Sometimes books that could be published aren't. Sometimes a writer must move on. I said as much to Cohen. He replied: "I hear you... [But] if I (expletive) have to buy a publishing house to do it, I'll publish that book."

In May 2008, Cohen wrote that he was leaving business behind and sent some chapters of a second novel, that told the story about an archetypically Type A corporate honcho, indicted on white-collar counts and somehow involved with a Brazilian *femme fatale*. In August, I sent him a few comments, but by then he was a bit distracted. He e-mailed, "I am getting married."

Her name was Janine Templeton. He met her in the Endless Mountains, in Northeastern Pennsylvania. She had been a designer and occasional model of lingerie. She'd studied design at New York's Fashion Institute — she did her junior year in Paris, at l'Ecole Supérieur — and now, in her mid-thirties, was launching her own line. She knew about champagne wishes and caviar dreams, and about leaving things behind. They planned a secular wedding at Philadelphia's Rittenhouse Hotel in March 2009. But early one September morning Cohen called to say Janine Templeton had died.

In March, Cohen was in Sedona, Ariz., hiking in the Red Rocks, thinking — about Janine, about getting back to work on *A Plea For Leniency* and about self-publishing *The Killing Of Mindi Quintana*. Though it is routine business practice to invest to bring a product to market, the literary world shuns writer-entrepreneurs. But "after Janine died," Cohen said, "I decided to get this done."

But in the end, Cohen didn't have to buy a publishing house — although he did hire his own publicist. In 2009 his first novel was accepted by Welcome Rain, a New York house with a profile similar to that of Wynwood Press, which published John Grisham's first novel. It was published in 2010, and in its final form, *The Killing Of Mindi Quintana* was less about crime and punishment, or even fame and notoriety, more about keeping memories alive.

Cohen now admits he hasn't entirely left law behind; the narrator of *A Plea For Leniency* is a defense attorney making a special pleading for a client he feels he's failed. And he admits his first novel is not only about ironies or infamy, but the importance of hard work, and "passion for what you choose to do in life."

DAVID BRADLEY IS THE AUTHOR OF THE NOVEL, *THE CHANEYSVILLE INCIDENT*, WHICH WON THE PEN/FAULKNER AWARD IN 1982. HE TEACHES FICTION AT THE UNIVERSITY OF OREGON.



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## JENOFF SPINS FIVE NOVELS FROM RAW EXPERIENCES AS A DIPLOMAT

BY SALLY FRIEDMAN

When she was eight years old, Pam Jenoff L'01 was already at the family's manual typewriter churning out novels on its keys. Yes, novels.

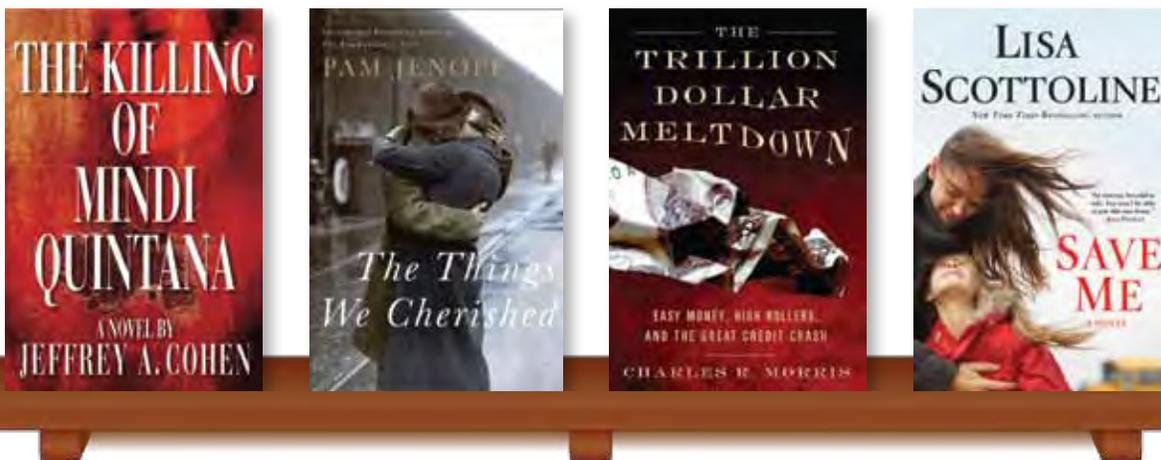
Her personal rock stars were novelists, exotic figures who seemed as remote to her as Hollywood icons, and just as glamorous.

"It was always there, the passion for writing.

But I come from a very practical family, and it would have seemed bizarre to say 'I'm going to be a novelist when I grow up.'"

But that is precisely what she has become. Jenoff, a clinical assistant professor at Rutgers School of Law in Camden, is the author of five novels — one every year since 2007. The subjects of her work — World War II and the Holocaust — proceed from her "clinical" experience abroad as a student and government official.

## WRITER'S BLOG



At George Washington University in Washington, D.C., Jenoff majored in international relations. But while some of her classmates were gravitating toward law school, she resisted. Instead, Jenoff was granted GW's first scholarship to Cambridge University, where she earned a master's degree in history.

And here is where the plot turns.

Fresh out of Cambridge, Jenoff served as a special assistant to the Secretary of the Army, then, for three years, as a foreign service officer with the State Department, primarily at the U.S. Consulate in Krakow, Poland.

"I was living in a place where the scars of Communism were still pretty raw. Conditions were difficult — you couldn't drink the water, air pollution was a problem and there were very few Americans."

But it was in that environment that Jenoff found herself re-connecting to her Jewish roots in new ways. "I gravitated to the small Jewish community that still existed in Krakow. I saw the power of hope — the birth of a child, a wedding in the Jewish community, the return of a Torah to a synagogue — and they all became important touchstones to my own Jewish faith and commitment."

Jenoff also worked on Holocaust and post-Holocaust-related projects, including the preservation of Auschwitz, the notorious concentration camp. It was a strange period for her, one of both gratification and sadness. "You lived with a constant awareness of loss and death."

When her State Department stint ended, Jenoff, yearning for home and family, returned to the U.S. ready for law school.

"It was really at Penn Law that I found my voice," says Jenoff, who published two papers stemming from her Krakow experiences, one about Jewish property restitution in Poland and one about the legal status of Auschwitz in the post-Holocaust era.

"I'm definitely inspired by the places I've been and the people I've met," Jenoff explains.

And this is where the plot turns again.

After graduating, *cum laude*, from Penn Law School, Jenoff went to work for a Philadelphia law firm and enrolled in a writing course.

"The course began just after 9/11, which was a powerful epiphany for all of us. And I didn't want to put off fiction writing any longer," says Jenoff.

Jenoff's first novel, *The Kommandant's Girl*, was published to both critical and popular acclaim. It became an international best-seller in 2007.

Based on actual events, the novel is set in Krakow, and focuses on a young Jewish woman passing as non-Jewish, and her complicated struggle to help her husband in the Resistance movement, with profound conflicts, loyalty and painful choices as its themes.

"I'm definitely inspired by the places I've been and the people I've met," she explains. "Those two years I spent in the Krakow Jewish community getting to know survivors motivated me to write *The Kommandant's Girl*, a novel that reflected and honored those experiences. I owe a lot to two actual Holocaust survivors who told me the true story of Krakow's resistance, which became the novel's historical underpinning."

*The Diplomat's Wife*, a spin-off of the first novel, followed in 2008, and *Almost Home*, about a globetrotting female diplomat coming to terms with her complicated past, was published in 2009. *A Hidden Affair*, her 2010 novel, continued threads of *Almost Home*.

This year has brought *The Things We Cherished*, published in July to high praise from *Kirkus Review*, *Booklist* and *Publisher's Weekly*. The book chronicles the crusade by two lawyers to clear the name of a man accused of World War II crimes, with a hidden clock central to this mystery novel.

Once again, she turns to Jewish life and the Holocaust in her latest book. "They are such compelling subjects and such fertile ground for exploring complex themes such as guilt, redemption and sacrifice."

Jenoff is a model of sacrifice herself. The mother of three children — a two-year-old son and one-year old twin daughters — Jenoff has had to squeeze her writing in at odd times, particularly before dawn when most of the world is slumbering. And, all too often, she's had to interrupt the most powerful narrative passages to heed the cry of a child.

"It gets complicated," acknowledges the 40-year-old author. "But it's never dull!"

SALLY FRIEDMAN HAS BEEN A FREELANCE WRITER FOR THREE DECADES. HER WORK HAS APPEARED IN THE *NEW YORK TIMES*, *PHILADELPHIA INQUIRER*, *NEWARK STAR-LEDGER* AND OTHER MAJOR NEWSPAPERS AND MAGAZINES.

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## NO MELTDOWNS FOR MORRIS AS A WRITER OR INVESTOR

BY MIRIAM HILL

To Charles Morris C'63, L'72, the impending explosion of the financial markets seemed obvious way back in 2004. He had to wait around a few years, watching bankers and traders borrow billions and bet on new products he knew they didn't understand, but in 2007, he was vindicated.

The market meltdown that year was almost perfectly timed for the release of his 2008 book on the crisis, *The Trillion Dollar Meltdown*, which predicted that investors would lose at least that much money to the reckless behavior of Wall Street. In fact, the devastation was so great that he revised the book in 2009 as *The Two Trillion Dollar Meltdown*.

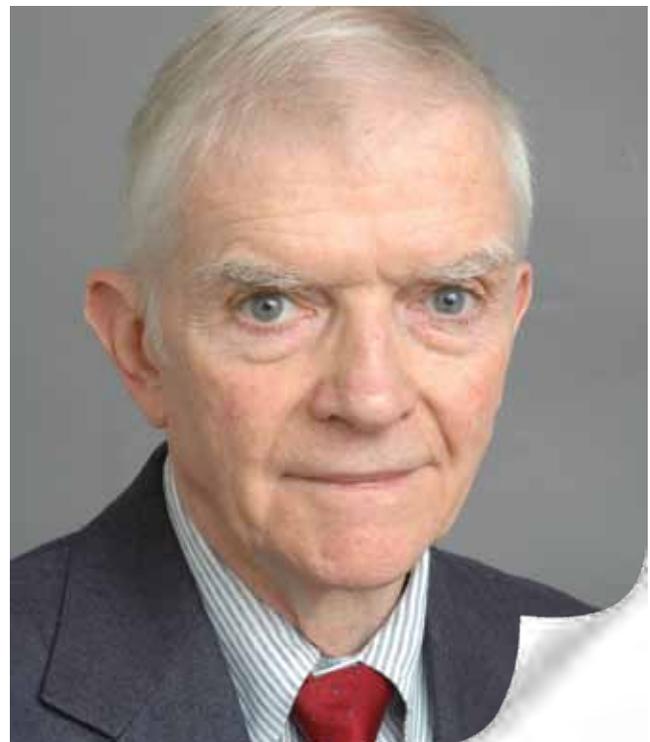
"I'd been watching this thing evolve since 2003," says Morris, whose book won the Gerald Loeb Award, which recognizes excellence in journalism in the fields of business, finance, and the economy. "The whole bubble just got bigger and bigger and bigger

"I tend to write about things that I want to learn about. Books are something that I find very congenial. I find it fun... and I think of myself as a craftsman, not an artist," says Morris

and it became clear that the whole world was going to be in trouble because housing prices had doubled in six or seven years."

He had long been schooled in the dangers of greed and financial innovation. He had researched the topic for his 1999 book, *Money, Greed, and Risk: Why Financial Crises and Crashes Happen*, a history that includes everything from 19th century "wildcat bankers" to Michael Milken.

Since graduating from Penn Law, Morris has had an eclectic career which includes 12 years of government service — including positions as director of the New Jersey antipoverty program, assistant budget director in New York City, and secretary of Social Health Services in Washington State — a stint as a corporate banker for what was then Chase Manhattan, and, until 2004, president of CapitalThinking Inc., a venture-backed software company that sells to the financial-services industry.



## WRITER'S BLOC

Morris defies the stereotype of the writer as neurotic obsessive driven to drink by the terror of the blank page.

"I tend to write about things that I want to learn about," the 71-year-old New York resident says. "Books are something that I find very congenial. I find it fun... and I think of myself as a craftsman, not an artist."

He has cast his writer's eye on New York City's fiscal crisis (*The Cost of Good Intentions: New York City and the Liberal Experiment, 1960-1975*), the Cold War (*Iron Destinies, Lost Opportunities: the Arms Race between the United States and the Soviet Union, 1945-1987*) and the Catholic Church (*American Catholic: The Saints and Sinners Who Built America's Most Powerful Church*). In all, he has written 12 books.

One of his most highly-praised works focused on a group of doctors. He had stumbled across data showing that Americans spend more on hearts than on cars, which sent him on a research spree that led him to Columbia Presbyterian in New York City. He spent six months at the hospital, work that culminated in 2007's *The Surgeons: Life and Death in a Top Heart Center*.

Watching doctors there perform surgery, he realized that one key to their success was an intense, systematic review of their work that reduced errors and improved surgical outcomes.

"There was sort of this really harsh criticism that they maintained toward each other, and they never took it personally," Morris says. "They would have a meeting where they . . . had to say, 'What did you do wrong,' and there wasn't anything judgmental about it because they all did stuff wrong. Everybody was honest all the time. It was very impressive. You almost never see that kind of thing, certainly not in the corporate world, not in the finance world."

CapitalThinking's business gave him a window into new classes of arcane credit derivatives, that spiraled from \$1 trillion outstandings to \$50 trillion in just a few years. There was poor documentation, few or no controls, and they were often used to conceal dangerous levels of debt — a colossal accident waiting to happen. He took his money out of the stock market in 2005, but later used some of it to bet against the banks just before the crash.

The market collapse took a few years longer than he anticipated, mostly, he says, because the Federal Reserve kept interest rates so low.

Unethical and even criminal behavior also contributed, he says. Prosecutions have been rare, he says, because the cases are hard to make. He also thinks the federal government, having spent at least \$1 trillion to rescue the banks, did not want to sue and force them to lose more.

Those who deserve blame for the crisis include a "broad swath of people," including some in both the Democratic and

Republican parties, who believed that "if you let finance run untrammelled, bankers will distribute capital into most efficient channels, and the whole world will prosper," Morris says. "That just happens to be wrong."

MIRIAM HILL IS A STAFF WRITER AT THE *PHILADELPHIA INQUIRER*.

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## MOTHERHOOD SPAWNS SCOTTLINE'S CAREER AND LATEST NOVEL

BY DANA VOGEL

When Lisa Scottoline C'77, L'81 sold her first novel to a publishing house, she was a single mother trying to feed herself and her young daughter. Twenty years later, Scottoline, a best-selling author, has published two nonfiction books, writes a weekly column for the *Philadelphia Inquirer*, is president of the Mystery Writers of America, and just released her 18th novel. With more than 25 million books in print in over 25 countries, she has earned the title of the "female John Grisham."

*Save Me*, her most recent novel, tells the story of Rose McKenna, who volunteers in the lunchroom of her daughter's school. She is motivated by a desire to watch over her daughter, Melly, whose birthmark on her face makes her a target of lunchroom bullies. When an explosion rocks the school, Rose must decide whether to save the bullies or abandon them to rescue her own child. Her decision ultimately leaves Rose with both civil and criminal charges against her.

Although *Save Me* is different from many of her other novels which tend to be classified as legal thrillers and feature female lawyers in the role of protagonist, Scottoline said the novel is not that different at all. "I write stories about really strong and interesting women. Because many of them have been lawyers, they got pitched as legal thrillers. I write about women who are interested in the difference between right and wrong," says Scottoline, explaining that her main characters don't have to be lawyers to be interesting.

Personal experience has always played an important role in Scottoline's works. "All of my novels are really personal. To be successful, you need to reach the readers on a personal level. The most compelling stories are those with an emotional truth," she says.

Scottoline explains that in recent years, she has returned to



“I write stories about really strong and interesting women. Because many of them have been lawyers, they got pitched as legal thrillers. I write about women who are interested in the difference between right and wrong,” says Scottoline, explaining that her main characters don’t have to be lawyers to be interesting.

Lisa Scottoline C’77, L’81 with daughter Francesca, who inspired the author’s latest novel, *Save Me*.

her “mom roots” as her now-grown daughter has moved out of the house. This change put into perspective the relationship between mother and child, which, in part, inspired *Save Me*. “You love your child and would do anything for that child. The question in *Save Me* is ‘Do you love your child enough to sacrifice someone else’s child?’”

As it turns out, Penn Law School has also served as an inspiration to Scottoline. “I thought law school was a gas. I loved it,” she says.

Scottoline has featured Penn Law in her works a number of times, whether a character was a fellow alumni or wearing a Penn Law sweatshirt. In her 2007 novel, *Daddy’s Girl*, she took the influence further, featuring a main character who was also a Penn Law professor.

Scottoline, herself, developed and taught a class at Penn Law titled “Justice and Fiction.” Part of her motivation to teach, she says, came from a desire to give back to the Law School. “Life is long — giving back gives it more depth,” she says.

This desire to give back is also what motivated Scottoline to accept the position of president of the Mystery Writers of America. She said early in her writing career she was nominated for two Edgar awards — an award given by the Mystery Writers of America to recognize the best of the genre — and won once. That recognition helped propel her career, she says. Serving as president is a “way of helping new young writers get into print,” says Scottoline.

Scottoline’s literary interest, however, extends well beyond the mystery and legal thriller genre. She says she opposes the classification of literature into genres because she feels that they are limiting. She doesn’t even like to place a label on her two nonfiction works. Like her novels, she says, “They’re the story of a woman’s life, and that happens to be me.”

Both books are based on her column “Chick Wit,” which appears in the Sunday *Philadelphia Inquirer* and which she co-authors with her daughter Francesca Serritella.

“Chick Wit” was born of Scottoline’s love of newspapers and her belief that there are not enough female voices or humor in the paper. Scottoline pitched the idea for her column to the *Inquirer*, promising that it would be funny and appeal to her local fan base. The column yielded two books, *Why My Third Husband Will Be a Dog* and *My Nest Isn’t Empty, It Just Has More Closet Space*. Her third nonfiction book, *Best Friends and Occasional Enemies*, written with her daughter is set for release this fall. She also has a new novel, *Come Home*, slated for release in April 2012.

Scottoline left a successful career as a trial lawyer to raise her daughter. She turned to writing as a way to balance a career and single-motherhood. Scottoline admits that she still doesn’t “have it down 100 percent of the time,” although it’s easier now that her daughter is grown and out of the house.

“I don’t take this job lightly. I like to put a lot of time in,” Scottoline says. “I feel lucky to have this as a job.” <sup>PLJ</sup>



**With his gift to Penn Law School, Peter Detkin is the father of a new Intellectual Property and Technology Legal Clinic. And, depending on your point of view, he's also a defender of small-time inventors, an entrepreneur who stokes the market for patents, or, ahem, a collector of patents for no discernible use.**



## THE GAME CHANGER



When the public radio program “This American Life” makes your company the focus of an hour-long story that was five months in the making, you’ve arrived.

Say hello to Peter Detkin EE’82, L’85, founder and vice chairman of Intellectual Ventures.

In that radio story, “When Patents Attack,” a venture capitalist who was an early investor in Twitter compared Detkin’s Intellectual Ventures to a “mafia shake-down,” a characterization Detkin found “ridiculous and offensive.” After the story aired nationwide on July 22, a blogger at Prawfs Blawg complained: “The reporters begin and end from an unapologetic stance that patent litigation is destructive.... They are entirely dismissive of the idea that patents in the high-tech world promote and protect innovation.”

Detkin is accustomed to being at the epicenter of heated claims and counter-claims about patent law — he’s a former head of litigation at Intel, after all — and he’s argued both sides of the debate about whether patent law protects or impedes technological innovation. The thing that still takes some getting used to, he says, is that he’s a patent attorney to begin with.

As an engineering major at Penn his ambition was to design antennas, but many middle-age engineers he met complained their careers had reached dead ends. Convinced by his father that law school was better than getting an MBA (lawyers, his father argued, can do anything; MBAs can’t practice law), Detkin EE’82, L’85 applied to law schools as a “back up” plan. The Long Island, N.Y., native turned down Stanford to enroll at Penn Law because, he thought, “I’m never going to practice in California, so why go to school out there?” Two years after earning his J.D., Detkin joined the Palo Alto, Calif., firm of Wilson, Sonsini, Goodrich and Rosati. What did he see when looking out his office window? Stanford Law School.

As a Penn Law student with an undergraduate degree in engineering, he found himself courted by patent attorneys. But to Detkin, patent law “seemed too narrow in its outlook and the prevailing belief was that you had to be a high priest to really understand it.” That job in Palo Alto? Detkin was the firm’s first patent attorney.

Having built his patent work into a highly successful intellectual property practice at Wilson Sonsini, one day Detkin deflected a telephone call from a head hunter by saying: “Lady,

you’d have to make me the head of litigation at Intel for me to be interested.” Can do. (Detkin had been litigating a number of cases on behalf of small companies against Intel at the time; he later learned an Intel executive suggested “let’s get this guy Detkin off our back and hire him.”)

At Intel, Detkin was the lead attorney responsible for managing the defense and eventual settlement of antitrust action by the Federal Trade Commission. He also managed Intel’s patent portfolio and led efforts to fight off what the company considered meritless patent infringement challenges against its technological innovations. Intel gave Detkin a bully pulpit when it came to all things IP, and he used it to lash out at what he called “patent trolls — somebody who asserts a patent broadly, for nuisance value with a meritless claim.” The term stuck; one day the second paragraph (if not the first) of Detkin’s obituary will cite him as the creator of the pejorative “patent troll.” (Detkin, by the way, still has the original troll doll — a toy of his then-6-year-old daughter — that inspired the phrase, which he coined after his first descriptive attempt, “patent extortionist,” led to a libel suit against Intel.)

The critics say that Intellectual Ventures is a patent troll, buying and licensing patents with no intention of ever making anything. Others, to quote a blogger at Intellectual Asset Management magazine, say Intellectual Ventures “has probably done more than almost any other organization to kick-start the marketplace for patents.”

“The term ‘patent troll’ has taken on a life of its own,” Detkin says. “It’s used now for any patent-holder you don’t like, whether their cases have merit or not. And Intellectual Ventures is a patent-holder companies don’t like. We’re disruptive. We’re working with folks who otherwise had no way to get value for their assets.”

In a nutshell, here’s what Intellectual Ventures does: it files patents on its own inventions (from agriculture and life sciences to nanotechnology and software); it buys patents from companies and individuals who might not otherwise convert their ideas into monetary gain; and it collaborates with universities and research institutions around the world, such as California Institute of Technology and the University of British Columbia, to develop inventions. It also licenses its patent portfolio to companies such as Samsung, SAP and Research in Motion, who are looking for access to ideas that can enhance their own work and to protect themselves from infringement suits. And in a partnership with the Bill and Melinda Gates Foundation, Intellectual Ventures is working on technologies that could diagnose and treat malaria, as well as neutralize the mosquitoes that cause the disease.



The firm has some 800 employees, \$5 billion under management for investment, and has aggregated more than 35,000 invention rights. As the self-described “global leader in the business of invention and owner of one of the world’s largest and fastest-growing patent portfolios,” Intellectual Ventures proclaims that it is bridging the Invention Gap — a term it has trademarked — by “significantly reducing a company’s liabilities and providing access to valuable invention rights.”

To the critic in that NPR story, “reducing a company’s liabilities” for patent infringement reminds him of “a mafia-style shakedown, where someone comes in the front door of your building and says, ‘It would be a shame if this place burnt down. I know the neighborhood really well and I can make sure that doesn’t happen.’”

But Detkin points out that 30 to 40 percent of U.S. patent holders are individual inventors without the resources to discover theft of their ideas by a large company, or to do anything about it even if they do. Meanwhile, more than 90 percent of revenues derived from patents goes to large companies. By aggregating the patent rights of small players, Intellectual Ventures levels the playing field.

“We are a game changer,” he says. “We are making the market place more efficient and transparent by bringing together creators of invention and users of invention. Someday we’ll be able to trade rights to inventions the way we trade pork belly futures, over an open exchange.”

It will come as no surprise that someone who has spent his entire career at the intersection of law and technology believes that “all business and technology professionals need a solid understanding of intellectual property. Inventors need to understand how to secure their rights, and business people, who may or may not be the inventors, need to know what to do with those rights.”

A gift from Detkin to Penn Law will help promote such cross-discipline understanding through the new Detkin Intellectual Property and Technology Legal Clinic. “I’m not aware of any other clinic at another institution that can provide this kind of practical, hands-on experience for when students enter the workplace or start their own companies,” Detkin says. In addition to training future lawyers, the clinic will also work closely with undergraduates at Penn to provide them an education on intellectual property. “It probably helps that the Law School and School of Engineering and Applied Science are across the street from each other, and that I am an alumnus of both!” says Detkin.

The mid-June announcement of the Detkin Clinic led Joff Wild, a blogger for Intellectual Asset Management magazine, to call on others to make a similar effort. “You cannot expect universities just to set up this kind of thing of their own accord,” he wrote. “They need help to understand why such courses/clinics are important, as well as support in providing students with accurate, relevant teaching and hands-on experiences. That’s where the IP community, especially on the corporate and transactional side, could come into play.

## THE GAME CHANGER

“Of course, there is a cost involved. But it is one that will pay itself back many times over if it helps to create a more IP-savvy environment in the years to come,” he added. “If Peter Detkin can do it, why can’t others ... do it too?”

What’s next for Detkin? Unless the same headhunter who recruited him to Intel offers him one of his dream jobs - managing director of the U.S. Ski Team or commissioner of the National Basketball Association - he plans to continue his work with Intellectual Ventures for the foreseeable future.

He once wrote: “My career has spanned every aspect of the patent spectrum: I have prosecuted patents before the PTO, I have had lead responsibility for litigating and licensing scores of patents (both as licensee and licensor) and I am now a principal in an entity whose primary asset is its patent portfolio.”

While sometimes still amazed that he specialized in patent law, Detkin is not surprised that he is energized by embracing new challenges. That may be a genetic trait. Detkin had a solidly middle class childhood on the south side of Long Island in Rockville Centre, “a bedroom community whose biggest industry was the local archdiocese,” but both of his grandfathers lived classic immigrant stories. “One came to the U.S. from Russia, circuitously through most of Europe, to escape the Cossacks, and the other from Latvia via London as a stowaway on a U.S. merchant marine vessel,” he says. “Both came to this country without knowing anyone here and without knowing a word of English.”

Detkin’s Latvian grandfather became a furrier in Brooklyn, a job he proudly held for more than 60 years. His Russian grandfather settled in Philadelphia where he sold buttons and beads from a pushcart, and later moved to New York. “That eventually became the family business of importing and wholesaling costume jewelry. Mood rings paid for my two Ivy League degrees!” Detkin says.

“I don’t give much thought to the questions, ‘What if I had become an engineer?’ or ‘Why patent law?’” he adds. “I just remember getting on that plane to California with a one-way ticket in my hand and thinking about my grandfathers. They focused on the future and never looked back. I can only aspire to be half the men they were.”

MARK EYERLY IS EXECUTIVE DIRECTOR OF COMMUNICATIONS AT DREXEL UNIVERSITY’S LEBOW COLLEGE OF BUSINESS.

Some lawyers and academics like to poke fun at, shall we say, the intricacies of patent law. But look out, change and growth in the field is afoot.

### Image Aside, Patent Law is the Mother of Invention.

**NO, REALLY.**

BY MARK EYERLY

“Patent attorneys are those people that do not have enough charisma to practice tax law!”

At least that’s the snide aside that one intellectual property blogger (and patent attorney) says he heard from one of his law school professors who tried to steer him from the profession.

Why so little respect for an area of the law that is at the heart of the global economy and has become an evergreen topic of debate in the halls of Congress and beyond? Is it because, as Peter Detkin EE’82, L’85, says, people once thought it was a field so specialized that one had to be “a high priest” to understand it? (See accompanying story.) Eric Marandett, L’92 – who fell into patent practice as an outgrowth of his litigation work and is considered by Intellectual Asset Management magazine one of the 250 best patent litigators in the world – was at first a bit tepid about his new specialty. “I kind of liked it,” he admits.

Today, Detkin, as founder and vice-chairman of Intellectual Ventures, and Marandett, as a practice group leader with Choate Hall & Stewart LLP, where he represents biotech, pharmaceutical and technology companies in high stakes patent litigation, are among the leading thinkers in the occasionally obtuse world of patent law. Marandett divides his time evenly representing patent plaintiffs and defendants; Detkin has prosecuted patents before the Patent and Trademark Office, represented licensees and licensors, and now is a principal in an entity whose primary asset is its patent portfolio.

Patent law reform is a hot topic. Bipartisan legislation approved by the Senate and making its way through the House “would make the first significant reforms to the nation’s patent system in nearly 60 years,” says the office of its lead sponsor, Sen. Patrick Leahy (D-Vt.). Changes provided by the America Invents Act include adopting the European model of “first to file” instead of the current “first to invent”; creating a nine-month window to challenge a patent after it is issued; empowering judges to enforce consistency in damages awarded for patent infringements; and banning patents on strategies to reduce tax liabilities.

But opponents of the legislation, such as one contributor to the blog at TheHill.com, call it “business as usual in Congress, favoring big banks and other special interests. Contrary to claims of supporters, this bill will stifle innovation, kill jobs, and further backlog the patent office.”

Marandett and Detkin say the claims on both sides of the debate are a bit overstated.

“I don’t think the patent system is broken, but there are some distortions in it,” Marandett says. “The Patent Office is overwhelmed and while the courts do a pretty good job of straightening things out, the judicial process is not as linear or smooth as it needs to be.”

“People have complained that patent law could not keep up with innovation since the invention of the steam engine. Patent law is not broken; it’s adaptable,” Detkin adds.

“Overall the bill is definitely a step in the right direction,” continues Detkin, “but there are sections in the current version that will do more harm than good.” In particular, he points to a controversial provision that critics argue will make it easier for banks and large financial institutions to infringe on business method patents.

One problem everyone agrees on is volume. In 2010 the U.S. Patent and Trademark Office granted 219,614 invention patents, a 31.2 percent increase above 2009; there is a backlog of some 700,000 patent applications and it now takes an average of three years and 10 months for a patent application to be accepted or rejected.

Detkin and Marandett think the most important legislative change would be allowing the patent office to retain all of the fees generated by its work. “Fee diversion is a big issue,” Detkin explains. “Patent applications are multiyear efforts, but the patent office depends on an annual budget allocation from Congress. With that kind of regimen it can’t forecast, staff up or build the infrastructure it needs to meet growing demand.”

**“The Patent Office is overwhelmed and while the courts do a pretty good job of straightening things out, the judicial process is not as linear or smooth as it needs to be,” says Marandett.**

In fact, Marandett argues that better funding for the patent office will do more to streamline the patent process than will another feature of the America Invents Act, one that has drawn the most attention and controversy: movement of U.S. patent law from its traditional “first to invent” standard to the European practice of “first to file.” Proponents of first to file cite the efficiencies of a standard that is easier to prove and one that is consistent with Europe. “A first to file standard would make the entire process cleaner and reduce the case load on the court system,” Marandett says. “It’s much easier to prove you were the first to file than you were the first to come up with the idea.”

Critics claim first to file places the interests of corporations and government bureaucracy ahead of small inventors and start-ups, who will be at risk of having established companies steal their ideas by using their greater resources to win a first-to-file race.

Of the 219,614 invention patents awarded in 2010, only 16,049, or 13.2 percent, went to independent inventors; overall, about 30 percent of U.S. patent holders are individual inventors. How do small inventors capitalize on their inventions? In a 2005 paper, Penn Law Professors R. Polk Wagner and Gideon Parchomovsky wrote that “for patents, the whole is greater than the sum of its parts: the true value of patents lies not in their individual worth, but in their aggregation into a collection of related patents, a patent portfolio.” That thinking is a key part of Detkin’s business strategy at Intellectual Ventures; “patent aggregators . . . can offer small inventors better access to important commercial partners and can also enhance their bargaining power,” he wrote in a 2007 essay that appeared in the *John Marshall Review*.

Patent, often considered the most complicated aspect of IP law, still might not be the first career choice of many law students, but it promises to continue to be one of the most intriguing specialties of the coming decade, Marandett says. “Our economy is going to move in the direction where technical innovation is vital; it will be a driver of economic growth. The patent system will be critical to our global competitiveness.” [PLJ](#)



# REUNION

Alumni turned out in record numbers for reunion weekend last May. More than 730 people attended events at the Law School and the Art Museum, which served as the stately setting for a gala dinner. As a bonus, alumni were afforded the opportunity to visit special art exhibits. The good news, the Law School has decided to do an encore at the Art Museum next year. RSVP early.



## Rendell Reminds Graduates How Much Lawyers Mean to Society

**ACKNOWLEDGING THAT LAWYERS** are not always popular, Ed Rendell encouraged Penn Law's Class of 2011 to take pride in their new profession.

Sharing an anecdote about a public ranking of professions published in the *Philadelphia Inquirer*, the former governor of Pennsylvania and mayor of Philadelphia said at the commencement ceremony last May, "I quickly went through the story to find out where we lawyers ranked. We ranked second from the bottom."

Nevertheless, Rendell said new lawyers should feel good about their career choice. "I'm enormously proud to be a lawyer, because I think lawyers protect people, defend people, and bring justice to the world. And nothing is more important to life than justice and fairness."

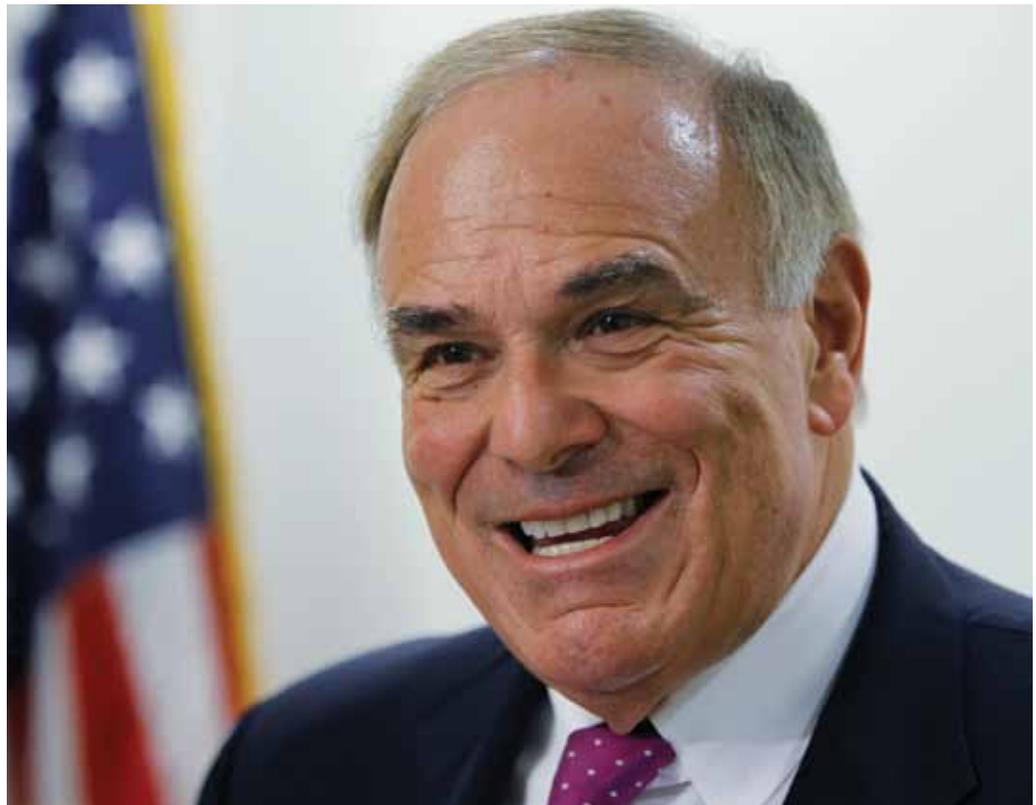
He pointed to an example from William Shakespeare's *Henry VI* when a character involved in plotting to overthrow the king says, "The first thing we do, let's kill all the lawyers." While often interpreted as an anti-lawyer sentiment, Rendell said the meaning is debatable. "If you wanted to take a free society and rip it asunder and take away the things and the freedom and the liberties we hold dear, you would need to kill all the lawyers," he said.

Lawyers helped to build the nation, Rendell declared, saying that 26 of 56 signers of the Declaration of Independence and 13 of the first 16 U.S. presidents were lawyers. Even trial lawyers, who sometimes suffer the worst reputations,

**"I'm enormously proud to be a lawyer, because I think lawyers protect people, defend people, and bring justice to the world. And nothing is more important to life than justice and fairness."**

have contributed to improving conditions in our country, Rendell said. "Think about the hundred most important safety advances — advances that protect all of us," he said. "Eighty percent of the most important safety advances of the last century came from litigation."

"Members of the class of 2011, you've been blessed with a great opportunity. The Lord gave you incredible diligence and drive. Your parents have given you an awesome opportunity by sending you to this great institution. You're very lucky and blessed people," he said. "So go out and, yes, do well, but also do good."



© AP Photo/Matt Rourke



# FACULTY NEWS AND PUBLICATIONS

## FACULTY NEWS FLASH

### RegBlog: Innovative Site Takes Students from Classroom to Real World

**REGULATIONS AFFECT EVERYTHING** from health care to the economy and the environment to food, but it's not always easy for lawyers and interested members of the public to find careful yet accessible analysis of regulatory issues.

That's where RegBlog comes in. A new student-run website sponsored by the Penn Program on Regulation at Penn Law, RegBlog features both student news stories as well as contributions from leading scholars at Penn Law as well as other major schools, including Harvard, MIT, and Oxford.

Over just the last several months, RegBlog has become a reliable, daily source of information for lawyers and policymakers from all fifty states and more than 125 countries, attracting the attention of government staff and officials from the White House, U.S. Congress, and major federal regulatory agencies. By any measure, RegBlog has been an unqualified success.

Cary Coglianese, Edward B. Shils Professor of Law and director of the Penn Program on Regulation (PPR), created the initial idea of RegBlog with the aim of providing a neutral forum for discussion of both legal and research developments. "In today's highly polarized political climate, neutral sources of news and analysis have become harder to come by, leaving a niche that can be filled well by a university-based program," he said.

Every day of the week — during the academic year as well as throughout the summer — RegBlog's team of student writers and editors are hard at work covering a broad range of regulatory issues, such as the Dodd-Frank Act, food and drug regulation, constitutional litigation over health care reform,



homeland security, telecommunications policy, and government transparency.

RegBlog is an innovative addition to legal education, too. Building on Penn Law's cross-disciplinary strengths, RegBlog brings together more than 30 students from the Law School and other Penn graduate programs to write, edit, and operate the blog under Coglianese's tutelage. Students gain an opportunity to see how what they are learning in the classroom applies to live regulatory issues.

For RegBlog's Communications Editor Jean Yin, L'12, the project "ties all of my favorite parts of law school together — reading and writing about topics that interest me, meeting other students, working closely with a professor, and thinking about how to make my school experience relevant to the real world."

RegBlog's online format forces students to hone their skills of writing clearly and concisely. "There's no better way to learn

how to write and edit high-quality, interesting, professional work than to do it nearly every day, discuss it with other students, and receive direct feedback from a top Penn Law professor,” RegBlog’s Editor-in-Chief Jonathan Mincer, L’12 said.

Many of RegBlog’s writers and editors are JD and LLM students, but its staff also includes a postdoctoral fellow in the Department of Radiology at the School of Medicine as well as graduate students in bioengineering, environmental science, governmental administration, landscape architecture, and city and regional planning. “Mincer has organized an outstanding team from across the university,” said Coglianesse.

Like Penn Law’s journals and clinics, RegBlog helps students gain valuable professional skills while performing a valuable public service. “RegBlog is a dynamic opportunity not just for Penn students to gain professional writing experience, but also to encourage intelligent dialogue about the complex regulatory process,” said Sean Maloney, L’13, RegBlog’s managing editor.

Coglianesse sees RegBlog as a great teaching and learning tool. “Law school isn’t just about reading cases. It’s about preparing for the world of today — a world which, for better or worse, is filled with regulations,” he said.

– DANA VOGEL

## A RegBlog Sampler

### **The Myths of Benefit-Cost Analysis**

*John D. Graham, Dean, School of Public Environmental Affairs, Indiana University, and former administrator, White House Office of Information and Regulatory Affairs*

“Complete safety (also called “zero risk”) is an illusion because well-informed citizens choose, on a daily basis, to assume many risks in life for exchange for a variety of benefits. People routinely choose, for example, to reduce travel time by driving faster on four-lane highways than opting for routes along lower-speed, two-lane roads.”

### **Why the REINS Act is Unwise if Not Also Unconstitutional**

*Sally Katzen, visiting professor of law, NYU, and former administrator, White House Office of Information and Regulatory Affairs*

“The Reins Act is not well considered, it is not tailored to the problem it is attempting to solve, and it will inevitably have unintended but nonetheless significant adverse effects on the economy and society at large, including fundamentally changing the constitutional structure of our government.”

### **Preemption of Vaccine Injury Lawsuits Upheld**

*Theodore Ruger, Professor of Law, Penn Law School*

“Despite an overwhelming scientific and medical consensus that common childhood vaccines are safe and effective, and that their public health benefits far outweigh their incremental risks, many members of the public and the news media have perpetuated the notion that various dire diseases – most notably autism – are caused by vaccines.”

### **Do Americans Care About the Debt Ceiling?**

*David A. Skeel, S. Samuel Arsht Professor of Corporate Law, Penn Law School*

“I suspect the disinterest is a legacy of the pattern of bailouts throughout the recent financial crisis, and the manipulation of the rule of law that accompanied them. We now assume that warnings of financial Armageddon are always premature; there’s always an escape hatch.”

### **International Linkage of National Climate Change Policies**

*Robert N. Stavins, Albert Pratt Professor of Business and Government, Harvard University*

“Cap-and-trade is still the most likely domestic policy approach for CO2 emissions reductions throughout the industrialized world, given the rather unattractive set of available alternative approaches.”

## FACULTY NEWS AND PUBLICATIONS

# The Go-to Lawyer in Public Interest, Kreimer Honored for his *Pro Bono* Work

**PROFESSOR SETH KREIMER** received a standing ovation when he was honored last April with the Law School's inaugural Beacon Award that recognizes a faculty member's contribution to pro bono and public interest service.



Kreimer "has been a resource, literally, for every public interest organization in Philadelphia, whether it's the Women's Law Project, Juvenile Law Project, AIDS Law Project, ACLU, (or the Public Interest Law Center of

Philadelphia," Penn Law Senior Fellow David Rudovsky said in presenting the award. "He has a passion and a commitment to fairness, to equality, (and) to access to justice that motivates him in a way that's really unique among people in the field."

Rudovsky described Kreimer, with whom he has litigated cases, as the go-to source for legal advice for lawyers facing the toughest issues in public interest and civil liberties litigation. "There's Westlaw, there's Lexis, there's also something known as 'Seth-Law,' said Rudovsky.

In accepting the award, Kreimer invoked Justice Louis Brandeis. "(Justice Brandeis) used to say that the only legitimate basis for accumulating wealth or professional privilege is the opportunity that it provides from time to time to do the right thing," said Kreimer. "Over the years I've been blessed with a series of sources of professional privilege that have made it possible for me to undertake *pro bono* efforts and this is an occasion to express my gratitude."

Kreimer has been a member of the Penn Law faculty since 1981. In his work he has explored, among other things, the implications of DNA testing in criminal justice, free speech on the Internet, and the dangers of abuse in the war on terror.

He has represented plaintiffs in a wide array of litigation. He served as co-counsel in *Ferguson v. City of Charleston* (U.S. Supreme Court, 2001), which established the right of obstetri-

cal patients to refuse non-consensual drug testing; in *Re R.B.F.* (Pennsylvania Supreme Court, 2002), which secured the right of gay and lesbian parents to establish families by second parent adoption; *Nixon v. Commonwealth* (Pennsylvania Supreme Court, 2003), which challenged the constitutionality of lifetime disqualification of ex-offenders from employment; *Buck v. Stankovic* (M.D. Pennsylvania, 2007), which enjoined denial of a marriage license to a citizen who wished to marry an undocumented non-citizen; and *Miller v. Mitchell* (Third Circuit, 2010), the first successful constitutional challenge to a prosecution of a minor for "sexting."

## Kraus Joins Faculty

**JODY KRAUS**, one of the country's leading academics in the field of contracts as well as the intersection of economics and



philosophy, has joined the Penn Law faculty. He will be appointed to the David E. Kaufman & Leopold C. Glass Professorship, and will also serve as a co-director of Penn's renowned Institute of Law and Philosophy.

Kraus joins Penn from the University of Virginia, where he had been the Robert E. Scott Distinguished Professor of Law.

He is the co-author of the leading casebook on contracts and has written some of the most important articles in the field. Kraus is best known for developing, especially in his recent work, a sophisticated philosophical defense of an economic analysis of law.

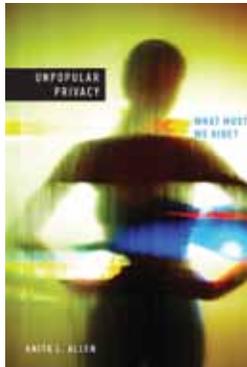
Kraus was a Woodrow Wilson/Charlotte W. Newcombe doctoral fellow, a John M. Olin Scholar in Law and Economics and a senior editor on the Yale Law Journal. (He holds a J.D. from Yale Law School.) He has received numerous teaching awards, including the University of Arizona's Meritorious Teaching Award and the University of Virginia Law School's First Year Teaching Award.

## Bookshelf

### *Unpopular Privacy What Must We Hide?*

(Oxford University Press)

**IN WHAT ANITA A. ALLEN REFERS TO AS** the “age of revelation” symbolized by Wikileaks and Facebook, can the government impose privacy we don’t want? It can, it does, and according to Anita L. Allen, it may need to do more of it. Privacy is a foundational good, Allen argues, a necessary tool in the liberty-lover’s kit for a successful life. A nation committed to personal freedom must be prepared to mandate privacy protections for its people, whether they eagerly embrace them or not.

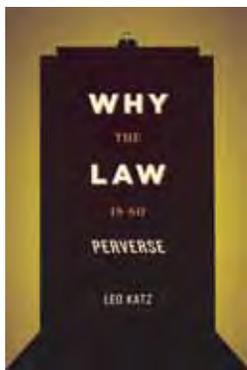


This unique book draws attention to privacies of seclusion, concealment, confidentiality and data-protection undervalued by their intended beneficiaries and targets — and outlines the best reasons for imposing them. Allen looks at laws designed to keep website operators from collecting personal information, laws that force strippers to wear thongs, and the myriad employee and professional confidentiality rules — including insider trading laws — that require strict silence about matters whose disclosure could earn us small fortunes. She shows that such laws recognize the extraordinary importance of dignity, trust and reputation, helping to preserve social, economic and political options throughout a lifetime.

### *Why the Law Is So Perverse*

(University of Chicago Press)

**CONUNDRUMS, PUZZLES, AND PERVERSITIES:** these are Leo Katz’s stock-in-trade, and in *Why the Law Is So Perverse*, he focuses on four fundamental features of our legal system, all of which seem to not make sense on some level and to demand explanation. First, legal decisions are essentially made in an either/or fashion — guilty or not guilty, liable or not liable, either it’s a contract or it’s not — but reality is rarely as clear-cut. Why aren’t there any in-between verdicts? Sec-

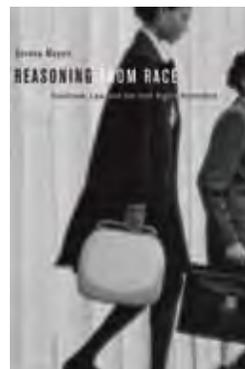


ond, the law is full of loopholes. No one seems to like them, but somehow they cannot be made to disappear. Why? Third, legal systems are loath to punish certain kinds of highly immoral conduct while prosecuting other far less pernicious behaviors. What makes a villainy a felony? Finally, why does the law often prohibit what are sometimes called win-win transactions, such as organ sales or surrogacy contracts? Katz asserts that these perversions arise out of a cluster of logical difficulties related to multicriterial decision making. The discovery of these difficulties dates back to Condorcet’s eighteenth-century exploration of voting rules, which marked the beginning of what we know today as social choice theory. Condorcet’s voting cycles, Arrow’s Theorem, Sen’s Libertarian Paradox — every seeming perversity of the law turns out to be the counterpart of one of the many voting paradoxes that lie at the heart of social choice. Katz’s lucid explanations and apt examples show why they resist any easy resolutions.

### *Reasoning from Race*

(Harvard University Press)

**IN THE 1960s AND 1970s**, analogies between sex and race discrimination became potent weapons in the battle for women’s rights, as feminists borrowed rhetoric and legal arguments from the civil rights movement. Serena Mayeri’s *Reasoning from Race* is the first book to explore the development and consequences of this key feminist strategy.



Mayeri uncovers the history of an often misunderstood connection at the heart of American antidiscrimination law. Her study details how a tumultuous political and legal climate transformed the links between race and sex equality, civil rights and feminism. Battles over employment discrimination, school segregation, reproductive freedom, affirmative action, and constitutional change reveal the promise and peril of reasoning from race — and offer a vivid picture of Pauli Murray, Ruth Bader Ginsburg, and others who defined feminists’ agenda.

Looking beneath the surface of Supreme Court opinions to the deliberations of feminist advocates, their opponents, and the legal decision makers who heard — or chose not to hear — their claims, *Reasoning from Race* showcases previously hidden struggles that continue to shape the scope and meaning of equality under the law.



# BOLD AMBITIONS

The Campaign for Penn Law

## Tolls' \$2.5 Million Gift Boosts Public Interest Programs

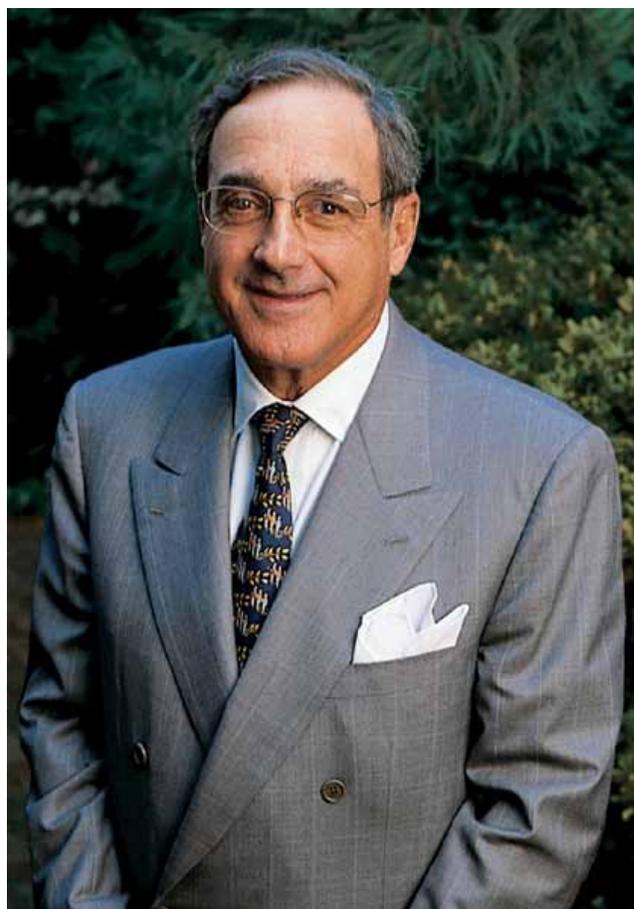
**ROBERT TOLL L'66** and **JANE TOLL GSE'66** have made an additional \$2.5 million gift that will allow the Law School to expand its existing public interest programs including loan forgiveness, internships and fellowships, pro bono service projects, and scholarship in the field of public interest.

"It's my hope that graduates of Penn Law will run public interest organizations and significant departments, agencies, councils of our government, bringing our uniquely educated students to positions of leadership in the near future," said Mr. Toll, executive chairman of the board of Toll Brothers, Inc., a leading builder of luxury homes.

Penn Law founded its public interest center in 1989 and renamed it the Toll Public Interest Center (TPIC) in 2006 in acknowledgement of a \$10 million gift from the Tolls that enabled a significant expansion of activities.

A national leader in promoting public interest and pro bono legal service, Penn Law is the first top-ranked law school to establish a mandatory pro bono requirement and the first law school to win the American Bar Association's Pro Bono Publico Award. In promoting the culture of public service at the Law School, TPIC is a locus for extensive pro bono and public interest programs at Penn.

These programs include more than twenty pro bono projects in which students represent clients in a variety of fields and cases, including civil rights, environmental justice, family law, governmental practice, health law, immigration, international human rights, labor law, women's rights, and youth law. The Tolls support has enabled the Law School to double the number of pro bono initiatives.



Robert Toll L'66

Since the Tolls' initial gift in 2006, each year hundreds of students have received financial support through the Law School and TPIC for unpaid summer internships in the public sector. This past year 60 percent of Penn Law 1Ls received such funding. With the Tolls' most recent gift, the Center is now able to guarantee summer funding for students. The Center also provides funding for spring break service projects.

Penn Law provides its alumni who engage in public interest work loan repayment assistance through TollRAP. The amount

**“It’s my hope that graduates of Penn Law will run public interest organizations and significant departments, agencies, councils of our government, bringing our uniquely educated students to positions of leadership in the near future,” said Mr. Toll, executive chairman of the board of Toll Brothers, Inc.**

of assistance is based on a formula that considers the applicant’s income and annual law school debt. The demand for the program has increased by 50 percent in recent years.

The 2006 gift also enabled the Law School to expand the Law School’s Public Interest Scholars Program, which funds full scholarships in the first year and two-thirds scholarships in the second and third years for students committed to practicing in the public sector. Since the program’s inception, Toll Scholars have obtained leading public interest fellowships, such as Skadden and the Independence Foundation Fellowships; and have joined government and advocacy organizations such as the Department of Justice, the ACLU, and the NAACP-LDF.

Mr. Toll has been a member of the Law School’s Board of Overseers since 1992 and has served repeatedly as guest auctioneer for the Penn Law Equal Justice Foundation Auction.

## Major Gifts

**BALLARD SPAHR, LLP** has made a significant gift to establish the Arthur Makadon Appellate Advocacy Program. The gift is a tribute to the firm’s former chairman, Arthur Makadon L’67. This program will help fund faculty who teach appellate advocacy as well as students who compete in national moot court competitions. The gift is a tribute to Arthur Makadon L’67, the firm’s chairman from 2002 to 2011. He stepped down in July. Makadon was instrumental in developing Ballard’s premier litigation practice.

**ALAN L. BELLER L’76** has made a generous gift to establish the Alan L. Beller Term Scholarship Fund and to Annual Giving. Beller, a member of the Penn Law Board of Overseers, is a partner in the New York office of Cleary Gottlieb Steen & Hamilton, LLP. He advises senior officials of both U.S. and international entities on complex securities, corporate governance and corporate matters. He served as director of the Division of Corporation Finance of the U.S. Securities and Exchange Commission and as senior counselor from January 2002 to February 2006.

**JOHN J. GALLAGHER L’76** has made a generous gift in support of Golkin Hall. In recognition, the Law School will name the bridge between Silverman Hall and Golkin Hall in his honor. Gallagher is the founder of the Law Offices of John J. Gallagher, P.C. He specializes in international transactions with an emphasis on Eastern Europe and Asian business entities. Gallagher is also chairman of Meridican, Inc., a Washington, D.C., international strategic consulting firm.

**OLUWAGBEMIGA OYEBODE GL’82** has made a substantial gift to the Golkin Hall project. In recognition, the Law School will name the Garden Walkway above The Goat space in his honor. Oyebode is managing partner of Aluko and Oyebode in Lagos, Nigeria. The firm provides a full range of corporate and commercial legal services, including banking and finance, dispute resolution, telecommunication, intellectual property, energy and natural resources, project finance, real property, taxation and privatization.



# CRAFTING YOUR LEGACY

## Smart Strategies for Achieving Your Charitable Goals

Through the years, many individuals have found planned gifts to be an excellent vehicle for supporting Penn Law. A planned gift can ensure that your philanthropy not only maximizes the benefit of available tax incentives, but creates a lasting legacy, helping you make a difference in areas important to you both today and for future generations.

- **ESTATE GIFTS** – Bequests by will or living trust are the simplest way to make a planned gift to benefit Penn Law. Penn's Office of Gift Planning helps donors tailor bequests and structure gifts of stock, real estate, and life insurance to maximize tax savings.
- **RETIREMENT PLAN ASSETS** – Including Penn Law in your estate plans is as easy as naming the school as a beneficiary of your 401(k), IRA, or other retirement plan.
- **LIFE INCOME GIFTS** – Charitable Gift Annuities and Charitable Remainder Trusts allow you to support Penn Law and receive lifetime payments.

Your gift qualifies you for membership in the William Draper Lewis Legacy Circle and the Harrison Society.

To learn more about the many ways Penn Law can help you in meeting your charitable goals, contact:

**Al Russo**

215-573-1198

[alrusso@law.upenn.edu](mailto:alrusso@law.upenn.edu)

<https://scholarship.law.upenn.edu/plj/vol46/iss2/1>

[www.makinghistory.upenn.edu/giftplanning](http://www.makinghistory.upenn.edu/giftplanning)





## CLASS ACTION

With more than 80 student groups, Penn Law has created a vibrant community organized around ethnic diversity, religious affiliation, social and intellectual interests.

Here we spotlight some of these groups and other aspects of student life.

### He Ran for Class President and Won. What Would You Expect of a Marathon Runner?

**WHEN DANIEL TABIB 3L** lost a bid for treasurer of his sixth grade class, he thought his student government days were over. That changed, however, with his election as president of the Penn Law Class of 2012.

Tabib said he decided to run because of his desire to build a strong network among members of his graduating class. “We need each other. The value we extract from our degrees is equal to the effort we put in.”

The election was by no means a one-horse race. Tabib competed with at least a dozen candidates, each of whom had to submit a one-page statement explaining their platforms. No polls, pundits or focus groups. This campaign relied on word of mouth and strategically placed posters. Tabib won the election in a run-off between the two highest vote-getters.

Tabib, who holds degrees from the University of Southern California and the London School of Economics, spent two

years as an accountant at KPMG before coming to Penn Law. An avid runner, Tabib will participate in the New York City Marathon this fall — his seventh marathon so far. Tabib is co-chair of the Penn Animal Law Project, co-president of the Real Estate Club, and a member of Lambda Law. He also plays in the Penn Law Basketball League and belongs to the Bowling Club.

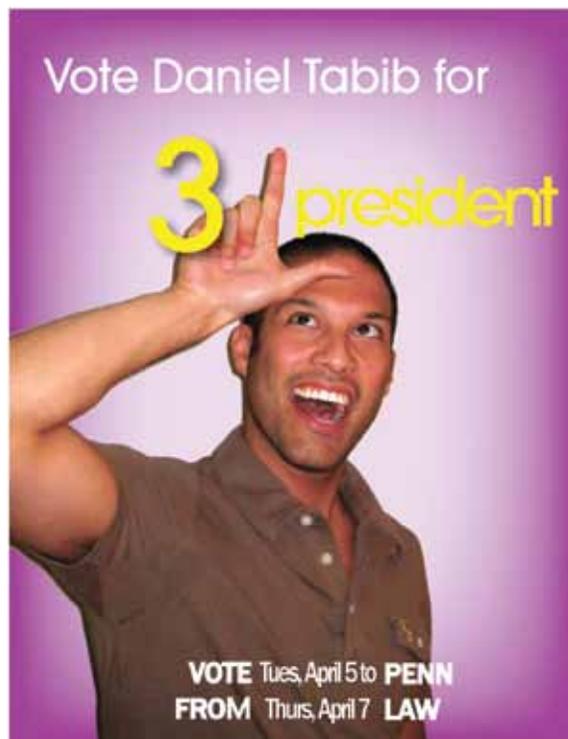
As class president, Tabib plans to focus on increasing networking and improving fundraising efforts. The key to successful networking, Tabib said, is hosting fun and exciting events so all 260 members of each law class get to know each other better.

“We should be casting as wide a network as possible, but it should also be a strong network,” he said. To that end, he would like to organize regional dinners for law students so they can meet classmates who will be working in the same city as them after graduation.

One of the key duties of the class president is to speak at graduation. Tabib said he already has “ridiculous amounts of anxiety about the speech,” but he is also excited. “It’s an honor that my class trusted me enough to choose me to speak in front of their friends and family.”

Tabib plans to do transaction work for a law firm after graduation and would eventually like to live in California.

– DANA VOGEL



Once spurned for higher office in elementary school, Daniel Tabib 3L made a stunning comeback with his election as Law School class president. He plans to focus on creating better networking events.

## CLASS ACTION



The Light Opera Company has been producing musicals for 34 years as a break from studies. Pictured is a scene from one of the rehearsals for “Little Shop of Horrors.” It was the first acting role for Kimberly Lippman L’11, who went on to direct two plays.

## Light Opera Company Performers Have a Song in Their Hearts and a Textbook in Their Laps

**BACK IN 1977**, students poked fun at the legal profession and gave themselves a respite from law school with a production of Gilbert and Sullivan’s comic opera “Trial by Jury.” And thus was born what would become the Light Opera Company.

In subsequent years a collection of law students, professors and even a local judge mounted a number of productions from the Gilbert and Sullivan oeuvre with nary a budget. Leslie Bram L’79, a member of the original cast, says the troupe was reduced to raising their own money and making their own costumes.

But it worked. “We sold out every year,” says Bram, who went on to direct “The Mikado” and “Iolanthe.” “It was a moment of great creativity.”

More than thirty years later, the Light Opera Company is still performing musical productions every year with a cast almost

entirely composed of law students, although they are now more eclectic in their tastes.

Kimberly Lippman L’11 participated in the Light Opera during her three years of law school. After acting in the “Little Shop of Horrors” her first year, Lippman took over the reins, directing “A Chorus Line” and “Into the Woods” this past spring.

While the connections between law school and musical theater might not be immediately obvious, Lippman said there are many lessons to be learned from working with the Light Opera Company. She says participation requires careful time management. Bram recalls students sitting at rehearsals with piles of books and reading when

not on stage. “It’s a balancing act for sure, but it’s also a great lesson in finding time for things you love. It teaches you how to make time,” says Lippman.

Each production is a year-long project. The show is selected at the beginning of the fall semester and auditions are held before winter break. Students then practice all of second semester leading up to their performance after spring break.

The Light Opera Company occupies a niche among student groups; it is one of the few clubs that does not revolve around the law, policy, or self-identification. Rather, it is devoted to sheer entertainment. Says Lippman: “It is by no means the best show, but it’s the best show you’ll see by law students.”

— DANA VOGEL

# ALUMNI BRIEFS

## 1940s

**MICHAEL C. RAINONE L'41** was honored by the St. James School in Binghamton, N.Y. with the establishment of the Michael C. Rainone Award for Excellence in Scholarship.

## 1950s

**CHARLES D. LEMMOND L'55** received the Henry Hoyt Award for Lifetime Achievement from the Luzerne County Republican Party. Charles is a former Pennsylvania state senator, a former Luzerne County Court judge, and had served as a county first assistant district attorney.

**STEPHEN J. MCEWEN, JR. L'57** has been appointed to chair the Legislative Reapportionment Commission by the Pennsylvania Supreme Court. Stephen is the former president judge of Pennsylvania Superior

Court. He is also the former district attorney of Delaware County.

**BERNARD M. GROSS W'56, L'59** has received the Pro Bono Service Award from the Philadelphia Court of Common Pleas "in recognition of outstanding service to the Complex Litigation Center Judge Pro Tempore Program." Bernard is the founder of Bernard M. Gross P.C. in Philadelphia and is a former member of the Pennsylvania General Assembly.

## 1960s

**PERLA M. KUHN L'62** has joined the New York office of Edwards Angell Palmer and Dodge as a partner in the firm's Intellectual Property department. She previously was the co-chair of the Intellectual Property department and chair of the Trademark practice at Hughes Hubbard and Reed.

**GERALD M. LEVIN L'63** delivered a keynote address at the 2011 DTC Perspective Inc.'s

National Conference. Jerry is the former chairman and CEO of Time Warner and was recently appointed to the Board of Directors for OrganizedWisdom.



**STEPHEN COZEN C'61, L'64** was honored by the Philadelphia Jewish Sports Hall of Fame with the 2011 Pillar of Achievement Award. The award recognized him for his success and for "giving back" to the community. Steve is the founder and chairman of Cozen O'Connor, a Philadelphia-based law firm with 24 offices worldwide.

**L. ANTHONY GIBSON L'64** received the New Jersey State Bar Foundation's highest award – the Medal of Honor – for his long-term commitment to New Jersey's legal legacy. The award recognizes people who have made exemplary contributions to improving the justice

system each year. Anthony is a retired Superior Court judge.

**JIM STRAZZELLA L'64** authored "Strazzella's Casebook on Criminal Appellate Procedure." Jim is a professor of law at Temple University's Beasley School of Law.



**SHELDON N. SANDLER L'65** was selected by colleagues and clients as "being among 640 of the world's leading Management Labour & Employment lawyers" by *Who's Who Legal*. He is a partner in Young Conaway Stargatt & Taylor's Employment Law section.

**ARTHUR SPECTOR W'62, L'65** was appointed chairman of the board of directors of the Rosenbach Museum and Library. Arthur joined the museum's board of trustees in 2009. He is managing director and one

## ALUMNI BRIEFS

of the founders of Safeguard International Fund, L.P.

### EDWIN SILVERSTONE

**L'66** has joined the board of directors of the Center for Developmental Disabilities. Ed's career includes positions as the president and chief executive officer of Goltens Worldwide, president of Fenway Holdings, and group vice president of Hanson Industries.



### ROBERT L. FRIEDMAN

**L'67** has been appointed to the board of directors of Orbitz Worldwide, Inc. Bob is a senior managing director of The Blackstone Group.



### SALVATORE M. DEBUNDA W'65, L'68,

a racehorse owner and breeder for more than 20 years, has been elected to a three-year term as president of the Pennsylvania Thoroughbred Horsemen's Association, on which he

has served for the last 15 years. Salvatore is a co-managing partner of the Philadelphia office of Archer & Greiner, P.C.



### LOUIS N. MARKS W'66,

**L'69** has joined Archer & Greiner P.C. as a partner in the firm's Philadelphia office, focusing his practice on counseling businesses regarding corporate law, corporate finance, business planning and development, and related corporate matters.



### ROBERT I. WHITELAW

**L'70** was elected president of the American Academy of Matrimonial Lawyers – Pennsylvania Chapter. He formerly served as vice president and secretary of the chapter. Robert is managing partner at Obermayer Rebmann Maxwell & Hippel LLP.

### RANDY J. HOLLAND L'72

was confirmed by the Delaware State Senate to his third term on the Delaware Supreme Court. He is the first Justice in Delaware Supreme Court history to be appointed to a third term.

### PAULINE STEVENS L'72

has joined Allen Matkins Leck Gamble Mallory & Natsis LLP as a partner in the firm's Los Angeles office. Previously, Stevens was a partner with Morrison & Foerster LLP.

### JOE MURPHY L'73

has joined the SAI Global Compliance Law and Ethics Advisors. Joe is the co-founder of Integrity Interactive Corporation, of counsel to Compliance Systems Legal Group, and on the board of the Society of Corporate Compliance and Ethics.

### ROBERT D. OWENS L'73

has joined the firm of Sutherland Asbill & Brennan LLP as a partner in the Litigation Practice Group in New York. Previously, he was a partner with Fulbright & Jaworski LLP.

### GEORGE R. BURRELL,

**JR. W'69, L'74** has joined the Philadelphia law firm Kleinbard Bell & Brecker LLP as partner in the firm's Government Relations Group. He is the former CEO of Innovation Philadelphia, served on city council in Philadelphia, worked for two mayors, and was a starting defensive back for the Denver Broncos.



### RONALD FIELDSTONE

**L'74** was recently elected to serve on the executive committee of Arnstein & Lehn LLP. He is a partner in the firm's Miami office and practices in the areas of real estate, corporate, and taxation.

### H. RONALD KLASKO L'74

was interviewed by *World Business Satellite* on the EB-5 Visa program. The show aired nationwide in Japan on TV Tokyo and covered many aspects of how foreign capital is being used to fund U.S. real estate projects. He is the founding partner of the immigration law firm of Klasko, Rulon, Stock & Seltzer.

### MANUEL SANCHEZ L'74

has been appointed to the President's Advisory Commission on Educational Excellence for Hispanics. Manny is the founder and managing partner of Sanchez Daniels & Hoffman LLP in Chicago.

### MICHAEL HIRSCHFELD

**L'75** was featured as an expert in a teleconference and live audio webcast titled "Tax Strategies for Distressed Commercial Real Estate: Who Said Taxes Are a Certainty?" Michael is a partner at Dechert LLP and focuses on Tax, Real Estate

Finance and Investing, Private Equity, and Distressed Mergers and Acquisitions.

**BRUCE LUDWIG L'76**

has been named to the 2011 Pennsylvania Super Lawyers list, published annually in *Philadelphia* magazine by Thomson Reuters. Bruce is a partner in the Philadelphia office of Wil- lig, Williams & Davidson's law department.

**MICHAEL P. MALLOY**

**L'76** has authored a book titled "Principles of Bank Regulations" (West Publishing). The book examines banking regulation in a post-meltdown and post-Dodd-Frank financial world. Michael is a professor at the University of the Pacific School of Law.

**ROBERT D. LANE, JR.**

**L'77** participated in the inaugural NAIOP Senior Executive Economics Conference co-sponsored by the Zell/ Lurie Real Estate Center at the University of Pennsylvania's Wharton School of Business. Bob is a shareholder in the firm of Stevens & Lee. He has been an adjunct professor at Wharton since 2008 and has been recognized as a Pennsylvania Super Lawyer from 2004 to 2011.

**PETER ROTH GL'77**

has been appointed a judge of the High Court of England and Wales and received a knighthood from the Queen. (is there more to this?)

**MARK ALDERMAN L'78**

has been appointed to the board of directors for the NASDAQ OMX Futures Exchange, Inc. Mark is a co-chairman of Cozen O'Connor Public Strategies, where he counsels clients on government relations issues.

**JILL E. DARROW L'78**

spoke at the 13th Annual Real Estate Tax Forum presented by the Practising Law Institute. Jill is a partner in the New York office of Katten Muchin Rosenman LLP and concentrates her practice in tax law.

**RICHARD S. GREEN**

**WG'79, L'79** has joined the New York office of Thompson & Knight LLP as a partner in the firm's Corporate and Securities practice group. He was previously a shareholder at Butzel Long P.C. in New York.



**STEVEN COUSINS L'80**

received the St. Louis Gateway Classic Sports Foundation African American Outstanding Citizens Award. The award recognizes individuals in the greater

metropolitan St. Louis area who have made significant contributions to the community and/or their respective areas of work. Steven is a partner in the law firm of Armstrong Teasdale LLP.

**MICHAEL R. LASTOWSKI**

**L'80** discussed "Pre-Hearing Discovery" at the Delaware Chapter of the Federal Bar Association's "Bankruptcy Litigation Advocacy Program." The program provided mid-level associates and other practitioners an opportunity to learn the ins and outs of bankruptcy litigation. Michael is a partner in the law firm of Duane Morris.

**MARIANNE ROSENBERG GL'80**

has joined Squire, Sanders & Dempsey as a partner in the firm's New York office. Marianne is a well-known and respected member of the global financial world whose career includes leadership roles at White and Case LLP, where she was head of the Equipment and Facility Finance Group and Linklaters LLP, where she was the U.S. managing partner. She is only one of four lawyers worldwide to be named a "market shaper" by *Airfinance Journal*.

**FRANCINE FRIEDMAN**

**GRIESING L'81** has been included in "The Road to Independence: 101 Women's Journeys to Starting Their Own Law Firms." It is published by the American Bar Association's Commission on Women in the Profession.

Francine is managing member of Griesing Law, LLC.



**KYRA MCGRATH L'81**

received the Girls Scouts of Eastern Pennsylvania's Take the Lead Award. The award recognizes accomplished women leaders in the Philadelphia region for their courage, confidence, and character. Kyra is the executive vice president and chief operating officer at WHYY, Inc.



**LISA SCOTTOLINE C'77,**

**L'81** has published her 18th novel, *Save Me*. Scottoline is a *New York Times* bestselling author, Edgar award winner, and president of the Mystery Writers of America. She taught a course on "Justice and Fiction" at Penn Law School and writes a weekly column in the *Philadelphia Inquirer*.

## ALUMNI BRIEFS

### **RALPH A. FINIZIO L'82**

has been named to the 2011 Pennsylvania Super Lawyers list. Ralph is a partner at Pepper Hamilton LLP in Pittsburgh and practices in commercial litigation.

### **GERARD HOGAN GL'82**

was nominated to the Irish High Court, an intermediate level appellate court.

### **GREGORY D. WILLIAMS L'82**

has joined Pepper Hamilton LLP's Boston Office as a partner in the Intellectual Property practice group. Previously, he worked at New England Biolabs, Inc. as general counsel, former chief IP counsel, and a senior member of the global business development team.

### **MARCY ENGEL L'83**

was listed among the 50 leading women in hedge funds in 2011. She is chief operating officer, general counsel, and partner of Eton Park Capital Management in New York.

### **PAUL J. LAWRENCE L'83**

has become a co-founder and partner in Pacifica Law Group LLP. He formerly was a partner at K & L Gates LLP. Pacifica Law will focus on public and private sector clients in the Pacific Northwest.

### **JAY A. DUBOW W'81, L'84**

has rejoined the law firm of Pepper Hamilton LLP as a partner in the Philadelphia office. Previously, Jay was senior vice president, general counsel, and chief admin-

istrative officer for Advanta Corp. in Spring House, Pa.



**NANCY J. KNAUER C'81, L'84** was one of 25 law professors in the United States featured in a study titled "What the Best Law Teachers Do." Knauer is a professor at Temple University Beasley School of Law. She teaches primarily in the areas of political and civil rights, property, and taxation.

### **J. BRADFORD MCILVAIN L'84**

has been appointed to the board of managers of the Penn Law School Law Alumni Society. He is Pennsylvania chair of the Construction & Real Estate Litigation Group at Archer & Greiner P.C. in Philadelphia.

### **AZIZAH AL-HIBRI L'85**

was appointed to United States Commission on International Religious Freedom by President Barack Obama. Azizah is a professor of law at the T. C. Williams School of Law at the University of Richmond.

### **DAVID N. FELDMAN L'85**

spoke in a live phone/web seminar titled "Alternative Public Offerings: An Emerging IPO Option," presented by Strafford Publications. David is an author and a

partner in the New York law firm of Richardson & Patel specializing in small company finance.



### **LISA C. GOODHEART L'85**

has been recognized by *Chambers USA 2011* as a leader in the field of environmental litigation. Lisa is a partner in the Boston civil litigation firm Sugarman, Rogers, Barshak & Cohen, P.C. Her practice includes cost-recovery cases, permitting and licensing appeals, land use disputes, and complex insurance coverage and business litigation matters.

### **MICHAEL J. QUINN WG'85, L'85**

received an Award for Distinguished Service from U.S. Attorney General Eric Holder at the U.S. Department of Justice's 58th Annual Awards Ceremony in Washington, D.C. He is a trial attorney with the Civil Division of the Justice Department.

### **MATTHEW A. CARTWRIGHT L'86**

was re-elected to a second two-year term on the American Association for Justice's board of governors. Matthew is a partner in the Pennsylvania personal injury law firm of Munley, Munley & Cartwright, P.C.

### **ROBIN L. COHEN L'86**

spoke in a live phone/web seminar titled "Bad Faith in the Investigation of Insurance Claims," presented by Strafford Publications. Robin is a partner in the New York office of Kasowitz Benson Torres & Friedman.

### **DANIEL R. GUADALUPE L'86**

was appointed to the advisory committee of the Center for Hispanic Policy, Research, and Development by New Jersey Gov. Chris Christie. Daniel is a member of the Bridgewater-based law firm of Norris McLaughlin & Marcus, P.A.

### **STUART E. JONES L'86**

has been nominated as ambassador to Jordan by President Barack Obama. Stuart is a career member of the Senior Foreign Service. He currently serves as the deputy chief of mission at the U.S. Embassy in Baghdad.

### **JEFFREY KAHN L'86**

has been named executive vice president and general counsel at Children's Hospital of Philadelphia. He joined CHOP in 1994 as an assistant general counsel. Until his promotion, Jeffrey served as senior vice president, audit, compliance & privacy and chief audit & compliance officer.

### **JULIUS LEIMAN-CARBIA L'86**

has been appointed an associate director to lead the National Broker-Dealer Examination Program in the SEC's Office of Compliance Inspections and Examinations. Previously,

Julius served as the head of IST Compliance at BP and worked at the SEC from 1989 to 1994.

**KEVIN R. ERDMAN L'87**

has joined Barnes & Thornburg LLP as a partner in the firm's national Intellectual Property department. He was previously a partner at Baker & Daniels LLP.

**MALCOLM R. LEE L'87**

will join the U.S. Commerce Department as counselor to the secretary and director of the Office of Policy and Strategic Planning. Previously, he was general manager for policy, strategy and corporate affairs at Microsoft China in Beijing. Malcolm also served in the Clinton administration.

**MICHAEL SMERCONISH L'87**

has joined the firm of Kline & Spector, P.C. in Philadelphia. Michael is an author and hosts a nationally syndicated radio talk show in Philadelphia.

**WARREN FRISS L'88**

has joined Apple Industries, Inc. as president. He is formerly vice president and general manager of Sports & Entertainment of The Topps Company.

**ERNESTO ADRIAN LANZA L'88**

has been appointed deputy executive director of the Municipal Securities Rulemaking Board. Ernesto will oversee several municipal market projects, including potential initiatives related to issuer and investor protection as well as increasing the effectiveness

and efficiency of muni capital markets. He will continue in his role as general counsel.

**TODD R. SYNDER L'88**

was named to New York Gov. Andrew Cuomo's Labor Negotiating Team. Todd is a senior managing director of Rothschild Inc. and co-head of Rothschild's Restructuring and Reorganization Group. He is also an adjunct professor at New York University Law School and New York University Leonard N. Stern School of Business.

**LEO STRINE, JR. L'88**

was confirmed as chancellor of the Delaware Court of Chancery in June. Leo has been vice chancellor since 1998.

**STELLA MING TSAI L'88**

was installed as the 2011 president of the Asian Pacific Bar Association of Pennsylvania at its Lunar New Year Banquet. She is a business litigation partner with Archer & Greiner, P.C. in Philadelphia.

**DAVID A. CRICHLAW L'89**

has been selected as Metropolitan Black Bar Association's Private Practitioner of the Year. He is the managing partner of Pillsbury's New York office.

**MARIA M. PABON-LOPEZ L'89**

has been appointed dean of the College of Law at Loyola University New Orleans. Previously, she was a professor of law at Indiana University School of Law. She is an expert in immigrants' rights.



**GREGG M. GALARDI C'79, G'85, GR'90, L'90**

has joined the firm of DLA Piper in New York as a partner and co-chair of the Bankruptcy and Reorganization Group. Gregg was formerly a senior partner at Skadden, Arps, Slate, Meager & Flom LLP.

**MARGO KITSY BRODIE L'91**

was nominated for the U.S. District Court for the Eastern District of New York by President Barack Obama. She has been an assistant U.S. Attorney in the Eastern District of New York since 1999. She currently serves as deputy chief of the Criminal Division.

**ANNE MARIE LOFASO L'91**

has co-authored a book titled *Reversing Field: Examining Commercialization, Labor, Gender and Race in 21st Century Sports Law*. Anne Marie is an associate professor of law at West Virginia University College of Law.

**PATRICIA PROCTOR L'91**

has been named founding director of the Simon Perry Center for Constitutional Democracy at Marshall University. The center is a new interdisciplinary program that promotes teaching and original research on the formation and evolution of the Constitution, and examines its

importance in contemporary legal, political, civil and cultural matters. Proctor has taught political science as an adjunct professor at Marshall. She is a member of the law firm of Steptoe & Johnson, where she concentrates her practice in complex commercial litigation and employment law, at both the trial and appellate levels.

**GREG WEINBERGER L'91**

was named a co-head of merger & acquisitions in the Americas by Credit Suisse. Greg previously was Credit Suisse's head of oil and gas M&A in the Americas.



**MICHAEL R. WILNER L'91**

was appointed a magistrate judge for the Central District of California. He will serve in Los Angeles in the court's western division. Prior to his appointment, Michael was an Assistant U.S. Attorney in Los Angeles.

**ERIC J. MARANDETT L'92**

has been named to the IAM Patent Litigation 250, a list of the world's leading patent litigators. He is a partner at Choate, Hall & Stewart.

## ALUMNI BRIEFS

**ADAM C. SILVERSTEIN, L'92** has joined the litigation practice group of Otterbourg, Steindler, Houston & Rosen, P.C. Adam previously was a litigation partner at Golenbock Eiseman Assor Bell & Peskoe LLP.

**MICHAEL JOEL BLUM C'90, L'93** was named general counsel of Vascular Solutions, Inc., a medical device manufacturer headquartered in Minneapolis. Previously, he was Intellectual Property counsel to SuperValu Inc.



**JEFFREY P. WALLACK L'93** was a speaker at the National Business Institute seminar in Philadelphia. Jeffrey lectured on "The Mechanics of Pennsylvania Civil Procedure." He is a partner in Wisler Pearlstine's Construction Law and Commercial Litigation departments.



**JENNIFER A. BRANDT L'94** taught a course titled

"Navigating the Rough Waters of Divorce" at Mainline School Night in the Philadelphia area. Jennifer is a member of Cozen O'Connor and practices in the Family Law practice group.

**DAVID ADAM NASATIR L'95** has joined Thorp Reed & Armstrong as a partner in its Philadelphia office. Previously, David was vice chair of the Business and Finance department at Obermayer Rebmann Maxwell & Hippel LLP.

**RICHARD L. FALEK L'96** joined the New York office of Winston & Straw LLP as a partner. He focuses on antitrust and trade regulation issues.

**SCOTT KENNETH MILSTEN L'96** was appointed senior vice president – general counsel and corporate secretary of Schiff Nutrition International, Inc. Most recently, Scott was senior vice president, general counsel and corporate secretary at Celera Corporation.

**MARK ALAN SOLOVY L'96** has joined Sikich Investment Banking as a managing director. He will focus on debt and equity financings, private placements, and mergers and acquisitions in the middle market.

**PRISCILLA J. "SALLY" MATTISON L'97** participated in panels titled "The New Music Business," "Get Your Recordings On TV," and "Copyrights, Contracts, and P.R.O.'s" at the Hudson Valley Songfest 6 in

Hudson, N.Y. Sally is of counsel to Bernard M. Resnick, Esq. P.C.

**CRAIG HYMOWITZ L'98** has joined Sterne, Agee & Leach, LLC, a privately held broker-dealer and investment bank based in Birmingham, Ala., as senior vice president and associate general counsel. Previously, Craig was a litigation partner at Blank Rome LLP in Philadelphia.

**MARTEZ MOORE L'98** was elected to the board of directors of URSA Major Minerals Incorporated. Martez is the executive vice president of Operations of Viacom Inc.

**JASON S. ASCHENBRAND, C'96, L'99** has joined PricewaterhouseCoopers LLP as a director in the Office of the General Counsel, where he will also contribute to the Employment Law Group. He was an associate at Winston & Strawn LLP.

**YELENA BARYCHEV L'99** participated in a live phone/web seminar titled "IPO Readiness Strategies: Navigating the Legal Complexities" presented by Strafford Publications. Yelena is a partner in the Philadelphia office of Blank Rome LLP and concentrates her practice on securities laws and general corporate law matters.

**MONA GHUDE L'99** was promoted to partner at the law firm of Drinker Biddle & Reath LLP. She is a member of

the Employee Benefits and Executive Compensation Practice group in the Philadelphia office.

**BETH HENKE L'99** was promoted to partner at the law firm of Marcus & Shapira LLP. She focuses her practice on representing employers in single-plaintiff, multi-plaintiff, and complex employment litigation.

**KOSTAS D. KATSIRIS L'99** has joined Venable LLP as a partner in the firm's New York office, where he will concentrate on complex commercial litigation including securities-related disputes and class actions. Kostas was previously a partner at Howrey LLP.

**JEREMY S. ROSOF C'96, L'99** has joined Dewey & LeBouef LLP as a counsel in the firm's New York office. He concentrates his practice on real estate litigation. He had been special counsel at Stroock & Stroock & Lavan LLP.



**JORDY HARRIS  
FELDMAN C'97, L'00**

co-authored the *Master Guide to Mass Claims Resolution Facilities* which addresses complex post-settlement issues in the context of mass claims facilities, such as the September 11th Victim Compensation Fund of 2001 for which she served as deputy special master. Jordy is a member of the Commission on Facilities for the Resolution of Mass Claims. She was also featured in the 2010 annual report of the International Institute of Conflict Prevention & Resolution.

**JULIA R. HESSE G'01, L'01** has rejoined Choate, Hall & Stewart LLP as a partner in its Healthcare group. Julia began her legal career at Choate in 2002 as an associate in the firm's Healthcare group before joining Ropes & Gray's Healthcare practice in 2005.

**PAM JENOFF L'01** has published a novel titled *The Things We Cherished*. It is her fifth novel. Pam is a clinical assistant professor at the Rutgers School of Law-Camden.

**JOSHUA S. AKBAR L'02** was promoted to partner at the law firm of SNR Denton in Phoenix. He practices in complex commercial litigation in class action defense, fraud, and bad faith litigation.

**WENDY AKBAR L'02**

has earned the designation of Certified E-Discovery Specialist from the Association of Certified E-Discovery Specialists. She is an associate at Quarles & Brady in Phoenix and represents clients in all aspects of commercial litigation focusing on intellectual property.



**MEREDITH A. BIEBER**

**L'02** has joined White and Williams LLP as an associate in the firm's Real Estate and Institutional Finance practice group.

**EDUARDO R. GUZMAN**

**L'02** was promoted to partner at the law firm of Drinker Biddle & Reath LLP. He is a member of the Communications Team of the Government and Regulatory Affairs Group in the Washington, D.C., office.

**KEVIN NOBEL MAILLARD**

**L'02** authored an opinion piece for the July 1 *New York Times* about the religious exemption to same-sex marriage laws. Kevin is a professor of law at Syracuse University and the co-editor of the forthcoming book, *Loving v. Virginia in a Post-Racial World: Rethinking Race, Sex and Marriage*.

**RAFFAELE SCALCIONE**

**GL'02, GL'10** has authored a book titled *The Derivatives Revolution, A Trapped Innovation and a Blueprint for Regulatory Reform*.

**ANUJ GUPTA L'03**

has been appointed by Mayor Michael Nutter to complete a five-year term on the Philadelphia Redevelopment Authority board.



**BRENDA J. ROBINSON**

**L'03** has joined Baker & Daniels LLP as a partner in the law firm's Chicago office. Previously, Brenda was a partner at Gonzalez Saggio & Harlan LLC in Chicago.

**USMAN SHAIKH L'03**

and Alberto J. Soler L'03 have formed Soler & Partners LLP, Counselors at Law, a Los Angeles-based law firm with practice areas in Entertainment and New Media, Intellectual Property, Licensing and Branding, Commercial and Business Transactions, and Corporate Finance. Prior to forming the law firm, Usman was an associate in the New York offices of Winston & Strawn LLP, Seward & Kissel LLP, and an agent trainee at International Creative Manage-

ment in Los Angeles. Alberto had been an associate at Cadwalader, Wickersham & Taft LLP in New York since 2003.

**JOSEPH COHN G'04,**

**L'04** has joined the Law Offices of Rhonda Hill Wilson, P.C., a Philadelphia nursing-home negligence firm, as an associate. Previously, he was a staff attorney at the AIDS Law Project.

**HILLEL DEUTSCH L'05**

has been appointed the new public integrity officer for the Rochester regional office by New York State Attorney General Eric T. Schneiderman. Hillel opened his own practice in Rochester last year.

**JONATHAN GOLDSTEIN**

**C'93, L'05** received the 2011 Defender of Justice Award from the National Rifle Association's Institute for Legislative Action. He received the award at the NRA's National Firearms Law seminar. Jonathan is the vice president and managing director of Legal Services at Pangea3 LLC.

**JACOB A. GURWITZ L'05**

has been named chair-elect of the Pennsylvania Bar Association Young Lawyers Division. Jacob is a criminal defense lawyer with the Reading firm of Feeny & Gurwitz.

**SEAN D. HAWKINS L'05**

has been selected for inclusion in *Texan Rising Stars* 2011, published in the April 2011 issue of *Texas Monthly*. Sean is an associate at Thomson and

# ALUMNI BRIEFS

Knight LLP in Dallas, where he specializes in real estate.

**ROBERT W. IVEY III L'05** has been named one of the 20 semi-finalists for One Man Dallas. One Man Dallas identifies the one man in Dallas who represents the best of the community from the perspectives of involvement, personality, intelligence, and fitness. Robert is an associate at Munsch Hardt Kopf & Harr, P.C.

**DANIEL R. SLAWE C'98, ENG'98, L'05** has been appointed chief operating officer at Evolution Marketing Research, a premier healthcare marketing research company.



**RAYA L. DOYLE L'06** has joined Sills Cummis & Gross P.C. as an associate in the litigation practice group. Previously, she was an associate at Akin Gump Strauss Hauer & Feld in New York.

**SHELDON L. FULLER C'02, L'06** has joined Archer Norris as an associate in its Newport Beach, Calif., office. He will focus his practice on environmental law and construction litigation.

**MAURA SMITH C'03 L'06** has joined Riker Danzig Scherer Hyland & Perretti in Morristown, N.J. as an associate in the firm's insurance group. She previously served as a law clerk for Michael Baylson, a U.S. district judge.

**RAGHAV BAJAJ EAS'05 L'08** has joined Sterne, Kessler, Goldstein & Fox as an associate in the Electronics Practice Group. Previously, he was IP counsel to an Internet start-up and an associate at Dickstein Shapiro LLP.

**JOHN METZIDIS L'08** has joined Grodsky & Olecki LLP in Santa Monica, Calif., as an associate. He was formerly a litigation associate with Morrison & Foerster LLP in Los Angeles.

**DARTH M. NEWMAN L'08** has joined Archer & Greiner PC as an associate in the litigation department in the firm's Had-donfield, N.J., office.

**BRYAN FIELDS L'09** has accepted a job as a trial attorney in the Fraud Section of the Criminal Division in the Department of Justice through the Attorney General's Honors Program in Washington, D.C.

## fyi: PERSONAL UPDATES



**IRA BRIND C'63, L'67** married Stacey Leigh Spector on April 22. Ira is a partner in Pulse Equity Partners, an investment firm.



**RACHEL KAPLINSKY MARGOLIES L'01** and her husband, Rich, are thrilled to announce the birth of their second son, Ryder Bryce, on May 5, 2011. Rachel, Rich, Ryder, and his big brother, two-and-a-half-year-old Austin, live in New York City where Rachel is an associate counsel for the National Football League.



**KOSTAS D. KATSIRIS L'99** and his wife, Melinda Orlie-Katsiris, are proud to announce the birth of their second daughter, Philippa Sofia Katsiris, on May 20, 2011.

**SIE NE CHRIS MIN L'06** married Vincent Huang on March 28. She is a managing associate at the law firm Orrick, Herrington & Sutcliff in New York.

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](mailto:lteitelb@law.upenn.edu).



# IN MEMORIAM

## Bernard Wolfman Steered Law School Through Trying Period

**BERNARD WOLFMAN C'46, L'48**, former dean of Penn Law School and the Fessenden Professor of Law, emeritus at Harvard University, died August 20, 2011. He was 87.

“For more than 60 years, Bernie was a highly distinguished tax academic and expert, as well as a very loyal Penn alumnus. He will be greatly missed,” said Michael A. Fitts, dean of Penn Law. “Bernie was a great friend and colleague, and was in constant communication with me and others about the Law School, in which he took great pride.”

A renowned scholar of tax law and a leading expert on professional responsibility and ethics for lawyers, he practiced law for 15 years at the Philadelphia firm of Wolf, Block, Schorr & Solis-Cohen until an attraction to teaching and research moved him to return to his alma mater and enter a career in legal academia.

In 1963, after serving for three years as an adjunct professor while he was still in private practice, Wolfman joined the Penn Law

faculty full-time as the Kenneth W. Gemmill Professor of Tax Law and Tax Policy. He remained at the Law School through 1975, including serving as dean from 1970 to 1975. Following his deanship, he spent a year at the Center for Advanced Study at Stanford before joining the Harvard faculty in 1976.

As dean of Penn Law, Wolfman led the school through a transformative period following the social upheaval of the 1960s. “The storm signals were already up when Wolfman took the helm,” legendary Penn Law professor Louis B. Schwartz wrote in a tribute to Wolfman in the *University of Pennsylvania Law Review*. “Universities had become the



Bernard Wolfman C'46, L'48

## IN MEMORIAM

**“Staying in touch with practice, I think, is valuable to teaching and writing in my field,” he said in a 2004 interview for the *Penn Law Journal*. “Consulting activity can inform a professor of the effect that the law as taught is having on the law as it is and is evolving. It can also induce the professor to rethink and rethink about the way he or she teaches, how to become even more effective than in the past.”**

battleground for broad social and political issues such as the Vietnam War and urban housing. New subjects — environmental law, health law, education law, women’s rights, to name a few — had to be integrated into the curriculum. New educational methods, particularly substituting field work and clinical experience for more conventional classroom courses, called for experimentation, money, time ... The Dean presided over this maelstrom of forces with a serenity securely based on integrity, courage, and sagacity.”

Dean Wolfman oversaw the growth of the Penn Law faculty, including the addition of renowned professors Louis Pollak and Clyde Summers, as well as major curricular changes. During his tenure, clinical courses, which were beginning to emerge in American legal education, were added to Penn Law’s curriculum, and there was increased emphasis on student writing.

As a professor, Wolfman was “a magnificent teacher and a master of the Socratic method,” wrote Howard Abramson, Wolfman’s former student at Harvard, now a tax professor, in a 2007 tribute in the *Harvard Law Bulletin*. “The Socratic method can impose harsh demands, but Bernie was not at all harsh; on the contrary, he was kind and treated us kindly both inside and outside the classroom. For those of us who teach tax, Professor Wolfman is our ideal.”

Wolfman was a prolific scholar, writing dozens of articles

and numerous books, including *Dissent Without Opinion: The Behavior of Justice William O. Douglas in Federal Tax Cases* (senior author), 1975; *Federal Income Taxation of Corporate Enterprise* (with Diane Ring, 5th edition, 2008); *Ethical Problems in Federal Tax Practice* (with Deborah Schenk and Diane Ring, 4th Edition, 2008), and *Standards of Tax Practice* (with J. Holden and K. Harris, 6th Edition, 2004).

Throughout his years in academia, Wolfman remained active as a practitioner, serving as an expert for both private and nonprofit clients. “Staying in touch with practice, I think, is valuable to teaching and writing in my field,” he said in a 2004 interview for the *Penn Law Journal*. “Consulting activity can inform a professor of the effect that the law as taught is having on the law as it is and is evolving. It can also induce the professor to rethink and rethink about the way he or she teaches, how to become even more effective than in the past.”

In 2003, Wolfman served as senior adviser to the assistant attorney general for the Tax Division, U.S. Department of Justice. He was a consultant on tax policy with the U.S. Treasury Department from 1963 to 1968 and again from 1977 to 1980. From 1974-1994, he served as a consultant to the American Law Institute’s Federal Income Tax Project, where he made recommendations for structural legislative change. He also served as special consultant to Iran/Contra Independent Counsel Lawrence Walsh from 1987 to 1989.

Wolfman was a member of the Council of the A.B.A. Section of Taxation and council director of its committees on Corporate Taxation, Standards of Tax Practice, and Tax Policy and Simplification. He served on the council of the A.B.A. Section of Individual Rights and Responsibilities, was president of the Federal Tax Institute of New England, and a fellow of the American Bar Foundation. He was also a fellow of the American College of Tax Counsel, where he served for six years as its regent from the First Circuit.

Wolfman is survived by his wife, Toni Wolfman; children, Jonathan, Brian, Dina Wolfman Baker, Jeffrey Braemer and David Braemer; sister, Lila Booth; as well as 10 grandchildren; and nieces, nephews and cousins. He was preceded in death by his first wife, Zelda. Contributions in his memory may be made to the Greater Boston Legal Services or the University of Pennsylvania Law School.

## Haines Was Anchor at CNBC in More Ways Than One

**MARK S. HAINES L'89**, who played a major role in the growth and popularity of CNBC, died on May 24. He was 65.

Haines joined CNBC shortly after graduation from Penn Law School. It was the cusp of the 1990s, a decade which saw roaring growth and increasing interest in business news. Haines grabbed the opportunity and became a fixture on the network as founding anchor of “Squawk Box,” a lively show that focused on Wall Street and business leaders with intelligence and rare irreverence.

On both “Squawk Box” and Squawk on the Street,” for which he had been co-anchor since 2005, Haines earned a reputation as a tough questioner who covered business news with the zeal of a prosecutor, unafraid to go after “sacred cows.”

As news of Haines’ passing spread, figures across the broadcasting industry and the financial world mourned the loss. CNBC President Mark Hoffman issued this statement: “With his searing wit, profound insight and piercing interview style, he was a constant and trusted presence in business news for more than 20 years. From the dot-com bubble to the tragic events of 9/11 to the depths of the financial crises, Mark was always the unflappable pro. He will be deeply missed.”

NYSE traders paused for a moment of silence. “When the news of his passing swept across the floor in a manner usually reserved for some large geopolitical event that moves markets, everybody was riveted,” Art Cashin, director of floor operations for UBS, said in an interview with MSNBC. This is no surprise, since his show didn’t just report on the business world, but actually became a part of it. During the height of his show’s popularity, the promotion of an interview with Haines before a commercial had the potential to send a stock up or down as traders bet on whether the interview would be positive or negative.

Prior to CNBC, Haines worked as an anchor for a number of news shows. He began his broadcasting career at WPRI-TV in Providence, R.I., where he covered corruption cases, an experience that would help create the tough interview style for which he later became famous. After this he moved on to WABC-TV in New York, and then KYW-TV in Philadelphia.

But Haines wasn’t happy with his job there, and so he applied to law school. “I always had it in the back of my mind that I wanted to apply to law school,” he said in a 2005 interview for



Mark S. Haines L'89

the Penn Law Journal. And so he left KYW for Rutgers School of Law-Camden where he completed his first year, and transferred to Penn Law for the remaining two years.

“There were challenging and intelligent people there and I loved learning,” he said of Penn Law. “This was a chance to indulge my intellectual abilities.” Haines spent his second summer at Pepper Hamilton LLP, and planned to work there after graduation, but was offered a job at the then-new CNBC by a friend from WABC in New York.

Throughout his career in broadcast journalism, he used his law degree every day and found his three years in law school of great benefit. “The primary thing you get out of law school,” he said, “is to learn how to organize and think in a disciplined way and that is a great help in covering business news. Another great help is, as a lawyer, you are trained to be skeptical. When I started at CNBC, I was asking questions that no one

## IN MEMORIAM

had asked before simply because I didn't accept the Wall Street sacred cows."

Doug Frenkel W'68, L'72, Penn Law's Morris Shuster Practice Professor of Law, taught Haines. He remembers a number of things about him that would prove beneficial to his career. Frenkel noted Haines' "deep, booming voice" and sense of humor, but said that one particular thing stood out. "He was also a very real or genuine guy; despite their age differences, Mark was a central player in a class that consisted mostly of students who could have been his kids. Looking back, that same quality probably served him well in his great success as a financial news anchor."

Haines' stoic delivery of the news on September 11 is remembered by many, as is his coverage of the tearing down of the Berlin Wall. But perhaps his biggest — and most impressive — legacy as a broadcaster was his prediction that the stock market would bottom out on March 10, 2009. He was off by one day.

Haines is survived by his wife, Cynthia; son, Matthew; and daughter, Meredith.

— WALTER CAMPBELL

**HON. CURTIS CALVIN CARSON JR., L'46** of Philadelphia, Pa., died June 19. Judge Carson served as chairman of the legal redress committee of the Philadelphia Chapter of the NAACP during the 1960s. He was appointed to Philadelphia's Court of Common Pleas in 1971 and was elected to successive terms until becoming a senior judge in 1990. He retired in 1995. He is survived by two sons, Curtis and Gregory; a daughter, Carol Ann; and two grandchildren.

**RONALD B. MYRTER, L'53** of Broomall, Pa., died on Aug. 6. He was an attorney for Cigna Insurance Co. in Philadelphia. Mr. Myrter was born in Curwensville, Pa. and graduated from the University of Notre Dame before attending Penn Law School. He Mr. Myrter is survived by his wife, Carole (Shupe); sons, Bernard, Thomas and Stephen; daughter, Mary Lamb; father-in-law, Joseph Shupe; and five grandchildren.

**GEORGE S. WEBSTER, L'51** formerly of Philadelphia, died on Feb. 11. He served in the infantry in Europe with Gen. George S. Patton's Third Army during World War II, before graduating from Harvard University and Penn Law. He was general counsel of UGI Corporation for 12 years. Following his retirement, he was active in the health care field as chairman of the Pennsylvania Health Hearing Board and as vice chairman of the board of

Methodist Hospital and Magee Rehabilitation Hospital. He is survived by his brother, Maurice A. Webster, Jr.; and his sister Helen Webster Peterkin.

**S. ROBERT WINSTANLEY, WEV'40, W'48, L'51** of Glenside, Pa., died on Dec. 31, 2010. Mr. Winstanley was a former bank examiner for the Commonwealth of Pennsylvania and a U.S. Army Air Corps veteran of World War II. He is survived by his wife, Marie, and his sisters, Mary and Marge Winstanley.

**EDWARD P. LITTLE JR., L'53** of Montrose, Pa., died April 25. He was district attorney of Susquehanna County for three consecutive four-year terms. Mr. Little was a Navy veteran of World War II and practiced law at his office in Montrose for more than 57 years. He is survived by his daughter, Lucinda Vermetter and her husband; two grandchildren; and two nieces.

**MICHAEL STACK JR., L'54** of Philadelphia, died July 13. Mr. Stack held a number of political positions during his life, including deputy state attorney general of Pennsylvania, general counsel of the Philadelphia Parking Authority and the Redevelopment Authority, and director of the state Community Action Program. Mr. Stack was an Army veteran who served from 1945 to 1947. He was an adjunct professor at Georgetown University Law School in the 1960s and taught at Saint Joseph's University. He was working on an autobiography. He is survived by his wife, the Hon. Felice (Rowley); sons, Senator Michael J. Stack, III and Patrick; daughters Eileen Mirsch, Theresa Nardi and Carol Poggio; and 11 grandchildren.

**LAWRENCE R. "BUD" BROWN JR., L'56** formerly of Villanova, Pa., died July 15 at his home in Hilton Head, S.C. After graduating Penn Law, Mr. Brown worked as a lawyer for Duane, Morris & Heckscher in Philadelphia for two years. In 1958, he joined Provident Mutual Life Insurance Co., where he worked until his retirement. He is survived by his wife, Carol (Vanderford); a son, Lawrence R. Brown III; a daughter, Carolyn; and seven grandchildren.

**HON. JAMES F. MCCLURE JR., L'57** of Lewisburg, Pa., died Dec. 17, 2010. Judge McClure practiced law in Lewisburg until 1984, when he was appointed to Court of Common Pleas of the 17th Judicial District. The next year, he was elected to a 10-year term. He was appointed United States District Judge for the Middle District of Pennsylvania in 1990 and elected senior status in 2001. Judge McClure graduated magna cum laude and

Phi Beta Kappa from Amherst College and served nearly two years in the U.S. Army before attending Penn Law. He graduated cum laude and was a member of Order of the Coif and the editorial board of the Law Review. Judge McClure is survived by his wife of 58 years, Betty Lou; five daughters and sons-in-law; 14 grandchildren; and one great-grandchild.

**LEIGH W. BAUER, L'62** of Gwynedd Estates and formerly of West Mt. Airy, Pa., died on June 22. He was a managing partner at the Philadelphia law firm of Diamond, Polsky & Bauer, where he worked for almost 50 years. Additionally, Mr. Bauer taught Legal Studies at the Wharton School until December 2010, when he retired just shy of completing 50 years of teaching. He is survived by his wife, Delores; a daughter, Beth Montannair; a stepson, Leonard Parks, Jr.; a sister; six grandchildren; and his former wife, Lyn Bauer.

**STEVEN A. ARBITTIER, C'60, L'63** of Rydal, Pa., died May 14. After graduating Penn Law, Mr. Arbittier joined the firm of Wolf, Block, Schorr & Solis-Cohen in Philadelphia. He left to be a partner at Ballard Spahr in 1995. He had been senior counsel at Ballard since 2007. He is survived by his wife Helen "Lynne" (Polin); daughters, Lauren Davis, Meredith Shatoff, Jennifer Williams and Elizabeth Arbittier; sons, Robert and Douglass; two brothers; and 12 grandchildren.

**JONATHAN ROWE, L'71** of Point Reyes Station, Calif., died March 20. After graduating from Penn Law, Mr. Rowe served as a staff member in the U.S. House of Representatives and the U.S. Senate. He was a contributing editor to *The Washington Monthly* and *Yes!* and had been a staff writer for *The Christian Science Monitor*. He also contributed articles to *Harper's*, *The Atlantic Monthly*, *Reader's Digest*, and *The Columbia University Journalism Review*. He was a member of the board of directors of the Marin Media Institute and co-founded the Tomales Bay Institute and the West Marin Commons Project. Mr. Rowe is survived by his wife, Mary Jean, and son, Joshua.

**MIRIAM G. WALLACH L'73** of New York City, died on April 11. She practiced law in New York at Shearman & Sterling until her retirement. Born in Romania, she graduated Phi Beta Kappa and with honors from Bernard College before attending Penn Law. She is survived by her husband of 35 years, Eric; children Katie, Emily and Peter; a son-in-law; a daughter-in-law; a granddaughter; a sister-in-law; a brother-in-law; a niece; and a nephew.

**KARIN IEST GL'77** died in May 2011, shortly after her 60th birthday. After her first law degree in her native Holland, she came to pursue graduate studies in the U.S., concentrating on the field of labor law. At Penn, she found her mentor in Clyde Summers, whom she hugely respected and admired. On her return to Holland after graduation, she first worked for a leading Amsterdam law firm and then joined the law faculty at the University of Groningen, teaching and writing on labor law. There she completed her doctoral thesis on comparative employee complaint procedures in Holland and America, dedicated to Clyde Summers. In 1996 she started her own practice, and became a pioneer in Holland in the use of mediation in employment matters - she served as president of the Group Employment Relations of the Dutch Mediation Institute. Throughout, Karin retained great affection for Penn, and she was from its origins a keen participant in the annual meetings of PLES, the Penn Law European Society. Her premature death seems particularly cruel as she had staged a remarkable recovery from horrific injuries sustained in 2002 when she was struck from behind by a car that mounted the sidewalk while she was walking in Amsterdam. She is remembered by her many friends for her warm personality, with a sensitive understanding of people, her extremely generous spirit and, always, an enormous sense of fun.



# CASE CLOSED



## **Class of '56 Discovers Mount Golkin**

The Class of 1956 stakes a claim with its flag atop a mound of dirt in the courtyard. Come April, the new Golkin Hall will ring the courtyard, completing a nearly two-year project to create the finest urban law school campus in America. U.S. Supreme Court Justice Sonia Sotomayor will speak at the dedication.



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