

# Penn Law Journal

WINTER

1996

VOLUME

XXXI

NUMBER 2



## Family Album

page 13

*The Many Faces  
of Penn Law*

page 34

*Legal Heroes: Lewis Hall  
and the Construction of a Usable  
Legal Past*

The *Penn Law Journal* is published twice each year by the Law Alumni Society of the University of Pennsylvania Law School. Inquiries and corrections should be directed to the Editor, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104-6204.

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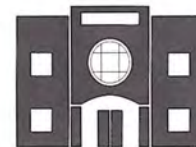
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*To err is human, to forgive divine.*  
Every effort has been made to ensure accuracy in this *Journal*. We offer our sincere apologies for any typographical errors or omissions. Please forward any corrections to the attention of Carol G. Weener, Associate Director of Development, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, Pennsylvania 19104-6204. Telephone (215) 898.9438. Fax (215) 573.2020. Thank You.



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A Class at the University of Pennsylvania Law School by Mary Franklin. Collection of the Honorable Morris S. Arnold. Photo, courtesy of Law: The Art of Justice by Morris L. Cohen. Published by Hugh Later Levin Associates.

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*Join your classmates, Meet old friends, Catch up on news and*

## *Celebrate your Reunion!*



FRIDAY, SATURDAY, SUNDAY  
MAY 17, 18, 19

*Saturday, May 18, 1996*

**9:00 – 11:00 am**

REUNION REGISTRATION

- Complimentary Continental Breakfast
- Pick up your costumes for the Parade of Classes
- Registration packets
- Tour the Law School

*The Law School, Sansom Street  
between 34th and 36th Streets*

**10:00 am**

ALUMNI/FACULTY EXCHANGE

*The Lawyer as Entrepreneur*

Moderator: Professor Charles W. Mooney, Jr.

Panelists: Betsy Z. Cohen '66,  
William Hanglely '66, Paul S. Levy '72,  
Robert I. Toll '66

*Room T-145, The Law School*

**Noon – 3:00 pm**

PICNIC AND PARADE

*Law School Tent in Superblock Plaza*

- Picnic with your family, classmates, and other alumni.
- Our short program includes the Law Alumni Society's Annual Meeting and presentation of the Law School's Distinguished Service Award "The Goat."

**1:45 pm**

PARADE OF CLASSES

— to the College Green (Join the Parade, the first ever for Penn Law, and show off our costume and colors.)

**Evening**

REUNION CELEBRATIONS

for the Classes of '51, '56, '61, '66, '71, '76, '81, '86, and '91.

*Sunday, May 19, 1996*

**10:00 am**

BRUNCH

Sponsored by the Law Alumni Society  
*The Law School Courtyard*

**11:00 am**

REUNION CELEBRATIONS

for the Classes of '31 and '41

**Noon**

REUNION CELEBRATION

for the Class of '36

*Monday, May 20, 1996*

**11:45 am**

REUNION CELEBRATION

for the Class of '46

*Hotel Reservations*

Blocks of rooms for Penn alumni have been reserved by Fran A. Englebach, cw'62 at Travel Now, Inc. Call (215) 988-0848 or (800) 220-1963.

*On-Campus Housing*

Rooms are available in one of the high-rise residence halls. For reservations please call the Summer Conference Housing Office at (215) 898-3547.

The University OMNIBUS will be sent to you under separate cover. It contains a complete description of activities across the campus during Reunion Weekend '96.

A formal invitation will follow for individual reunion classes. For further information please call Carol Weener at (215) 898-9438.

# From the Dean

## SOUL-SEARCHING



*Dean Colin S. Diver*

Last month I returned, refreshed and revitalized, from a semester-long sabbatical leave. My travels took me to three nations, France, Italy, and Israel, each in its own way immersed in public soul-searching. In Israel, the assassination of Prime Minister Rabin has unleashed an agonized wave of scapegoating and self-criticism, while France and Italy struggle openly and painfully with economic pressures and waves of immigration that seem to threaten their cultural and national self-image.

Soul-searching seems to be the order of the day for all of us, whether on a personal, organizational, or societal level. At the University of Pennsylvania, we have just embarked on an ambitious strategic planning program under the leadership of President Judith Rodin. Every school and department of the University will engage in a probing search of its own soul, with a view to maximizing the University's strengths and eliminating its weaknesses.

The themes that dominate the national soul-searching I witnessed last fall will recur in our own academic self-inquiry: the challenge of reconciling rising expectations with the reality of diminishing resources; the reluctance to surrender comfort and privilege in the face of implacable economic forces; the struggle to preserve community in an increasingly heterogeneous society. I spent a good deal of time thinking about these issues last fall. As we undertake the process of self-inquiry that lies ahead this spring, we at the Law School will be preoccupied with these same issues.

1. Excelling in an age of limited resources. Powerful forces in the general economy and the market for legal services prevent law schools from looking to tuition increases or enrollment increases to fund their ambitions. We must curtail growth of expenditures, increase efficiency of instruction, research, and administration, and find new revenue sources. We must specialize, doing only those things at which we can excel. Unless we were to double or triple in size—to me, an unthinkable option—we at Penn must accept that we cannot be good at everything. We must therefore not try to do—or be—everything.

2. Learning to master competitive forces. Like many national economies, we academics have led lives relatively sheltered from competitive forces. No longer. With law student debt burdens

skyrocketing, the competition for the best students has become intense. So has the competition for the best faculty, for research funding, for charitable giving, for student employment opportunities. Our performance may not be subject to the daily discipline of the stock market, but it is subject to very powerful and increasingly visible proxies, like rankings and ratings. We must master the arts of marketing, competitive pricing, customer service, and quality control, or the competitive forces sweeping education will master us.

3. Celebrating diversity within community. Like nations, educational institutions have become highly diverse places, racially, ethnically, culturally, ideologically. At Penn Law School, we have viewed our diversity as a source of strength, a means of assuring that the ideas we produce and transmit are tested in the crucible of debate and relevancy. But diversity can also be a source of weakness, by dividing people into hostile and distrustful camps. We must find ways to harness the energies of all our faculty, staff, and students in service of the Law School's common goals, while still liberating the creativity that only a diverse community can generate.

In the months ahead, you will be hearing much more about this process of soul-searching that we have undertaken. Many alumni will be asked for their ideas about how the Law School can become even stronger in the years ahead, and I hope that every one of you will reflect on that question and offer me your insights.

# Symposium

## VISITING FACULTY

by Michele Cabot '93 \*

With new areas of the law constantly emerging and playing a pivotal role, lawyers and law students face enormous challenges. Penn Law School meets these challenges by bringing together a dynamic and highly regarded group of visiting professors to provide students with insight into some cutting-edge areas of the law.

MARTHA ALBERTSON FINEMAN, a visiting professor from Columbia University School of Law, taught family law first semester and teaches a seminar on reproductive issues this spring. Rather than the traditional family law class, however, Fineman's classes focus on such contemporary issues as the role of the state in defining the marriage relationship and the secular and contemporary justification for marriage. Fineman is enjoying her experience at Penn, noting in particular "Penn's terrific and impressive group of women faculty, such as Susan Sturm, Barbara Woodhouse, Heidi Hurd, Sarah Gordon, Lani Guinier and Regina Austin."

Next year, Fineman will be the first woman to hold the Pritzker Distinguished Visiting Professorship at Northwestern University School of Law. She is the author of numerous books and articles on family law, the regulation of intimacy and feminism. Fineman is currently working on two books focusing on feminist legal theory, one for a popular audience and one for a scholarly

audience. In addition, she is serving her second term on the board of the Law and Society Association, where she is also a member of the executive committee. Fineman graduated from the University of Chicago Law School and clerked for Luther M. Swygert of the Seventh Circuit Court of Appeals. She has also taught at the University of Wisconsin Law School.

HARRY REICHER, a visiting professor from Monash University, Melbourne, Australia, taught law of the sea last term and currently teaches international law and the Middle East conflict. Reicher says Penn Law students "are fortunate in having a rich and varied array of subjects from which to choose."

His course on the recent conflict in the Middle East through the perspective of the recent peace agreements has been popular among students. Of law students' increased interest in international law and in his course in particular, Reicher says, "Students are increasingly aware that what happens on an international level can't be divorced from the domestic level. Students realize that international law really does have an impact on daily lives."

Reicher just published the first case book in Australia on international law, derived exclusively from Australian source materials. The book is being used in Australian law schools as the premier case book.

Reicher received a bachelor of economics from Monash University; an LL.B. from Monash University, Australia; an LL.M. from the University of Melbourne; and an LL.M. from Harvard University School of Law. He has also been a visiting professor at Rutgers Law School in Camden, University of Florida College of Law, Loyola Law School in Los Angeles, University of Pittsburgh School of Law and New York Law School.

In addition to teaching, Reicher maintains an active legal practice in Australia in the tax area and consults with law firms and corporations in New York on matters of international law and international and Australian taxation. Recently Reicher was named to the board of arbitrators for NASDAQ and as the representative to the United Nations for the Agudath Israel World Organization, an international Jewish Orthodox organization.

JONATHAN M. FREDMAN, associate general counsel of the Central Intelligence Agency, is a visiting lecturer as part of the CIA's officer-in-residence program. He teaches national security law during the fall term and foreign intelligence during the spring term. Returning to school for the first time since graduating from Columbia University School of Law in 1983, Fredman has found it to be a big adjustment, but also an enormous opportunity.

He says, "At the CIA you are working under constant pressure. You are acting as a counselor in the full sense of the word, but you don't have an oppor-

tunity to think about the larger issues, the ramifications for choices, or to understand what you are doing and why. Penn has given me a tremendous opportunity to reflect.”

Fredman graduated *magna cum laude* from Princeton University and as a Harlan Fiske Stone Scholar from Columbia Law School. He clerked for U.S. District Judge Charles M. Metzner of the Southern District of New York. Fredman practiced tax law at Paul, Weiss, Rifkind, Wharton & Garrison, New York. In 1987 he joined the CIA, where he has served as special assistant to the director of central intelligence, special assistant for resource management with the CIA comptroller and assistant general counsel for several CIA operational components. He is currently writing an article on the legal regulation of covert action since the 1970's.

LARRY ALEXANDER, a visiting professor from the University of San Diego, taught criminal law and advanced constitutional law during the fall term. A member of Phi Beta Kappa and Order of the Coif, he received his bachelor's degree from Williams College and his law degree from Yale University. Alexander says he has enjoyed his experience at Penn, though he has found the separation from his family on the West Coast difficult.

Alexander co-edits the journal *Legal Theory* and is on the editorial boards of *Ethics* and *Law and Philosophy*. He has published two books and over 80 scholarly articles. Currently Alexander is writing articles on criminal law theory and legal reasoning.

\* Michele Cabot received a J.D. from Penn Law School in 1993 and graduated cum laude from Lehigh University. She currently is an associate in the corporate department at Wolf, Block, Schorr and Solis-Cohen, Philadelphia.



*At the Overseers dinner, Acting Dean Stephen Burbank, Provost Stanley Chodorow, Sylvia Blume and Fred Blume '66.*

## LAW SCHOOL EVENTS

### *Board of Overseers*

The Law School's Board of Overseers met in Philadelphia October 17 and 18. The meeting began with a dinner hosted by Overseer Lawrence J. Fox '68 at his Center City home. Overseers and their spouses were joined by University Provost, Stanley Chodorow; Secretary and Vice President of the University, Barbara Stevens; Stephen B. Burbank, Acting Dean; Arthur W. Lefco '71, president of the Law Alumni Society; and Geoffrey C. Hazard, Jr., Trustee Professor of Law.

The Board met the next day to discuss the school's admissions policies and hear a presentation by the clinical faculty.



*Hosts Larry Fox '68 and Susan King at the October 17 Overseers Dinner.*

### *Gruss Lectures in Talmudic Law*

The Caroline Zelaznik Gruss and Joseph S. Gruss Lectureship in Talmudic Civil Law, JUSTICE MENACHOM ELON, Gruss Visiting Professor, presented two lectures in November, which he dedicated to the memory of the slain Prime Minister of Israel, Yitzak Rabin.



*David Berger '36 and Stephen B. Burbank, David Berger Professor for the Administration of Justice and Acting Dean, at the Annual Giving Kick-off at the Pyramid Club on September 20, 1995.*



*George Shotzbarger '78 and Anthony Boswell '91 at the Annual Giving Kick-off.*

The first lecture was entitled “Human Dignity and Personal Freedom — Jewish and Democratic Values: Israel’s New Civil Rights Law” and the second, “Human Dignity and the Sanctity of Life — The Israeli Supreme Court and the Problem of Euthanasia: The Shefer Case.” Last fall Justice Elon taught a seminar in Talmudic legal studies. The Gruss Professorship was established in 1987 through a bequest from the estate of Caroline Z. Gruss. The Gruss gift has enhanced the Law School’s curriculum and the University’s Jewish studies program.

### *New York Area Overseers’ Reception*

The New York City area Law Overseers, led by chair, CHARLES A. HEIMBOLD, JR. ’60, thanked alumni donors in New York for their generosity and support in October at the Penn Club. STEPHEN B. BURBANK, David Berger Professor for the Administration of Justice and Acting Dean, joined Heimbold in thanking alumni for their commitment to Penn Law School. In his remarks, Professor Burbank noted that Penn Law’s faculty is participating in conferences and meetings around the world, making the school’s outreach truly international in scope

### **P**AUL A. WOLKIN REMEMBERED

PAUL A. WOLKIN ’41, considered by many people to be the leading figure worldwide in continuing legal education, died November 9 of a malignant brain tumor. Wolkin was the executive vice president of the American Law Institute (ALI) from 1977 to his retirement in 1992 and executive director of a joint committee of the American Law Institute and the American Bar Association, known as the Committee on Continuing Professional Education (ALI-ABA), from 1963 to 1992. On his



retirement he was named emeritus executive vice president of ALI and he was elected to its Council.

Born in Philadelphia in 1917, Paul Wolkin received three degrees from the University of Pennsylvania: a B.A. in 1937, an M.A. in 1938 in psychology and a J.D. in 1941. He subsequently served as law clerk to the Honorable Herbert F. Goodrich, U.S. Court of Appeals for the Third Circuit.

In 1944 Wolkin became a staff attorney with the Foreign Economic Administration and in 1945 he was named associate general counsel of the French Supply Council, an agency procuring materials to aid in the post-war transition and recovery of France. In 1946-47 he served as assistant legal adviser to the Department of State.

Wolkin joined the staff of ALI in 1947 at the invitation of its then-director, Judge Herbert F. Goodrich. He also practiced law, having founded the firm of Wolkin, Sarner & Cooper in 1951, where he remained a partner for 15 years. For three years he served as legislative draftsman for the Philadelphia Charter Commission.

Over his half-century career, Wolkin received honors from virtually every section of his profession, including the American Judicature Society, the University of Pennsylvania Law School and the National Association of Continuing Legal Education Administrators. In 1993 ALI-ABA presented him with its highest honor, the Francis Rawle Award.

Wolkin's most recent honor, marked by a ceremony held at ALI October 6, was the naming and dedication of the Paul A. Wolkin Conference Center. At the ceremony, Wolkin was cited for his integrity, creativity and energy. Geoffrey C. Hazard, Jr., director of ALI and Trustee Professor of Law at Penn Law School, described him as "an intellectual professional, rather than a mere administrator."



Paul Wolkin '41

## NEW GRADING SYSTEM

After almost a year of discussion among faculty, students, administrators and alumni, the Law School has adopted a new grading system, with courses now graded on a scale of A+, A, B+, B, B-, C and F.

The change responded to long-standing faculty concerns that the old system's large bottom grade-category (Qualified) did not accurately or fairly convey the quality of performance of students near the middle of the class, who were doing good work but not seeing that reflected in their grades.

In addition, although Penn Law has one of the strongest placement records in the country, there has recently been a sense that the old adjectival scale, with a large grade-category that employers often misinterpreted, was increasingly a competitive disadvantage. Throughout this process, there was attention to the role our grading system plays in Penn's relatively relaxed, cooperative atmosphere. Faculty, administrators and students alike believe that the new scale will not change that atmosphere.

— Office of the Assistant Dean for Student Affairs

## CENTER ON PROFESSIONALISM

The University of Pennsylvania Law School Center on Professionalism has been active in developing new courses and CLE programs relating to professional responsibility. The Center has recently added several new continuing legal education courses to its roster. These programs are currently offered as public programs and in-house programs, in Philadelphia, Washington, DC, New Jersey, New York and internationally. Through alliances with other CLE organizations, Center courses are presented in many states, including California, Texas, Florida and North Carolina.

*The Lawyer's Internet* demonstrates that the information superhighway is filled with possibilities and potential problems for lawyers who utilize cyberspace. It introduces lawyers to the Internet and highlights ethical dilemmas its use may cause. Lawyers will learn how to connect to the Internet and utilize legal resources on it, including the World Wide Web for lawyers. The course features discussions of e-mail and client confidentiality, the Internet and the First Amendment, privacy and publicity issues, and intellectual property issues. Stephen T. Maher, Esq., a former law firm training director and former Associate Professor of Law, University of Miami School of Law, developed the program with the Center and will be teaching it on behalf of the Center during 1996.

Professor Howard Lesnick's new CLE course is *Seeking the Spiritual Ground of the Lawyer's Work*. A four part seminar for experienced lawyers, the course examines the tension between the aspirations that may have drawn individuals to law as a career and the day-to-day reality of practice in a rapidly changing legal environment. Its objective is to give participants an opportunity to explore the ways in which their

spiritual heritage can aid them to revitalize their relationship to work and the law. The course will be offered in various settings for small groups of attorneys. It provides nine hours of CLE credit when offered as a public program. It is also available as an in-house program.

Another new program is *Issues in Confidentiality* which is a program taught by three of the Center's instructors, Professor Howard Lesnick, The Honorable Edmund B. Spaeth, Jr., and Janet Perry, Program Director of the Center.

Two courses for lawyers stemming from the Center's work in developing a judicial ethics course using film and literature have also been added to the CLE courses offered to practicing lawyers. *Ethics of a Judicial Decision: Mercy and Justice*, and *Ethics of a Judicial Decision: Personal Conscience* are presented by The Honorable Edmund B. Spaeth, Jr., and Peggy B. Wachs '86, Associate Director of the Center.

The Center has also developed and offers several courses for international lawyers. In the past year, Professor Geoffrey C. Hazard, Jr., Professor Curtis R. Reitz, The Honorable Edmund B. Spaeth, Jr. and Murray S. Levin, Esq. have taught Center courses in London, Paris, Washington, D.C. and New York for international lawyers.

For information about available programs or the calendar of scheduled programs please contact the Center on Professionalism, (215) 898.9812 or FAX (215) 573.2056.


## THE EQUAL JUSTICE FOUNDATION

The Equal Justice Foundation, a student organization at the University of Pennsylvania Law School, encourages law students to pursue their aspirations of serving low-income clients.

Justice isn't free. Throughout our city, and our country, low-income people have serious legal needs that go unmet because they cannot afford lawyers. Every law school has students who would like to provide legal services to low-income people, but paid positions are scarce. Every city has non-profit organizations struggling to meet the

legal needs of people who cannot afford to pay. As demand for these critical services increases, budgets are being cut.

The Equal Justice Foundation awards summer grants to support work at non-profit organizations, work that provides students with valuable legal experience and the organizations with much-needed assistance. The student members of the Equal Justice Foundation raise the grant funds with the support of the Law School and Philadelphia business communities. As this support continues to grow, law students will have the opportunity to provide a vital service to a segment of our community very much in need.



PLEASE JOIN  
THE PENN LAW COMMUNITY  
AT THE  
EQUAL JUSTICE FOUNDATION  
STUDENT/ALUMNI AUCTION

WHERE

University of Pennsylvania Law School  
Sansom Street between 34th and 36th Streets

WHEN


Thursday, February 22, 1996

TIME

6:30 p.m. Cocktail Reception  
and Silent Auction  
7:30 p.m. Live Auction

TICKETS

\$20 per person  
R.S.V.P. by February 8, 1996



## NEW DIRECTOR OF COMMUNICATIONS

MARJORIE BUCKMASTER joined the Law School January 1 as the first director of communications.

Previously director of development communications at Saint Joseph's University, Buckmaster also worked as an account executive with the Tierney Group, a public relations agency in Philadelphia; as a freelance communications specialist and as an assistant account executive for Golin/Harris.

## PENN LAW EUROPEAN SOCIETY

Officially founded in 1994 in Dublin (Eire), the Penn Law European Society (PLES) held its second annual meeting in Brussels on June 10, 1995. The meeting was hosted by Pascal Hollander and Florence Hollander-Meyer, both LL.M. '86.

The attendance was remarkable, with more than fifty alumni and friends coming from twelve different countries.

In the afternoon, a working session was held with two lectures: one by Penn Professor Friedrich Kubler on a comparative study of preemptive rights in the United States and in Europe, and the other by Professor George Vandersanden of the University of Brussels (ULB) on the Judicial Power of the European Union. In addition to Professor Kubler, the Law School was represented by Jerome B. Apfel '54, then President of the Law Alumni Society, and his wife Fanchon.

In the evening, after a walking tour of historical areas of the city, the participants gathered at the "Maison du Cygne," one of Brussels most renowned restaurants, located on the world-famous Grand-Place, for a gala dinner.

The 1996 annual meeting of the Penn Law European Society will take place in London in the spring.

The Penn Law European Society is open to all University of Pennsylvania Law School alumni residing in Europe, as well as to all people somehow connected to Penn Law School. Its goal is to develop and maintain close personal and professional relations between all who have shared the unique experience of studying or teaching at Penn Law School, as well as to maintain permanent relations with the Law School.

If you want to know the identity of your country delegate or for any additional information about the Penn Law European Society, please contact Pascal Hollander (LL.M. '86), Boulevard Brand Whitlock 30, 1200 Brussels, Belgium; phone: (32.2) 742.12.12; FAX: (32.2) 734.14.39.

## F.Y.I.

Recently, some alumni have received telephone solicitations from a charitable non-profit organization called Equal Justice America, which purports to fund law student summer internships with legal service organizations. Our alumni received the impression during these solicitations that Equal Justice America had an official arrangement with the Law School to fund Penn students through donations to Equal Justice America. That is not the case. Penn Law School has no connection whatsoever to Equal Justice America; we have not received any funds from them in the past. If you have any questions about this notice, please call Carol Weener at (215) 898.9438.

## ON CAMPUS

NOVEMBER 28, 1995

*Institute for Law and Economics, Ronald N. Rutenberg Program in Law and Entrepreneurship Lecture.*  
Mark M. Weinstein '68, senior vice president, government affairs, Viacom Inc.: "Media Consolidation, Viacom and Paramount."

NOVEMBER 29, 1995

*Gross Lecture.*  
Professor Menachem Elon, retired deputy president of Supreme Court of Israel: "Human Dignity and the Sanctity of Life — The Israeli Supreme Court and the Problem of Euthanasia: The Shefer Case."

JANUARY 25, 1996

*Keedy Moot Court Competition.*  
Associate Justice of the U.S. Supreme Court David Souter, presiding judge. Also participating: Judge Patrick Higginbotham, U.S. Court of Appeals for the Fifth Circuit; Judge Kimba Wood, U.S. District Court for the Southern District of New York.

FEBRUARY 7, 1996

*Institute of Law and Economics, Distinguished Jurist Series.*  
Judge Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit.

FEBRUARY 9, 1996

*Law Review Symposium.*  
Professor Jason Johnston and Professor Eric Posner: "Law, Economics and Norms."

FEBRUARY 22, 1996

*Equal Justice Foundation Auction,*  
6:30 p.m., The Law School.

# Docket

INSTITUTE FOR LAW AND ECONOMICS

RUTENBERG LECTURE



*Mark Weinstein*

*Mark M. Weinstein '68, senior vice president, government affairs, Viacom Inc. presented the Institute for Law and Economics' annual Rutenberg lecture November 28. Weinstein's talk, titled, "Media Consolidation: Viacom and Paramount," is excerpted here.*

I am pleased to speak about a subject that is dominating the business world. That subject is consolidation. Already in 1995, over \$360 billion in mergers and acquisitions have taken place. This exceeds the total for all of last year. This trend appears across industries. It involves commercial banking, radio and television broadcasting, electricity, gas and water distribution, pharmaceuticals and insurance — to name just those categories leading today's "mergermania" list.

Obviously, there are different forces driving some of these mergers. Some are being driven by the need for cost-cutting to accomplish greater efficiencies and savings. Many others are being driven by the need to accomplish critical mass. Bigger, while not always better, is seen as essential for many companies to compete in the more competitive global marketplace which is emerging.

Almost all have one thing in common. Acquisitions are being made in businesses where the acquiring company already operates. Similar or complementary businesses are today's targets.

*Of course anti-trust concerns in media are not new. These same concerns have accompanied the arrival of each successive generation of media technology.*

Diversification, once favored as a good hedge against the cyclical forces which can operate in a single industry, is no longer a guiding factor in today's mergers.

The monopoly wave at the turn of the century; the oligopoly wave of the 1920s; the conglomerate wave of the 1960s and the debt-fueled wave of the 1980s have been succeeded by a scramble to assemble like-businesses in order to effectively hold onto and gain market share in an ever more competitive marketplace, dominated by large players.

Indeed the process appears never ending. Since Viacom acquired Paramount and merged with Blockbuster, we have been rethinking and reconfiguring our portfolio of business assets. Critical mass has become necessary to gain access to the international marketplace.

Size has become necessary to compete. Television production, for example, has become a low-margin business. Feature films, including their marketing costs, typically run over \$50 million. These kinds of economics require companies to have a certain size to be able to stay in the market, even if a television series or major film release does poorly.

The allure of cross-divisional opportunities or "synergy" promises both incremental revenue streams from existing business lines and the ability to create new businesses. And people who own either content or distribution are looking for access to the other.

Of course changes in FCC rules, which no longer prevent networks from owning programming, have helped fuel these consolidations. So too has the justice department, which in some cases has taken a broader view of competition beyond the narrow local market.

Viacom's acquisition of Paramount on March 11, 1994 was certainly a benchmark of this current trend. It was not the first mega-media merger, of course. The combination of Time Inc. with

Warner Communications some four years earlier deserves that distinction. The Viacom/Paramount deal however, seemed to ignite a mad scramble for partners — some of whom are still identifying appropriate matches.

Like so many of the deals, Viacom's acquisition of Paramount was driven by the need to attain critical mass. It was also about uniting complementary assets. There was virtually no overlap in the two companies' portfolios, with the exception of television syndication and first-run production. Each brought to the other the businesses it was missing. Certainly "synergy" helped propel this deal like so many others. And since the deal has closed, Viacom has aggressively sought collaboration between its divisional managers.

The Viacom/Paramount combination was also about horizontal integration. This corporate consolidation was primarily about combining copyrights and intellectual property — the software which drives the entertainment and information business. Today, Viacom owns some 50,000 hours of programming — the largest motion picture and television library in the world, in addition to being the largest English language publisher in the world.

Of course, vertical integration is another driver and a primary motivation behind some of the other media mergers, where the desire to unite distribution with content is evident.

The battle for Paramount, to my mind, took place on three fronts: on Wall Street, in the halls of official Washington and in the courthouse in Wilmington. Some might argue it also took place on the pages of the *New York*

*Times* and the *Wall Street Journal*. This afternoon, I'll focus on the antitrust issues which were raised in Washington.

QVC's competing bid was initially backed by unwritten commitments by Comcast Corporation and Liberty Media Corporation. Both companies were QVC's two principal shareholders. Comcast is one of the nation's largest cable companies. Liberty Media controlled TCI's programming interests, which at that time included partial or full ownership of 25 different cable programming services. TCI, the country's largest cable operator, covers about 25 percent of the homes passed by cable nationwide.

From Viacom's point of view, the possible combination of TCI's concentration of cable power with Paramount, a leading provider of content, raised significant competitive issues. We believed that TCI controlled so much cable distribution that it could determine whether a new cable channel would succeed or fail or whether an old cable channel would be allowed to live or be destroyed.

For example, in the case of nationwide advertiser-supported basic cable programming, such as Viacom's MTV or Nickelodeon services, the critical mass of subscribers required to succeed is roughly 40 million of the current 60 million available subscribers. Due to TCI's control of well over 20 percent of cable homes, a decision by TCI not to carry or favorably market a programming service would require that that service, at a minimum, be carried by nearly every other cable system in the U.S. for it to succeed commercially — an impossible hurdle to overcome. This concentration of power offends the basic principles of the Sherman Act and the First Amendment. We took that message to the federal government.

Later in the ever-escalating bidding war, QVC would announce two additional players had joined its camp: Advance Publications, a publishing and cable company controlled by the Newhouse family; and Cox Entertainment, a cable,

newspaper and broadcasting company. Together with TCI and Comcast, these partners and would-be partners controlled access to one in every three American cable households. Viacom's viewpoint on this concentration of control problem gained a favorable audience in Washington.

The underlying principle, of course, transcends the Viacom/QVC battle for control of Paramount. It could well play out in the international satellite arena, where control of key distribution points could severely limit competitors' programming.

Of course anti-trust concerns in media are not new. These same concerns have accompanied the arrival of each successive generation of media technology. While the nature of the perceived threat and the type of remedy applied may change over time, the issue remains constant. The overriding public policy concern has always been one of access — more precisely, who has access to the means of distribution to consumers of media product.

I believe we should be most concerned about those vertical mergers that join substantial market power in both upstream and downstream markets. One example would be mergers which consolidate cable operators with programming services, where the market share in both categories is sufficiently powerful to dominate the entire market. A tie-in with Viacom/Paramount would immediately catapult Blockbuster into the film production business big-time.

Viacom's partners retained the right to reduce their investment in the company by up to 50 percent if the Paramount transaction did not occur — unlike the investors in QVC, who were unwilling to leave any part of their proposed investment in QVC without Paramount.

Of course during all this time, the stock price of Paramount shot up as the shares moved from the hands of common shareholders to market professionals — the arbitrageurs. Paramount stockholders, of course, were unlikely to approve a transaction valued substantially below the market price.

Before the bidding concluded, QVC would raise its tender offer to \$103; Viacom would raise its offer to \$107. But the deciding factor was that Viacom's offer was superior because it had greater certainty of value assured through special warrants, called CVR's. Eight months after it all began, Viacom acquired Paramount for a total of \$10.5 billion. The high-stakes drama was over. Was it worth it from Viacom's point-of-view? Absolutely.

Through our acquisition of Paramount and our merger with Blockbuster, Viacom has assembled an unrivaled collection of copyrights, brands and franchises. The consolidation has given us both the size and scale to effectively compete in the international marketplace and to expand our businesses domestically.

Success in this business will surely play out in the backyards of the big players. But even in an environment of a dozen or so players, there can be and should be competition, indeed ferocious competition, with each company operating from positions of strength, with no assurance that anyone can remain on top for long.

That competition will ensure consolidation in this industry does not prove to be an ominous development for the free dissemination of ideas. As citizens of a democratic society, our ultimate objective should be to ensure the widest possible access on equal terms to every provider of information and entertainment so that consumers will have real freedom of choice. If there is real freedom of choice — if the gatekeepers cannot unfairly control access to the distribution technology bringing content into the home, then both competition and free speech will be served.

This is the crucible upon which the Viacom/Paramount consolidation will ultimately be judged. It will remain the test for all future mergers in the media industry.

# THE Faces OF Penn Law

WHO ARE THE PENN LAW STUDENTS OF TODAY *and what are our past students, the alumni, doing with their professional lives?*

*The “many faces of Penn Law” introduces you to some students in the Class of ’98 and alumni who talk to our editor about their interests, careers and aspirations.*

## A Pinch-Me Run

“It’s been a pinch-me run,” says **Manuel “Manny” Sanchez** ’74, who won four awards in five months.

Number One, June 13: Holy Trinity High School in Chicago gave him the Basil Moreau lifetime achievement award.

Number Two, June 20: NBC and *Hispanic Magazine* named him entrepreneur of the year, one of seven Vida Awards, in a ceremony at the Lansburgh Theater in Washington, D.C. NBC broadcast the event nationally on July 8.

Number Three, September 27: The governor of Illinois conferred the Hispanic Heritage Award for dedicated service.

Number Four, October 5: Sanchez received the third annual *El Humanitario* award from the state’s attorney for community and civic activities.

One of seven children of Mexican-American heritage, the only lawyer on the family tree, Sanchez founded his firm, Sanchez & Daniels, Chicago, in 1987. “Our success can be attributed to a lot of things,” says the native Chicagoan, “not the least of which is a philosophy that says: ‘For everything you give to your community, your family and your friends, you get back tenfold.’ We embody that philosophy.

“I have always viewed my ethnicity as an incredible privilege. As an Hispanic, I have been the beneficiary of a warm and tender family life, a rich culture and an emotional personality that has never lost sight of the importance of the things that really count in life. To me, family, values,



*Manuel “Munny” Sanchez ’74*

community, education, professional success, respect—they’re the things that matter. I’ve never had to compromise any of them.”

One thing about Manny Sanchez: If you ask his opinion, you get it, no holding back. Ask what he thinks of his law school, and he says, “Penn has been my license to success. In my humble opinion—and maybe there’s a slight touch of hyperbole—my degree from Penn has opened doors that would not otherwise have been opened. My degree from Penn has been a key ingredient in my success, not just in law, but also in the community.

“Trust me when I say that the University of Pennsylvania—and not just the Wharton School and the School of Medicine—is very, very, very highly regarded in the Midwest.”

## “Make a Difference for the Next Generation”

“Keeping Penn Law and Penn Law students in the highest national rankings is obviously good for law firms such as mine that are located primarily in the Mid-Atlantic region,” says **Gene E. K. Pratter** ’75. “There’s a certain professional interest in maintaining the excellence of all the area law schools. I happen to focus on Penn.”

Gene Pratter, a partner in Duane, Morris & Heckscher, Philadelphia, leads the Law School’s annual fund-raising effort for the Benjamin Franklin Society donors who give between \$1,000 and \$10,000. “This represents another opportunity to help support my Law School. It’s always good to return to institutions, when you are able, some of the value you received from them. Fundraising represents a chance to make the same quality of opportunity available to others.”

Pratter concentrates on commercial, insurance and construction litigation and on disputes involving professionals. She frequently writes and speaks on issues of professional malpractice, professional and business ethics and insurance coverage.

Last year she co-chaired annual giving for her 20th reunion. “Penn alumni are interesting people,” she says. “Working with them, especially during a reunion year, you can renew friendships and develop new professional relationships.”

Ten years after graduation, she says, is when lawyers have the discretionary income and the time to begin reflecting



*Gene E. K. Pratter '75 presents Dean Diver with the Class of '75 20th reunion gift.*

on the benefits they received in their academic careers. “That’s when you begin wanting to make a difference for the next generation.”

Born in Chicago and raised in Southern California, Pratter attended Stanford University. Coming East for law school presented culture shock, she says, “but I’ve obviously come to appreciate life here.”

Penn is not the only educational institution that piques Pratter’s interest. She supports Stanford and meets local students who are contemplating applying; and she helps fundraising efforts for two Main Line private schools: The Baldwin School for girls and The Haverford School for boys.

“What motivates me is being close to the Law School, to Baldwin and Haverford, three institutions that focus on their students and programs. They are places where a volunteer can make a more direct and immediate impact—if you’re successful with fund-raising activities and are willing to work with the school.

“Fortunately I have developed and maintained a close relationship with the people at the Law School. Over the years, the deans and people involved in special projects have actively sought alumni participation. Recruiting is also a significant way to stay in touch.

“What most prompted me to become active was being invited to help develop a program for first-year students to study professional ethics and professional responsibility. That brought me back to the Law School on a regular basis, so I was able to see how innovative the Law School was, in ways that other law schools had not yet tried,” says Pratter.

“When I become substantively involved with an institution, then the desire to help assure its financial well-being follows. I encourage alumni of all vintages to reacquaint themselves with Penn and take the opportunity to be generous with their time and contributions.”



## Revamping Troubled Companies



Paul S. Levy '72

**Paul S. Levy** '72 rescues businesses at risk of drowning. His firm, Joseph Littlejohn & Levy, manages investment partnerships with committed equity totaling \$620 million. Their purpose is to make control investments in troubled companies, then do operational or financial turnarounds. A financial restructuring, he says, is geared to bringing a company's balance sheet in line with its ability to service its debt.

Levy has been sprucing up companies since 1983, with these partners since 1988.

His portfolio companies include:

- OrNda, of Nashville, the third-largest for-profit hospital company in the country. "We did the financial turnaround and brought in a fabulous guy to revamp the company. Now their revenues are \$2 billion."
- Foodbrands, a \$600 million firm that manufactures and distributes institutional specialty foods.
- Kendall International, which makes disposable healthcare products and owns Curity, Curad and Futuro, manufacturer of athletic supports for elbows and knees.
- Freedom Chemical, a private Philadelphia firm with \$300 million in revenues.
- Liberty Broadcasting, based in Ardmore, Pa, which owns 19 radio stations in the Northeast.

"As I told [Dean] Colin Diver recently," says Levy, "my law school education had a lot to do with my business success. My legal training at Penn was a compelling benefit."

*"My law school education had a lot to do with my business success. My legal training at Penn was a compelling benefit."*

Next Stop for  
Special Counsel:  
Ruby Ridge

*McLaughlin  
calls it “somewhat  
unusual, but  
not impossible”  
that legal counsel  
serves a bipartisan,  
unified staff,  
as she did.*



Mary  
McLaughlin '76

Sawed-off shotguns. A shootout at the Y. A cult of white supremacists. Informants and snipers. Tom Clancey? The Lone Ranger? Annie Oakley?

Would you believe **Mary McLaughlin** '76, an attorney who handles securities, antitrust and criminal litigation for the Philadelphia firm of Dechert Price & Rhoads? Believe. Mary McLaughlin, once U.S. attorney in Washington, D.C., recently served as special counsel to the Senate subcommittee investigating Ruby Ridge.

For most of last August and September, McLaughlin devoted full time—and more—to the hearings held by the senate judiciary committee's subcommittee on terrorism, technology and government information. “Some title, huh?” she quips. For months she had an office in the Dirksen Senate Office Building. She served as special counsel to all seven senators on the sub-committee, chaired by Senator Arlen Specter, previously a partner at Dechert. McLaughlin calls it “somewhat unusual, but not impossible” that legal counsel serves a bipartisan, unified staff, as she did. Her role involved interviewing witnesses, dealing with the FBI, the Department of Justice and the Department of Treasury to obtain the necessary documents.

Flights to Idaho replaced McLaughlin's intended vacation to Shelter Island, off Long Island. She interviewed witnesses and visited crime scenes instead of improving her tan. Of the investigation into the August 1992 shooting of a white separatist's wife and son and a U.S. marshal she says, simply, “It was fascinating.” But different.

She told the *Philadelphia Inquirer*: “Up there [in Philadelphia] you're an advocate, and there's a piece of litigation. Here, it's an investigation. The context is what's different.” Although she had no prior Capitol Hill experience, McLaughlin knew the issues—like deadly force—and the agencies like the Bureau of Alcohol, Tobacco and Firearms—from her stint as federal prosecutor.

After the hearings, McLaughlin planned to write the requisite report on her findings. After a “big vacation” in Egypt in January, she expected to return to business-as-usual at Dechert—if a taste for shotguns and senate subcommittees doesn't whet her appetite for bolder stuff.

# A Lawyer Who Likes Lawyers

**Arthur W. "Terry" Lefco** '71, likes lawyers. "I like lawyers as people and I like lawyers as clients. I spend almost all my time in defense of legal malpractice, representing lawyers, which I find to be an unmitigated pleasure. Lawyers are uniformly the most enjoyable and the easiest clients. You know why? They understand what's going on.

"Business clients think of you as a pawn in the business arsenal," he says. "Often they can't understand what's going on or they want to blame someone. Lawyers, though, are delightful clients. When they've been sued, whether they are contrite or angry, generally speaking they're reasonable."

President of the Law Alumni Society, Lefco has been practicing with Sherr, Joffe & Zuckerman, West Conshohocken, Pa., since 1994. Earlier he spent nearly 20 years with Mesirov Gelman Jaffe Cramer & Jamieson, Philadelphia.

Shortly after joining the board of the Law Alumni Society, Lefco expressed interest in helping "this highly talented group of kids" (students) land decent jobs. Soon the board established a placement committee with Lefco at the helm. "We work with the career planning and placement people to see what alumni can do to help. Most obviously, we can provide jobs. But we can also help provide a realistic notion of what the practice of law consists of in different environments. We can tell students what employers are looking for in interviews."

A more delicate role for Lefco and the placement committee has been to help reformulate and enforce the non-discrimination policy as it applies to on-campus recruitment. The Association



Arthur W. "Terry" Lefco '71

of American Law Schools prohibits organizations that discriminate from recruiting on campus, such as the armed forces, which discriminate against gay women and men. But what about Baker & McKenzie, the nation's largest law firm, which was accused of sexual harassment in California and AIDS discrimination in New York? According to Lefco, some students wanted Baker & McKenzie barred, and others thought students should be able to choose independently whom to work for. "The committee's input was very valuable," says Jo-Ann Verrier '83, assistant dean for career planning.

Another aspect of alumni relations that piques Lefco's interest is that of publicity and awareness. At interview time, the Law School was about to hire a communications director, and Lefco was looking forward to putting his two cents in, not to selecting a director, but to helping the new director understand the situation.

"These days," says Lefco, "law school admissions are based on the perception of the members of the top rank of students. We suffer from 'U.S. News and World Report syndrome.' We do a lot of things to present our case, but the old Penn Quaker mentality and the old lawyer mentality apply—that we don't advertise and that quality attracts quality. But people don't know about our high ranking unless we tell them.

"In public relations as in life, unless you know your subject, your product is useless. The Law School's P.R. director must know what lawyers know, what they're taught and why they're taught it. I'm appointing a subcommittee to interface with that person."

Oh, yes, "There's one other thing that touches a chord," says Lefco. "A lot of alumni are interested in going back to the Law School and sharing with students the reality of law practice. Every time someone goes to visit, reaction is extremely positive. You're always mobbed by 17 students saying, 'Tell me more.' Maybe some of that is personal marketing, but I believe students are genuinely interested."

Not everyone will work for the mega-firms, he says. Some will go to small and medium-size firms, some will work for government agencies, and some will not work in law at all. "None of these is bad," he says, "but expectations have to be adjusted," and alumni can help.

"We can give them more information and assuage whatever fears they have. As long as their fears are assuageable." Coming from a guy whose best friends and best clients are lawyers, you gotta believe he thinks most students' fears are assuageable.

## Princeton Politics Picks Penn Person

**Michèle Tuck** '83, is mayor of Princeton. Make that Princeton Township, not Princeton Borough, a distinction clear only to locals (and not necessarily all of them, either). Her jurisdiction includes half the university including, dorms, academic buildings and the stadium. Plus 14,000 people.

Tuck was elected to the township committee two years after moving to Princeton—"Sort of on a fast track," she says—and elected mayor by the committee in January 1995. "Almost everybody in town calls me Michele, even though I didn't know them before being elected. You can call me 'Your highness,' though."

The part-time, \$8,000-a-year mayor manages the \$20 million corporation that is Princeton. "This notion of part-time mayorship was created when people were not so busy," says Tuck. "It requires an extraordinary amount of time to meet with people about sewage treatment plants or housing or the university. I am probably more hands-on than most mayors."

Michele Tuck never intended to go into politics. After earning an undergraduate journalism degree from Northwestern she attended Penn Law. Since her mother had died during her last month in law school, she went back home to Teaneck, N.J., after graduation. Having slim interest in practicing law, she didn't take the bar exam.

"Six months after graduation," says Tuck, "I got a call from the placement office at Penn—it said a lot that they were still following up—asking if I had a job. I didn't." But then, voilà, she did, working for A. Leo Levin, a Penn Law professor, who headed the Federal Judicial Center in Washington, D.C. She took the New York bar exam and a week later began working for Levin, researching court and judicial administration, such as how judges manage cases and case loads.

"Levin is a real dear. He talked me into at least trying a career in law." Next Tuck clerked for a year in the Superior Court in D.C., "which is where I learned I did not want to litigate, I did not want to prosecute, I did not want to be a public defender. Then I went to a law firm and hated it. I stayed three months. I told myself, 'This is not something I'm going to do.' A friend told me about a job opening on Capitol Hill, and I have been working in politics ever since."

During stints with Representative Louis Stokes (D-OH), Senator Frank Lautenberg (D-NJ), and New Jersey Governor Jim Florio, Tuck says, "I said, 'I can do this. I



*Michèle Tuck '83*

don't have to work for somebody in order to be involved in public policy and public service.' Not to mention that through all my political jobs but one, the consistent theme was that there were no women in charge.

"I decided running for office was something I could do, I had the aptitude for and I really enjoyed. People ask, 'How can you stand to be a politician?' I enjoy it. I like solving people's problems."

Michele Tuck, not sounding the slightest bit highness-y, was often president of student government, even at law school. "It taught me that I had an aptitude for it, that I excelled in compromise or conciliation. It was 'getting to yes,' so to speak, bringing together diverse groups. I can speak to a homeless person as easily as I can speak to a U.S. congressman. Everybody is human, everyone has concerns and rights, everyone is entitled to respect. What everyone has to say is important.

"Local office is usually considered the bottom of the totem pole," says Tuck. "It's hands-on, in-your-face governing. People tend to be receptive to your ideas, if you address the issues they care about. Things don't always work out perfectly. Public issues take a long time to resolve, because there are so many conflicting views, but they can be worked out faster on the local level than in the congress or statehouse."

Since her mayoralty is part-time (Ha! "Last week I spent 45 hours as mayor!"), she holds a second job as a lawyer. "I work with my fiancé. He's the only person who would let me work ten hours a week and put my name on the door and the letterhead." In the New Brunswick, New Jersey, law office of Rhinold Lamar Ponder, Esquire, Tuck handles sexual harassment cases. Plus, she's a literary agent. She hosts a Wednesday morning radio show in Princeton. And she's secretary of the law alumni board.

Michele Tuck may be part-time mayor, but she works more-than-full-time at her multiple careers.

# His 'n' Hers Legal Careers



David and Helen Pudlin '74

*“Law School taught me how to be an analytical thinker and provided a lot of close friends.”*

If the Law School boasts a dynamic duo, the couple could be **David** and **Helen Pudlin** '74, who met the first day of class, played tennis the second day and married in the middle of third year.

Both David and Helen have consistently maintained close ties to the Law School, with Helen recently serving as first vice president of the Law Alumni Society and David heading the annual giving efforts for Penn Law at his firm. While most active alumni cite professors or classes as their most unforgettable memory, Helen Pudlin says, “The most important thing about Penn Law is that I met my husband there. I know that’s not fashionable, but it’s the most significant.”

“Law School taught me how to be an analytical thinker and provided a lot of close friends. Besides, Penn gave me scholarship money, without which I would not have become a lawyer. So I am very grateful.”

David says the alphabet brought them together. He was, of course, a Pudlin (“of the North Jersey Pudlin clan”) and she was a Pomerantz (“of the Brooklyn Pomerantz clan”), and the rest is history.

Romance, though, is not what usually puts Pudlin and Pudlin in the headlines. It’s Helen’s job. She is senior vice president and general counsel at PNC Bank Corp. and a member of its management committee. “She has an important, exciting job,” says David.

She also has a staff of 192 people, 59 of whom are lawyers, in five states; her offices are in Pittsburgh and Philadelphia. “Managing a large legal department in a complex and changing legal environment, like the highly regulated financial services industry, is an enormous challenge,” she says. “It’s very lawyer-intensive. We operate in non-traditional banking fields—as well as in traditional banking fields. Growth is rapid. Complexity is increasing, and the business is changing. So it’s a wonderful legal environment.”

“Another element that makes it continually challenging is that lawyers and compliance [another area of responsibility] are important parts of the business operations. I spend half my time managing and practice law about half of my time. That’s my preferred balance.” Previously Helen was a partner at Ballard, Spahr, Andrews & Ingersoll, Philadelphia.

David Pudlin is a shareholder and president of Hanglely Aronchik Segal & Pudlin, Philadelphia. He’s the half of the dynamic duo that does not leave home at 6 a.m. Monday and return at 10 p.m. Thursday. But dynamic they remain, committed to and upbeat about each other’s career.



Lee Steiner '49

Some of **Lee Steiner's** '49, clients go to Oz, and some are all wet. The entertainment lawyer, who has a pocketful of personal anecdotes about Sophia Loren, Judy Garland and *Rocky*, heads the 50-person entertainment group of Loeb & Loeb, New York. What's fun about entertainment law, Steiner says, is "creating things for my clients to help them in their business plans, then drawing contracts covering the new ideas." He likes to represent "serious people—as long as they level with me." And he always levels with them.

One intriguing current case of Steiner's involves long-time client Jacques Cousteau and the Cousteau Society. The French underwater filmmaker is suing his son, Jean Michel Cousteau, and Post Ranch, a San Francisco company, for unauthorized use of the Cousteau name in the Cousteau Fiji Island Resort. "We want the son to put his Christian names before the family name, so it becomes 'Jean Michel Cousteau's Fiji Island Resort,' rather than its present name, 'Cousteau Fiji Island Resort,'" says Steiner.

Trademark infringement, violation of the Latham Act and "palming off" are only three issues being litigated in the Fijis and in the U.S. district court in San Francisco. The resort is operating for profit, while the Cousteau Society is not-for-profit. "This has caused a great deal

## An Entertaining Lawyer Practices Entertainment Law

of confusion," says Steiner, who has a motion for temporary injunction in the high court in Fiji. Since he has been an officer and a director of the Society since its founding in 1973, Steiner cares deeply about the outcome of the case.

(Since the case was scheduled for December 1 in San Francisco, results were not available at press time.)

Steiner says his practice group is the largest collection of entertainment lawyers in the country. "When I came to the predecessor of this firm," he says, "I was the only person in entertainment."

His first entertainment client was Titanus S.P.A., the oldest motion picture company in the world. (His bio says he speaks French and Italian; Steiner explains that the client preceded the language lessons. "I deal with RAI, the government television stations in Italy, and I have to speak to the secretaries.") Loeb & Loeb has an office in Rome to handle Titanus, which has been Steiner's client for over 40 years, and other Italian clients.

Steiner represented Robert Chartoff and Irwin Winkler, who produced the five *Rocky* films. Some of his favorite yarns star Judy Garland, Sophia Loren and Gina Lollobrigida, with walk-on roles by Errol Flynn, writer James Clavell and Winston Churchill's poodle.

Yet with all his rubbing elbows with "the great and the near-great," as Mel Brooks puts it, Steiner doesn't seem to have grown self-important. "I didn't get my master's in film," he says. "I was basically a securities lawyer." Forty-seven years after graduating from Penn Law, Steiner has no intention of retiring. "As long as I have competent partners and associates and can do a good job, I'll keep working. I enjoy what I do." He spends long hours in a smoke-filled, walnut-and-glass office, both feet on the

desk, looking out at the Waldorf Astoria, counting the shades that are drawn in the afternoon. The walls have photos of Steiner and his family, but not of Steiner and his clients, although clients' books fill a shelf.

The most surprising element in Lee Steiner's office is royal blue and kelly green, trimmed with flashing white lights. It's a computer screen, his access to e-mail, a skill he acquired more recently than his newest necktie. How many lawyers enter the electronic age 47 years after graduation?

Part of Steiner's current practice entails drafting bank credit agreements, in which, "We have to create collateral from new communications media. I guess we were the first law firm to find a satisfactory collateral package for Bankers Trust Company in connection with their loan to a cable company. We did it by counting the number of telephone poles that were used for hookups for cable boxes in customers' homes.

"It's the creativeness of the deal that pleased me," says Steiner, puffing on the Cuban cigar. "Bank loans can be boring, but creating different types of loans in the media industry is fun."

Entertainment people are no different from the rest of us, Steiner says. Their names are publicized, and if they get entangled in disputes, their disputes get publicized. But the disputes are not intrinsically different from anyone else's.

Don't expect the next issue of Penn Law Journal to report that Lee Steiner, Class of February 1949, has retired from the practice of law. "I've enjoyed my work," he says. "There's always something new. I look forward to the future."

## Ethical Approaches to Knotty Legal Problems



Larry Fox '68

As chair of the section on litigation of the American Bar Association, **Larry Fox** '68, wanted to "do something on ethics, especially related to the Center on Professionalism at the University of Pennsylvania Law School. It was my attempt to get my law school involved with my bar association." Fox is also a member of the ABA's standing committee on ethics and professional responsibility. Here's what he did.

He gathered a group of thinkers to brainstorm, and the result was a project called *Ethics: Beyond the Rules*, a study of the legal profession by non-lawyer academics. First in Philadelphia, then in Chicago, eight thinker-types sit down with ten partners and ten associates from the five largest firms in each city. Fox says, "The firms volunteered, and the partners meet separately from the associates, so the associates are not inhibited from being candid, and vice versa, too, I suppose." The purpose, says Fox, is for non-lawyers to elicit information about how lawyers approach knotty problems with courts, clients and opponents. "We hope that non-lawyer academics will produce papers that give us a new approach to handling some of these problems."

The Penn connection includes

- *Douglas Frenkel* '72, practice professor of law and clinical director.
- *Professor Curtis Reitz* '56, director, Center on Professionalism.
- *Peter Glenn* '68, dean of Dickinson Law, Fox's classmate at Penn Law.
- *Professor Geoffrey Hazard*, director, American Law Institute.
- *Caroline Simon*, executive director, Center on Professionalism.
- *Renee Fox*, Ph.D., anthropologist/sociologist who studies the medical profession.

From other institutions come the project's legal historian, MBA, economist, psychologist, ethicist and other sociologist.

One wonders why, since ethics apply to all areas of the law, it's the litigation section that creates an ethics panel. The connection, it seems, is Larry Fox. "All areas of the law are concerned about ethics," he says, "but in the litigation arena, you run up against some of the more important dilemmas, such as the conflict between duties to your client and duties to the court. And you have to sleep at night.

"We would have looked at the entire legal profession, but the academics told us we had to limit the research. We picked big firms in big cities because it was a control group.

"There has been a lot of behavior by lawyers that's been of concern that's getting headlines. The Geoff Hazards of the world will tell you that in earlier days, the ethical questions were more related to solo practitioners; now they're more related to big firms. Is there a city culture that affects ethics? We're trying to plumb that, too."

Fox has three wishes for the project: that academics will produce their papers by early spring; that he can present the findings at the ABA meeting in Orlando in August; and "that the academics will ask us to go on, that this is only Phase One."

# Legal Tender

a short story by Larry Fox

*Larry Fox has written 27 short stories about lawyers' dilemmas, issues of professionalism and the general decline and fall of lawyers. "I continuously write short stories to try and explicate these issues," he says. "I started writing on an organized basis half-a-dozen years ago because I thought short stories were an effective way of presenting difficult ethical issues. The stories seemed better able to get to the point than writing hypotheticals. Somebody called it 'giving context' to these issues. There seems to be a disconnect between the teaching of ethics and real life."*

*Legal Tender is required reading in a handful of law schools. Here's an excerpt.*

Roger Perskie had built a prosperous business, Tax Minimization Wealth Maximization, Inc., shortened to TMWM, selling financial services and planning to high-net-worth individuals in the Delaware Valley. The key to his success was providing outstanding service and his development of a cadre of superb salespeople who aggressively marketed his investment vehicles, mostly mutual funds, with a level of enthusiasm that even Roger found surprising. He long ago recognized that if he treated his employees right, not just financially but by expressing his gratitude in nonfinancial ways, he could get a lot more out of them and maintain the competitive edge that would permit TMWM to dominate the market, despite the fact that his products were essentially identical to those of competitor firms. Thus he viewed it as icing on the cake when his law firm, old-line Smith, Single & Stern, suggested he add a noncompete clause to his standard sales agreement when the agreements came up for renewal. Even though he treated his

salespeople as independent contractors, the lawyers suggested that just in case a court found they were employees, it would be best to add some consideration for the noncompete to help make it enforceable. So, on each new contract he increased the commissions by 5 percent and added a provision that prohibited salespeople from competing for two years within a fifty-mile radius of Roger's headquarters in Bryn Mawr. Yet he did not take great comfort from this new arrangement, remembering Old Man Single's advice at the time: "The best way to keep employees was to keep 'em happy, not tie their hands with legal mumbo jumbo. The courts just don't like restrictive covenants—people should be free to change jobs; it's the American way."

It was two years later when the noncompete clause was triggered for the first time. Sam Evans, one of his best producers, announced he was leaving the company to go to work for Estate Planners, Inc., in Princeton, New Jersey. A quick call to the law firm confirmed that the noncompete was not limited in its scope to the Pennsylvania side of the river, and that Princeton was indeed quite a bit less than fifty miles from Bryn Mawr. But when Roger confronted Sam, his response was not comforting. "You know you do little business where I'm going, and we found a house in Whitehouse Station that's far closer to Princeton than your place."

"But that doesn't mean you won't immediately start calling on your TMWM customers, Sam. With your charm they'll all be customers of Estate Planners in a month," Roger responded.

"Do what you have to do, Roger. My new employer's going to back me to the hilt."

Roger immediately contacted his firm and authorized Bruce Single to start an action to enforce the noncompete. Roger knew Sam had a point but Roger simply could not afford to lose that

much business, certainly not without a fight. If the clause were ever to have meaning, now would be the time.

For Roger it was the first time he was ever less than pleased with the service he received from Smith, Single & Stern. The young associate assigned to handle the case against Estate Planners had seemed so distracted, so preoccupied with other matters. Many of Roger's suggestions on how to show the judge that TMWM and Estate Planners were really selling into the same market (the key issue, his lawyer had told him) had gone unexplored. The associate had not even called the president of Financial Security Company—still another of TMWM's competitors—who was prepared to testify on Roger's behalf. This omission had occurred despite the fact that the associate told Roger he thought it was a stroke of genius to enlist the Financial Security official when Roger suggested it. And when Roger questioned the omission, the associate mumbled something about it not being necessary, and that there was not enough time—a totally unsatisfactory response in Roger's view. But the response, and the judge's decision permitting Sam to switch firms on the ground that the distance between the two offices was almost fifty miles, were not a surprise to Roger, given the desultory approach that had been taken to the case over all.

So that was the way it was left. Roger's key employee was over at Estate Planners getting ready to poach some of Roger's best customers. And Roger was out looking to find a new employee to fill Sam Evans's giant shoes. Roger had promptly paid Smith, Single & Stern's invoice for \$12,000, thinking at the time this was one instance where he wished the bill had been higher, that they had devoted more time, or put a higher priced lawyer on the case.

But Roger's disappointment did not prepare him for the shock he experienced when he read the next issue of



the weekly trade journal, *Local Biz*. The article that caught Roger's eye was one of those typical self-written publicity pieces that rags like this depended on for their so-called editorial content. At first Roger thought this one must have been written by the folks at Estate Planners. It announced that Estate Planners had persuaded the state insurance commissioner to permit Estate Planners to sell life insurance in Pennsylvania. When asked how he was able to accomplish such a revolutionary result, Joseph Bruce, CEO of Estate Planners, opined that it had taken three years and the Herculean efforts of Triple S Lobbying, the consulting firm Estate Planners had hired for this expensive but worthwhile assignment. Now Roger's reaction was that maybe this article had been written by a public relations consultant for Triple S, looking for some way to tout the firm's ability to get things done in Harrisburg. But Roger's next reaction, only a moment later, was far more agitated. Wasn't Triple S somehow connected to Smith, Single & Stern? And what the hell had these guys been doing working for Estate Planners when he had hired them to sue that firm? Wasn't there something about conflicts of interest he had heard from his lawyers? Every time he called up with a new matter, someone at Smith, Single & Stern told him they would have to clear the conflict; but he didn't know Smith, Single & Stern was doing work for Estate Planners. No one had told him that. Maybe, just maybe, that explained the way his latest lawsuit had been handled.

His first call was to his bank. No, they were sorry, but the \$12,000 check had cleared his account yesterday. His next call would have been to his lawyer, but, of course, that wouldn't do. Then he remembered his friend who used to work at the bar association. He called Craig Hayes immediately. Hayes showed his distress and shock and urged Roger to think about a malpractice suit.

But before he did that, Hayes suggested that perhaps he had better call Bar Disciplinary Counsel, a friend of Hayes's named Louis. Hayes had been away from this stuff for a while and bar counsel's job was to give members of the public guidance on matters that involved unethical conduct by lawyers.

Louis certainly was polite enough. He listened carefully to Roger's story, which Roger tried to tell with a restrained sense of rage. But Roger was certainly disillusioned when he heard Louis's response. According to Louis, the ABA had just promulgated some new rules that Pennsylvania had promptly adopted. Those rules made clear what few had thought before their adoption: Since Estate Planners was a customer of Triple S, since in Pennsylvania the lobbying work done by Triple S was not the practice of law (after all, it wasn't even done by lawyers), and since Triple S was merely a partially owned subsidiary of Smith, Single & Stern, the law firm had no obligation to tell Roger about Triple S's work for Estate Planners. The ABA Working Group had even said it took "limited reflection" to recognize that a contrary rule would impose "Draconian principles" on firms like Triple S. Besides, Louis explained, he was sure that a firm as respected as

Smith, Single & Stern would not pull its punches in representing TMWM, simply because Estate Planners was a customer of a partially owned subsidiary of Smith, Single & Stern. Louis was sorry Roger felt so upset, but pursuing the matter further would be futile.

Roger hung up the telephone crushed, convinced he had just taken a stinging jab below the belt, with no possible counterpunch other than to change law firms. And to think: when others had demeaned lawyers for losing their professional way, he had always defended them. How wrong he'd been.

*"When others had demeaned lawyers for losing their professional way, he had always defended them. How wrong he'd been."*

## Students in Civil Clinic Defend Prisoner

Teaching evidence and civil procedure to law students doesn't guarantee that students assimilate everything they learn. Most classroom lessons stress theory. Not so with Penn Law's growing clinical program.

**Alan Lerner** '65, teaches in the civil practice clinic, a course that, he says, stresses the role of lawyers and the skills of lawyering. Through the clinic, "Students act as real lawyers for real clients."

*Through  
the clinic,  
"Students act  
as real lawyers  
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clients."*

In Spring 1995, the U.S. District Court referred Professor Lerner a case in which Peter Walker, a prisoner, had filed on his own behalf. Walker claimed that Upper Merion (Pa.) police beat him with a flashlight and sliced his ear with a knife while arresting him on suspicion of stealing three cars and smashing one into a police car after a high-speed chase. Later, because Walker bled on the officers, police forced Walker to submit a blood sample for a test for HIV. "He was upset," says Lerner, "and the police had no right to make him take that test, even though they had a warrant. Of course the test results were negative."

Lerner assigned **Elana Scherzer** '95, a third-year student, to do research in this federal civil rights case. Scherzer reported that: 1) It is illegal to use excessive force while making an arrest; and 2) It might be illegal to force a test for HIV. Lerner assigned Scherzer and **Scott Lempert** '95, to work on the case together.

The students did further research, prepared a case plan, conducted investigation and discovery and took depositions of police officers. Late in the semester, stonewalled by the defense, they sought the court's intervention. U.S. District Judge Harvey Bartle III ordered an immediate telephone conference with all counsel, despite Lerner's absence from the office. Scherzer and Lempert argued their position against experienced defense counsel. They won. Then they graduated.

Before graduation, though, the question of scheduling the trial came up, and the students requested that the trial be held late summer, after they studied for and took their bar exams. While Scherzer and Lempert crammed, two first-year students, Lisa Atkins and Andrew Efaw, helped Lerner complete the discovery and prepare the case for trial.

Elana Scherzer did the opening statement, Scott Lempert did the closing statement, and they split the witnesses among themselves and Lerner. In the lawsuit, the students argued that police lacked probable cause to suspect he was HIV-positive. Even though Walker had a string of arrests, there was no evidence that he had ever engaged in behavior that put him at high risk for HIV; despite his having served time in jail, they said, he was not a known drug user, and they could not prove he had had sex with someone infected with HIV.

The jury found in favor of the police on the excess-force case but in favor of the plaintiff on the question of unlawful invasion of his rights by forcing him to give blood.

The newsletter *AIDS Policy & Law*, reporting on the case, cited Lerner: "The warrant obviously wasn't worth the paper it was written on." The *Philadelphia Inquirer* also quoted Lerner: "It's important the police know more about HIV so they don't panic and so they will know the limitations on taking someone's blood."

In the course of discovery, Lerner says, a third matter arose. “We thought we had a claim against Upper Merion Township for failure to train police properly about HIV and search-and-seizure. It was about the rights of suspected HIV patients to be free from unreasonable invasions of their privacy through involuntary taking and testing of their blood.” On the question of training, the jury found in favor of Walker and awarded him \$5,000.

The Township and two police officers countersued, claiming Walker had assaulted them. “We won one of the issues outright,” says Lerner, “based on some excellent cross examination by Scott Lempert. But a small amount of money was awarded to the other officer, who had some minor medical attention.” The township won its counterclaim for damage to a police vehicle.

After more than 25 years practicing as a litigator and employment lawyer, Lerner is thriving in his new environment, where something new happens every day. “I think the students and I learned an enormous amount about HIV and its transmission and testing,” he says, “and about the application of the Fourth Amendment to this new problem of fear of infection.”

What have the law students learned? Says Professor Lerner, “Scott Lempert told some students who were considering the clinic that although he took the ‘regular’ courses in evidence and civil procedure, he learned evidence and civil procedure in this case in this course.”

There’s more to learn. At press time, Walker’s two student attorneys and Lerner were waiting to discover if the court would award them fees, an amount that could be 10 to 20 times the sum that Walker received.



*Alan Lerner '65*

*“They won. Then they graduated.”*

# Rising above a Low Ceiling

by Judge Richard B. Klein \*



*Yvonne Mokgoro GL '90*

In 1989 and 1990, **Yvonne Mokgoro** GL '90, spent 14 months working on her LL.M. at the Law School. She lived in a small efficiency apartment on Chestnut Street, half a world away from her husband and four children in South Africa. Today she sits on the highest court in South Africa, the first black female judge in any court in that country's history.

During the negotiations to create a new South Africa, the government and the African National Congress agreed to retain all the judges but to superimpose a new Constitutional Court on the existing structure. This court reviews legislation and procedures to insure that they conform to the interim constitution. It is the highest court of appeal in constitutional matters, and it must certify the new constitution before 1999. Landmark opinions that have already been issued by the court include prohibiting capital punishment and outlawing the whipping of juvenile offenders. Eleven justices make up that court; one of them is Yvonne Mokgoro.

She studied almost all the time while at Penn Law School and found it difficult, coming home to an empty apartment. She received support from other international LL.M. students, the Black Law Students Association and other South Africans living in Philadelphia. Among the faculty, she counts Lani Guinier, Barbara Woodhouse and Judge Leon Higginbotham as sources of strength.

She was completing her LL.M. and planning to go on for her doctorate at Penn when, on February 12, 1990, De Klerk announced the "unbanning" of the African National Congress and Nelson Mandela's release from prison. As she walked into the office of registrar Gary Clinton (now assistant dean for student affairs), he asked, "Are you making any progress getting into the doctorate program?" She responded, "Forget it, I'm going home." Mokgoro says, "I had to get back to South Africa. I didn't want to go back to my country after three years and not recognize it. I wanted to be part of the changes."

She had been an associate professor at the University of the Northwest, a mostly black institution, and in 1992 went to the University of the Western Cape outside Cape Town as an associate professor. In 1994, Mokgoro moved to the Centre for Constitutional Analysis at the Human Sciences Research Council as a researcher in the area of human rights, particularly issues of women and children. She sought the opinion of legal experts throughout the world, traveling to the United States, the Netherlands and Germany. Soon after the constitution was completed, she became a justice of the new court.

Youngsters today ask Justice Mokgoro, "How did you do it?"

She says, "Everybody assumes I am from a wealthy family and attended private schools, but that is farthest from the truth. My father worked on the railroad and my mother was a washer-woman. I was the second of nine children and had a lot of responsibility caring for the others. My mother worked for a wealthy businessman who was active in the Kimberley Rotary. I went through school on Rotary scholarships. I had to do well to have the scholarship renewed annually. That was certainly motivation.

"What was important growing up was the unity and stability of my family," says Justice Mokgoro. "We may not have had anything to eat, but we had love. We were taught to value and appreciate what we had — 'non-greed' — and we had to share."

When asked how she wants to be remembered, she says, "as an ordinary person who made a contribution. What is happening in South Africa is that ordinary people are making extraordinary contributions.

"Our history hasn't inculcated hope," she says. "The ceiling was so low for the black community. But despite a system designed to stifle, apartheid did not succeed for all of us. Many people survived the system. And when apartheid was removed from the statute books, it was as if the many qualified black people emerged from nowhere."

Justice Yvonne Mokgoro wants South Africans to realize that they are all a part of the future. "People can't just sit back and think others will do things for them. We all have a role to play in making real the South African miracle."

\* Judge Richard B. Klein has been a trial judge in Philadelphia for over 20 years. He serves as educational leader for legal study tours for the Corporation for Professional Conferences, Inc., and visited South Africa last summer.

## Do, or Give, unto Others

When students attend law school, tuition doesn't pay the total cost. People's contributions make the education possible, says **Fred Blume '66**, a member of the Board of Overseers, and National Chair of Law Annual Giving. When we get out of school and are in a position to make contributions, we ought to give, so current students can get an education.

There's another, perhaps more selfish, reason to give, says Blume. The value of your diploma can be enhanced or diminished by the success or failure of your law school after you graduate. When people look at your resume, your diploma on the wall or your credentials in *Martindale Hubbel*, you want them to continue to be impressed and say, 'Oh, you went to Penn!'"

When Blume says, "I feel strongly about the University of Pennsylvania," he's talking about a family institution. Blume, his wife and their three children will have accumulated seven Penn degrees by the time he finishes paying tuition.

"I believe that we as lawyers have to give back to the community through charitable and civic activities, and the Law School was a natural way for me to be involved. The Law School has been responsible for my professional development as well as for some special family moments. When our middle son was a first-year law student, I spoke at Parents and Partners Day. I sat on the stage and presented his diploma at graduation."

A partner at Blank, Rome, Comisky & McCauley, Blume has been active with alumni affairs for more than a decade. "I believe I was the first fund-raiser at a large firm with many Penn alumni to achieve 100 percent participation in annual giving.

"What I've set as the challenge for myself and the staff is to increase the percentage of participation, especially among younger alumni. My primary emphasis is on getting people committed to the concept of giving to the Law School, getting them to contribute even small amounts. Then we can work with them and develop them into larger contributors. Everyone, no matter what age, should be able to contribute something."

Blume wants to inspire donors especially during reunion years. This year's annual giving campaign's kick-off was held September 20 at the Pyramid Club in Philadelphia. Glen A. Tobias '66, former national chair, thanked volunteers for their efforts last year, the Fund's best year ever, raising over \$2 million. Blume asked volunteers for their continued leadership and support.



*Fred Blume '66*

## Welcome to the Class of 1998

*With 4,135 applicants for a target of 230 seats in the Class of 1998, competition was high. The class represents 32 states, plus the District of Columbia, Puerto Rico, Canada and Hong Kong. The students come from 91 undergraduate schools with 38 different majors, and 23 students hold advanced degrees. Entering students averaged 166 on the Law School Admissions Test, ranking in the 95th percentile nationally. Their undergraduate grade-point average is 3.568. The average age is 24, and 59 percent are male. Twenty-six percent list themselves as ethnic minorities: 16 students are African-American, 22 Asian-American and 24 Latin-American.*

**Derrick Diggs** attended Morehouse College, Atlanta, on a track scholarship. He did Morehouse proud, ranking all-American three times for sprinting, in Division II track and field. He ran four-by-one and went to the nationals. "I also went to the nationals in the open 100 meters, but I wasn't all-American." In his "spare time," he majored in economics and math.

During his senior year, Diggs and two friends started FreeForm Academy, a private school in Atlanta for African-American children ages 3 to 9. The curriculum focused on math, science and computer skills, with additional emphasis on social interaction, respect for elders and foreign languages. "It was our answer to the Edison Project," the now-failed alternative educational project funded by Chris Whittle, the project that wooed Benno Schmidt from the presidency of Yale.

The first year, FreeForm had 12 students, the second year, 42. "But no matter how we cut it, we couldn't pay our teachers competitively at that stage," Diggs says. "Teachers were adding value that warranted our tuition rates; they were putting in lots of time and creativity, and we had a one-to-seven teacher-to-student ratio. But we couldn't afford the gadgets and toys that would have shown parents how state-of-the-art we were.

"Parents were paying a lot for tuition, but not enough to cover costs. If we increased enrollment, in order to keep the low teacher-to-student ratio, we'd need more teachers. But then we'd need to raise the rates, so we'd lose parents.

"What we need, actually, is \$100 million. If you know anyone with \$100 million, let me know."

Diggs, originally from Wichita, handled "the financial side" of FreeForm. "After I did the fundraising and set up the accounting system, I had some free time, so some friends and I started a restaurant, Delights of the Garden." This was a vegetarian eatery, specializing in uncooked fruits, vegetables, nuts, grains and seeds. The veggie tuna on the menu was fabricated with *faux* tuna, the moussaka marinara with *faux* meat. Sprout spaghetti and almond cocoa: all natural ingredients.

Delights, of which Diggs was general manager, opened five restaurants and closed four. One remains, across the street



*Derrick Diggs '98*

from Howard University's business school, in Washington.

"When we closed the one I was managing," says Diggs, "I decided to put my talent to better use and apply to law school. Now I can terrorize entrepreneurs, professionals and anyone else who's trying to make an honest living.

"Really, I'm out of my Atlanta business in the legal sense, but I'm still pursuing the dream, and if I find opportunities for my partners, I pass them on. My goal is to get back into business at a higher level."

In Atlanta? "Maybe, but I kind of want to go to back to the Midwest, where I'm from. African-American professionals are leaving small towns. But people my age, especially African-Americans, are needed to inspire students in high school to go on and do better things."

When **Eva Robertson** was 9, “just a little kid doing gymnastics” in a semi-rural community outside of Toronto, “some recruiters came around looking for talent and suggested that I audition for the National Ballet School.” She was accepted into the school that trained professional dancers and later joined the National Ballet of Canada.

Next stop: three years with the American Ballet Theater in New York, which Robertson calls “an exciting opportunity” under Mikhail Barishnikov. In the final phase of her dancing career, she freelanced in a more modern idiom with companies or independent choreographers. At age 24, she finally went to New York University to earn a bachelor’s degree. After graduation, Robertson worked as a writing consultant for the English department at NYU and considered pursuing a Ph.D. in English. Instead, she chose law.

“Law is sort of a nice meeting point for practical, real-life concerns and meaningful intellectual pursuits,” says Robertson, whose practice future remains unclear. First-year law she finds “kind of hellish. It’s an overwhelming barrage of seemingly random details, and it’s hard to keep them in order. For sure, it’s a different kind of study from what I’m used to, so it’s an adjustment.

“I didn’t have a pushy, show-biz mother. She’s always wanted me to do whatever I wanted. My parents are both academics—there are no lawyers in family—so they were sort of surprised when I decided on law. Some people think I’m not really cut out for it. They think I have too creative, too artistic a nature, to thrive in law. But I don’t know if that’s true. I don’t think I have a very inventive nature. I’ve never enjoyed a freestyle work environment. I prefer clear guidelines and structures,” says Robertson, 30, who dances now only for fun.

“Dance is obviously physical, and law is obviously intellectual, but the same discipline and commitment are necessary to be successful at both. In both dance and law, too, you have to pay close attention to what’s going on beneath the surface.

“For instance, when you’re rehearsing for a ballet, you’re preparing to present for your audience a story. But the process of conveying that story is different from exploring the issues of its emotional truth or human interest as a narrative. You don’t really come into contact with those emotional aspects of the story, at least in the preparation phase. And in law, you’re confronted with a situation, a conflict, a problem, yet you’re forced to look at it as part of a system of views, not from a commonsensical point of view. You work with the broken-down elements of the situation. Law is always working in a counter-intuitive way. So it is with dance.”

She finds other similarities, too. “I’m used to working 16 hours a day, non-stop. I like for there not to be too much of a separation between my work and my life.”



*Eva Robertson* 98



*Andrew Levy '98*

"It's been good so far," says first-year student **Andrew Levy**. "I've been finding the work interesting. The only problem is, there's just too much of it. There's not enough time to analyze each topic adequately before moving on to the next one. Of course, the first year of any graduate program tends to be overwhelming." But he's coping.

Levy, who grew up in New York and Long Island, majored in psychology at Emory University. In 1987 he received his Ph.D. from UCLA in psychology, concentrating on neuroscience: how the brain operates, the influence of the brain on behavior and related functions.

In several post-doctoral research jobs, Levy studied drugs of abuse, such as cocaine, and how they affect the brain. "The reason I decided to go to law school was that things were getting difficult in medical research, and they were not likely to get better. Between a tight job market and shrinking funding, the nature of the field had changed dramatically. I wanted to stick with something where I could continue to use the background I have."

Levy chose Penn for its reputation. Before he entered, several attorneys told Levy that his science background should make law school easier. "But so far I haven't seen that," he says. "So far I see that the approach to law seems to be much more malleable than science. You can manipulate the doctrine. You can push it to its limits, rather than just taking data and analyzing it.

"With a scientific background, you're not trained to do anything in the real world. It's just incredibly different." He is considering a career in pharmaceuticals, possibly patents, possibly litigation.



## A White House Fellowship Teaches Miami Attorney How to Handle the Government

For one year, **Wifredo "Willy" Ferrer '90**, went to Washington. One year stretched into two. He's sure he'll head back to Miami eventually.

This year Ferrer is serving as a special assistant to Attorney General Janet Reno. "I am a jack-of-all-trades," he says. "I write speeches, I brief Janet Reno on meetings and events. When I travel with her, I'm a general troubleshooter. When we get back, I follow up on issues that arose during the trip. I have really learned to respect Reno's integrity." Actually, because Ferrer joined Reno's staff three weeks before being interviewed, and because federal law prohibits federal employees from discussing current litigation with the press, he'd rather talk about previous jobs.

Between September 1994 and September 1995, Ferrer was a White House Fellow, a one-year program for 17 individuals, chosen from 1,200 applicants. The purpose of the fellowship is to teach private citizens about how the government works. Typically fellows are assigned as special assistants to a cabinet officer; in Ferrer's case, to Henry Cisneros, secretary of Housing and Urban Development. At HUD, Ferrer investigated whether security guards affiliated with the Nation of Islam were discriminating in their security services in public housing developments. He found no systematic or widespread problems, only isolated incidents.

White House fellows also have an educational program. "We had small-group, off-the-record discussions with the First Lady, Colin Powell, Joycelyn Elders, cabinet secretaries.



Wifredo "Willy" Ferrer '90, and Secretary Henry Cisneros



Wifredo "Willy" Ferrer '90

We all traveled for a month to Hong Kong, China, Mongolia, South Korea and Japan, meeting with presidents or cabinet-level dignitaries.

"Here I am, a Miamian, with Cuban parents, plucked out of Miami," out of a commercial litigation, civil rights and *guardian ad litem* practice with Steel Hector & Davis. He sounds thrilled.

Before attempting to navigate the Potomac, Ferrer "really only had a bird's-eye view of government. I was never involved in politics. I applied to be a White House Fellow because I was always involved in community service. For instance, when Hurricane Andrew hit, I worked with my firm to form a hurricane disaster-assistance program. I learned that we needed to partner with national government. I knew how the local government worked, but I needed to know how the federal government worked, too. The fellowship seemed to be a perfect *segue*: I'd work in Washington for a year, then return to Miami. As it happens, I was diverted for one more year because I couldn't pass up this opportunity to work with the attorney general."

Which is okay with him, because, "If you really want to make a direct impact on your community, you need to go local. But you have to know how the government works so you can get the resources."

As for his law school, Ferrer is clear. "Making the decision to go to the University of Pennsylvania was the best decision of my life. That decision gave me the tools to do what I am doing today."

## Professor Engages in Empirical Research on Messy Issues

**Quiz: What research projects interest Jason Johnston, professor of law and economics? Choose one.**

- A** *The law and economics of solid waste management and Superfund.*
- B** *The jurisprudence of regulatory takings and property rights and property norms.*
- C** *Game theory, which is the mathematical theory of strategic behavior.*
- D** *Trends in contract litigation.*
- E** *All of the above.*



*Jason Johnston*

As you might guess, “E” is the correct answer. With such diverse research projects, the underlying theme, Johnston says, is how law affects economic behavior and how lawyers might think about law as a strategic tool. “My work is becoming more empirical.”

Johnston’s current interests focus on topics in environmental law, especially solid waste management. “I’ve tried to provide an economic explanation of why solid waste management has traditionally been treated as a local public service,” he says. “At the same time, I’ve tried to provide an economic explanation of the development of an interstate market in solid waste. My objective is to provide a framework that will be useful for addressing issues that are of contemporary public policy interest.

“What are those issues?” he asks, sounding like a professor. He lists three.

- Constitutionality under the commerce clause of local flow-control ordinances, which some localities use to try to direct the flow of solid waste to specific facilities.
- The status of state-level restrictions on the importation of solid waste.
- The desirability of public intervention to create and/or maintain markets for recycled materials.

All of these issues are important in the courts and in legislation, says Johnston, now in his second academic year at Penn. “There’s a big empirical component to my research, because I have tried to get a sense of the history of solid waste management as well as the way the solid waste industry is organized now; for instance where solid-waste facilities are located within communities.”

Another project focuses on environmental causation, which cuts across several areas of environmental law and has implications for toxic tort cases.

Yet another research protocol looks at how contract law might influence the evolution of business norms. “I’ve got a couple of empirical projects,” says the Michigan-trained J.D./Ph.D. “One develops a theory of how we might be able to infer norms having to do with contract formation from reported decisions, how you can use reported decisions to infer what’s really going on.”

Ready for another? Johnston is investigating trends in contract litigation. According to some researchers in Wisconsin, he says, a large part of the increase in litigation in federal courts during the Eighties was due to an increase in business-vs.-business contract disputes. “I think that’s wrong. I think the increase in litigation in federal courts reflected other changes, other factors, such as increasing litigation over Superfund liability. I’m trying to redo the Wisconsin study and get additional data.”

# Parents and Partners



*Kathi Kelly '96*



*Parents & Partners enjoy the panel discussion.*



*Nicholas Nastasi '98, Nicholas Nastasi '87, William Hanglely '66, Michele Hanglely '98, Theodore Brubaker '98, George Brubaker '87*

At Parents and Partners day, November 3, two hundred spouses, moms, dads and kid brothers learned all they wanted to know about first-year law, since the law student they love was too busy to ask.

Family members attended classes in criminal law, contracts and property. More practical, less theoretical, were panel discussions hosted by **Arthur W. "Terry" Lefco** '71, president of the Law Alumni Society. He introduced Stephen B. Burbank, acting dean, who urged students not to forget everything they learned prior to law school, not to surrender deeply held personal beliefs and not to take the office home to their loved ones. "Yes, Virginia, there is life after law school," he said.

His messages were reiterated, directly and through self-effacing anecdotes, by the alumni who discussed life after Penn Law.

Lefco, partner, Sherr, Joffe & Zuckerman, West Conshohocken, Pa.: "My practice is mostly in the areas of professional responsibility and legal malpractice, which allows me to practice my litigation skills and get involved in every area where lawyers can screw up. A lot of the people here today were in the Order of the Coif and graduated with honors. I am here to represent the 90 percent of students who did not excel."

**George Brubaker** '67, partner, Hartman Underhill & Brubaker, Lancaster, Pa.: "My father, who was a lawyer, always said, 'The law is a jealous mistress.' I have found that to be true. I worked very hard as a law student and made law review. The editors were willing to allow me three days to drive to California, get married and have a honeymoon. So I resigned from law review. It's a decision I regret—resigning, not getting married. I've been happily married for 31 years. I have always worked hard in law. It's a rewarding and satisfying profession, but it's not easy."

**Arlene Fickler** '74, partner, Hoyle, Morris & Kerr, Philadelphia: "I don't think the practice of law has to consume one's life, although it certainly takes up a lot. My career has been what one would have predicted for a woman graduating 20 years ago. For students today, your future may be less predictable. People switch firms, they start their own law firms, they go in-house, they leave again. Find mentors who will train you to become good lawyers, who will train you in their ethics, who will teach you about the business of law and who will encourage you to pursue *pro bono* activities."

**William Hanglely** '66, chair and CEO, Hanglely Aronchick Segal & Pudlin, Philadelphia: "You have to know the facts and you have to know the law."

**Nicholas Nastasi** '67, sole practitioner, Philadelphia: "Derek Bok, former dean of Harvard Law School and former president of Harvard University, was lamenting the fact that law schools in the United States absorb more talented young people each year than in any other industrialized nation. He said, 'The net result is a massive diversion of exceptional talent into pursuits that often add little to the growth of the economy, the pursuit of culture or the enhancement of the human spirit.'" As the audience reacted with a simultaneous "Wow," Nastasi quipped: "That may be true of Harvard lawyers, but it's not true of Penn lawyers."

Three law students—**Horace Anderson** '96, **Hugh Fisher** '97 and **Katherine Kelly** '96—spoke of surviving the grind.

# Faculty Excerpts

## LEGAL HEROES: LEWIS HALL AND THE CONSTRUCTION OF A USABLE LEGAL PAST, 1900

by Sarah Barringer Gordon †

Until the turn of the twentieth century, the Law Department of the University of Pennsylvania (as it was then known) was in a physical sense a rootless institution. In 1879, the Law School had 141 students enrolled in its two year program, almost all of them from Philadelphia.<sup>1</sup> The school migrated from one set of cramped quarters to another in the 1880s and 1890s, ranging from the new Philadelphia City Hall, to the Girard Life Insurance Building at Broad and Chestnut, and Independence Hall. Although the university administration attempted repeatedly in the second half of the nineteenth century to attach the Law School to the new West

Philadelphia campus<sup>2</sup> the gravitational pull of courts and private law offices drew the school back to the city, where students spent their days as apprentices, faculty as practitioners.<sup>3</sup> As William Draper Lewis put it, “The normal concept of a Law School was that of a place where in the late afternoon lawyers, harassed with their own business, read lectures to sleepy office students.”<sup>4</sup> Lewis was the school’s first full-time faculty member, Dean from 1897 to 1914. His was the transforming hand that crafted modern legal education at Penn Law School.<sup>5</sup>

Through the construction of a physical space that redefined the scope of legal training for students and the responsibilities of legal academics, Penn

Law swelled the growth of university-based Law Schools dedicated to professional training,<sup>6</sup> and at the same time added a perspective unique to Penn, and to Lewis. The central role of legal history in this transformation is evident not only in the new Law School curriculum (which included a course in the history of the common law, taught by Dean Lewis himself and based on Lewis’s recently published edition of Blackstone’s *Commentaries*<sup>7</sup>) but in the entire structure. The design of the building consciously echoes the seventeenth-century designs of English architect Sir Christopher Wren.<sup>8</sup>

The most important, most visible connection of the new Law School with an ancient and venerable legal tradition



*This portrait of William Draper Lewis, was painted in 1934 by Robert Susan. At the dedication ceremony, Lewis reminisced: “When I became dean the only other person besides myself who gave all his time to the Law School was a man who was supposed to keep the cuspidors clean — and did not. I discharged him; destroyed the cuspidors and stood alone.”*



*When it opened in 1900, the new law school building was the largest building devoted solely to the education of lawyers in the country. At opening ceremonies, Supreme Court Justice John Marshall Harlan and Chinese Minister Wu Ting-Fang, as well as leading legal academics, gave speeches to a large crowd of assembled dignitaries and lawyers. As William Draper Lewis put it, the educational ideal behind construction of the new building was the training of “efficient lawyers.”*



*The medallions that encircle Lewis Hall memorialize the names of legal heroes of the past. Above are several medallions on the 34th Street side, the most prominent face of the building. Included are famous nineteenth-century lawyers, judges (John Marshall and Joseph Story of the United States Supreme Court; William Tilghman and Joseph Bannister Gibson of the Pennsylvania Supreme Court), politicians (Congressman and orator Daniel Webster), and litigators (Horace Binney, known for his successful representation of Philadelphia in the Girard Will case, where he opposed Daniel Webster).*

is the collection of medallions that circle the building. The very concept of a university-based Law School reflected a profound change in legal education; the medallions anchored the change in the accomplishments of the legal past. When Lewis Hall (then known simply as the “Law School Building”) opened in February of 1900, the Law School had grown exponentially—246 students from many states were registered, half of whom intended to practice law outside of Philadelphia, and many of whom had earned bachelor’s degrees before admission. Although the School still allowed admission from non-college graduates with degrees from “advanced” public high schools or upon a rigorous examination, the catalogue warned applicants that “A large number of those who study law are college graduates; and those who are not cannot hope, except in rare instances, to compete successfully with the college man.”<sup>9</sup>

Faculty, too, were affected by the change. When Lewis joined the faculty in 1896, senior lawyers warned him that teaching law was “best considered not a profession, but a hobby.”<sup>10</sup> Lewis made sure that the new school was a place of the utmost dedication, for professors as well as students. No longer were faculty primarily identified as practitioners.

Instead, law professors were required to devote themselves full-time to teaching, research, and writing. The Law School was integrated into the university, which was itself now systematized according to distinct new academic disciplines such as political science, economics, anthropology and history.<sup>11</sup> Lawyers, and law teachers, had been “men of letters” in the general sense; now they would be trained in a long tradition of legal thought, collected together for the first time into a formal and distinctly jurisprudential curriculum rather than in imitation of particular lawyers.<sup>12</sup>

Each day as students and faculty approached the new Law School, the building spoke to them, presenting not a local vision of apprenticeship in a law office, but a catalogue of legal history that was international in scope, reaching back to the Roman origins of code law and forward to the recent past of nineteenth-century America. The official description of the building and the medallions encircling it made the expectation clear: “Circled so by greatness the student of these days to come will be untrue to all that his eyes behold if he makes no effort to emulate their example.”<sup>13</sup>

In 1995, however, the inspirational voice of Lewis Hall has been muted, not just by the architectural obstruction

that houses the “Goat,” but by changes in the understanding of the legal past, of the relative importance of the figures whose names are carved on the building’s exterior, and indeed the relative importance of legal “heroes” in general. What vision of legal institutions and legal history did the building present for students’ emulation in 1900?

Most important, central to the relocation of legal training to a university setting, was the construction of an intellectual tradition in which to house the Law School. The envelope of the building memorializes the role of the legal past in the production of the legal future. The medallions, in other words, create a bridge between legal thought in the distant as well as the recent past, and the training of young lawyers—the future, this view implies, would be conditioned by the grand tradition of the past.<sup>14</sup>

The scope of this tradition, the sense that law and lawyers had a past worthy of memorialization and emulation, stabilized what was, after all, a revolution in legal pedagogy. The presence of the past, one might say, gave the construction of the new law department an aura of reformation and reconstruction, rather than of radical departure from tradition.<sup>15</sup>

Historical consciousness—the idea



*Roman Emperor Justinian, surrounded by his court, from a mosaic at the Basilica of San Vitale, Ravenna. Although the Law School honored Justinian as one of the "makers of the greatest code formulated by man," the official description of the building also criticized the Roman code as inhumane. Reproduced from Sara Robbins, Law: A Treasury of Art and Literature (1990)*



that words and meanings in time can best be understood by exploring social and historical contexts—was itself a concept of relatively recent vintage in the late nineteenth century,<sup>16</sup> but one that has been extraordinarily useful for lawyers.<sup>17</sup> Especially important at the turn of the century, but still vital in much legal thought today, historicism has been a valuable and effective critique of formalism (the idea, that is, that legal rules are timeless) and often of originalism (the idea, that is, that legal rules are fixed by their articulation at a given moment, and do not change from that point on).<sup>18</sup> Historical analysis in legal thought has often flowed into a somewhat self-congratulatory, evolutionary model of linear progress over time. Especially in the Anglo-American legal context, such evolutionary histories are, as one scholar put it, dedicated to answering the question “How did our marvelous liberal and representative institutions develop?”<sup>19</sup> The medallions that ring Lewis Hall are in one sense a study in this progressive theory of legal history.

The primary theme governing the selection and distribution of names was, as one might expect, progress over time, with the back of the building representing the earliest and most primitive legal thought, and improvement and increased sophistication leading up the Sansom and Chestnut Street sides, to their apogee in American legal thought on 34th Street. On both sides, European thought flowed into English law, where (we are meant clearly to understand), it was both refined and improved by the common law mind. On the back of the building, for example, are Caius, Ulpean, and Papinian, second century Roman jurists, whom the official description of the building called “the great beginners of Law as we know it ... makers of the greatest code formulated by man, if the least human.”<sup>20</sup> On the Sansom Street side of the building, we find Justinian, sixth-century Emperor of Rome and codifier of Roman law.<sup>21</sup> Moving toward the front of the building, and forward in moral development as well as in time,

are collected the group of the great of the common law tradition: King Edward I of England, the man who both codified English law and beat the Scots into submission; Henry de Bracton, a 13th-century English ecclesiastic and jurist, author of the first systematic collection of English law—an early treatise; and finally, Sir Edward Coke. The building committee called Coke “the first of the great English lawyers, the quaint, the patriotic.”<sup>22</sup> In addition to being a great practicing lawyer and judge during his long career in the late sixteenth and early seventeenth centuries, Coke compiled and edited an influential treatise on the law of property, *Coke’s Littleton*. He also published a series of important Law Reports; however, the remainder of his planned *Institutes* were suppressed and remained in manuscript at his death because of his controversial stand against the absolute authority of the Crown.<sup>23</sup>

On the Chestnut Street front, non-American jurists and scholars again imply progress from Europe westward to England, and ultimate fulfillment in the trip across the Atlantic to America. Grotius is perhaps the most remarkable and colorful figure; in 1613, he was imprisoned for his support of a controversial religious sect. He eventually escaped (fittingly enough) in a box of books. In 1625, he published his greatest legal work, *De Jura Belli et Pacis* (On the Law of War and Peace), which appealed to natural law and social contract as a basis for rational principles on which a system of public, international law could be founded.<sup>24</sup> Grotius was a favorite of Thomas Jefferson and other elite lawyers of the early republic, all men of letters who could read him in the original Latin.<sup>25</sup>

Together, these medallions from early Roman code law through European public law and finally to the English common law tradition present a narrative of legal progress. This celebration of England was typical not only in literature and architecture in the late nineteenth century, it was also an essential component of American legal theory, and law school pedagogy, when Lewis Hall was built. Blackstone’s

*Commentaries*, of course, remained a staple of American legal education through the nineteenth century.<sup>26</sup>

The pinnacle of legal thought, according to the architectural scheme of the medallions, was in America, where English tradition blended with the American landscape to reach its highest and best form. The 34th Street side, the front entrance of the Law School, is studded with American lawyers and judges. John Marshall, Joseph Story, Daniel Webster—judicial and political giants of the Revolution and early Republic, combine with more local heroes—Horace Binney, John Bannister Gibson, William Tilghman; guiding the visitor through massive oak doors to the choreographed bustle and debate of life inside. All were given extensive biographies in Lewis's *Great American Lawyers* series.<sup>27</sup> The first major history of the American legal profession, the eight-volumes were driven, as were the medallions, by the notion that biography of past lawyers is the single best and most efficacious means to capture the spirit of greatness.<sup>28</sup> The treatment of Chief Justice Marshall, written by Lewis himself, is among the longest and most detailed of the essays.<sup>29</sup> The biography includes significant amounts of detail about Marshall's upbringing, marriage, and gentle character, as well as his experiences in the Revolutionary War and his reading habits.<sup>30</sup> Lawyers and law students, Lewis believed, should learn as much about the social context of legal actors as about the substantive content of legal doctrine.

This emphasis on the importance of context, the role of society in the formation of law and lawyers, does not conform to our traditional understanding of legal education at the turn of the twentieth century. The "case method," after all, hardly allows a student time to consider who wrote an opinion, and what the social circumstances were behind the promulgation of a given doctrine.<sup>31</sup> Indeed, Lewis's belief in social fact as determinative at some level of legal rules and legal thought, was part of a growing sense of the value of interdisciplinary work in law.<sup>32</sup> Legal history

played a vital role in the articulation of the benefits of looking beyond doctrine in the search for meaning.

The address delivered by Dean Lewis at the opening of the building provides interesting clues to interpreting this expansive vision of the role of legal history in legal education. In his talk, Lewis discussed the importance of "efficient" training for lawyers, and the role of what he called "character."<sup>33</sup> A person of character, Lewis believed, was also committed to a political vision. This was no desiccated theory of the lawyer as technocrat,<sup>34</sup> but a full-blooded moral theory, one in which lawyers are moral actors in a world in need of change.

The keys to working change, Lewis maintained, were interdisciplinary research, and active involvement in the world. In addition to being Penn Law's first legal historian, Lewis was also its first economist.<sup>35</sup> His training in economics and his commitment to history explain his desire to train "efficient" lawyers, and his belief that emulation of great legal thinkers of the past was the key to such training. As Lewis put it, he and every legal academic worth his salt knew that law was a "living science," one that is applied every day "to decide real controversies." Law, Lewis maintained, was the "result of the facts which make-up our history."<sup>36</sup> Practice and theory, he claimed, were thus united in legal training.

Technical and theoretical expertise were not enough. Lewis believed deeply in a moral component of efficiency. Included in moral efficiency were independence of thought, perseverance, respect for law, honesty, moderation, and kindness. These qualities were as important as sharp wits or oratorical skill. These were the qualities that Lewis sought in faculty, and sought to instill in students.<sup>37</sup> The medallions that ring Lewis Hall are a constellation of such independent and moral legal minds of the past. The outer shell of greatness was designed to inspire students to action themselves.

Lewis himself answered this call to action; he also believed that law professors were particularly well situated to effect reform. Although his political

career consisted largely of one unsuccessful run for governor of Pennsylvania on the Progressive Party ticket in 1912,<sup>38</sup> Lewis's dedication to reform went far beyond traditional politics. It was Lewis, of course, who founded the American Law Institute in the early 1920s.<sup>39</sup> The ALI, as one scholar has demonstrated, was conceived by "a group of 'progressive-pragmatic' legal academics, who wished to reform law and promote the influence of law professors in the wider world of legal practice."<sup>40</sup> Lewis believed, as he put it, that the professorate must lead the way in reform, because the private bar had failed to work substantial justice.<sup>41</sup>



*Hugo Grotius, versatile and extremely influential seventeenth-century Dutch jurist, wrote verse as well as learned legal scholarship, and was regarded throughout Europe as among the most thoughtful of international thinkers. His work on the law of war, and on religious toleration, just to name two of his many intellectual endeavors, remain among the most studied and respected of legal treatises. Reproduced from Grotius, De Jure Belli ac Pacis (1712).*

Our legal pantheon has changed; for example, we might well question the inclusion of Roger Brooke Taney, third chief justice of the United States Supreme Court, author of the infamous majority opinion in the Dred Scott case.<sup>42</sup> The very concept of “greatness” seems in fundamental doubt, much less attributable to a collection of elite men from the legal past. Yet even in this age of the anti-hero, there can be little doubt that the emulation of kind, honest and independent-minded legal actors is an ambition worth imparting to law students. For individuals, as William Draper Lewis understood, and as the architecture of the University of Pennsylvania Law School proclaims, have made a difference in the past; we study the lives of the legal past, as one eminent legal historian put it, “to learn the gestures a committed person makes.”<sup>43</sup>

The medallions are not the final word on legal greatness, however. The final focus of progressive development over time, the architectural celebration of legal figures surrounding the building and leading up to the entrance, occurs inside the building itself. Opposite the front entrance, in full view straight ahead on the massive staircase leading up to the library from the Great Hall, stands a statue of Abraham Lincoln. Lincoln, who led the most massive legal



*The statue of Abraham Lincoln in the Great Hall, which faces the original entrance to the Law School, was immediately visible upon passing through the massive twin doors on 34th Street. The symbolic power of the statue, the role of Lincoln as martyr to resurrection of the righteousness of the American republic, gave students a tangible focus for legal greatness, a sense that lawyerly skills were integral to the discernment and sense of justice of the most heroic of all American presidents.*

and political reform the United States has ever known,<sup>44</sup> is a superb example of legal greatness as Lewis Hall has memorialized it—of revolution in the interest of tradition.<sup>45</sup> For Lincoln avowedly fought to realize the ideals of the Declaration of Independence, even as he essentially restructured the legal landscape in the interests of fundamental justice.

*Roger Brooke Taney, Chief Justice of the United States Supreme Court from 1835 to 1864, author of the infamous majority opinion in the Dred Scott case in 1857, which held that Congress had no power to prohibit slavery in the territories. Portrait by Emanuel Leutze (1859), reproduced from Frederick S. Voss, *Portraits of American Lawyers* (1989).*



## FOOTNOTES

<sup>†</sup>Assistant Professor of Law, University of Pennsylvania Law School. The author wishes to thank Dean Colin Diver, Acting Dean Stephen Burbank, and Associate Director of Development Carol Weener, for their interest and generous support of this project; Professors A. Leo Levin and Susan Sturm for helpful suggestions; and University Archives Director Mark F. Lloyd, Lecturer in Historic Preservation & Urban Studies George Thomas, Biddle Law Library's Rare Books Librarian Cynthia Arkin, Reference Librarian Catharine Krieps, and Melissa J. Homestead for research assistance.

<sup>1</sup>The Law Department, "Catalogue of the University of Pennsylvania, 1879-1880 96-99 (1879).

<sup>2</sup>For the movements of the Law School, including its stay in College Hall in the 1870s and 1880s, see Margaret Center Klingelsmith, "History of the Department of Law of the University of Pennsylvania," *The Proceedings at the Dedication of the New Building of the Department of Law, February 21st and 22nd, 1900*, 213-49 (George Erasmus Nietzsche, comp. 1901) [hereinafter *Proceedings*].

<sup>3</sup>Although in 1888, the course of study was extended to three years, Klingelsmith, "History of the Law School," supra note 2, at 233, the Law School was still a local institution, an adjunct to the training students received under their "preceptors" in law offices. See William R. Johnson, "Apprenticeship and the Law School: A Harmonious Arrangement," in *Schooled Lawyers: A Study in the Clash of Professional Cultures* 42 (1978). Conservative lawyers in Philadelphia opposed even such limited outside training as provided by the "law department," as it was known. The school was re-opened in response to the demands of law clerks in 1850. Gary B. Nash, "The Philadelphia Bench and Bar, 1800-1861," 8 *Comparative Studies in Society and History* 203, 207-08 (1965); Lawrence Friedman, *A History of American Law* 606-08 (2d ed., 1985).

<sup>4</sup>"Remarks of Mr. William Draper Lewis," *Law Department of the University of Pennsylvania, A Very Pleasant Evening* 33 (1934).

<sup>5</sup>For basic biographical information on Lewis, see Stephen Botein, "William Draper Lewis," supplement 4 *Dictionary of American Biography* 490 (1974); Obituary, *New York Times*, 3 September 1949, p. 13, col. 1; Owen J. Roberts, "William Draper Lewis," 98 *Penn. L. Rev.* 1 (1949); George Wharton Pepper, "William



Draper Lewis," 98 *Penn. L. Rev.* 4 (1949); Augustus N. Hand, "William Draper Lewis," 98 *Penn. L. Rev.* 8 (1949).

"On the professionalization of legal education at the end of the nineteenth century, see Robert Stevens, *Law School: Legal Education in America from the 1850's to the 1980's* (1983); John Henry Schlegel, "Langdell's Legacy; or The Case of the Empty Envelope," 36 *Stan. L. Rev.* 1517



Sir William Blackstone, whose treatise, first published in 1765 explained, systematized and celebrated the common law, was accused by philosopher Jeremy Bentham of being a pompous and self-important bore, whose scholarship was sloppy at best. Nonetheless, Blackstone's work, published in several American editions, including one by William Draper Lewis, remains among the most readable (if self-congratulatory) histories of the common law. The text, which was arguably more widely read in America than in England, remained a staple of legal education through the early twentieth century. Reproduced from Proceedings at the Dedication of the New Building of the Department of Law (1901).

(1984), and "Between the Harvard Founders and the Legal Realists: The Professionalization of the American Law Professor," 35 *J. Legal Ed.* 311 (1985); James Bradley Thayer, "The Teaching of English Law at Universities," 9 *Harv. L. Rev.* 169 (1895); Oliver Wendell Holmes, Jr., *The Use of Law Schools* (1886).

<sup>7</sup>William Draper Lewis, ed., *Blackstone's Commentaries on the Laws of England*, 4 vols. (1897).

<sup>8</sup>On the English focus of the design, see *Evening Telegraph*, 20 December 1898; *Public Ledger*, 9 December 1898.

<sup>9</sup>"Department of Law," *Catalogue of the University of Pennsylvania, 1899-1900* 234 (1899).

<sup>10</sup>Botein, *Dictionary of American Biography*, supra note 5, at 490.

<sup>11</sup>On the division of learning into distinct academic departments in the second half of the nineteenth century, see Dorothy Ross, *The Origins of American Social Science* (1991); Edward Potts Cheyney, *The History of the University of Pennsylvania, 1740-1940* (1940).

<sup>12</sup>On the perceived importance in both England and America of relocating legal education to university settings from practitioner-focused night schools, see "Letter of Frederic William Maitland," *Proceedings*, supra note 2 at 89-92. On the liberal education of lawyers before the advent of professional law schools, see Robert A. Ferguson, *Law and Letters in American Culture* (1984).

<sup>13</sup>"Final Report on Proceedings of the Dedication of the New Building," in 5 *Record Book, University of Pennsylvania Law School* 5 (1899-1900).

<sup>14</sup>For other aspects of the role of tradition in Philadelphia at the turn of the century, see David Glassberg, "Public Ritual and Cultural Hierarchy: Philadelphia's Civic Celebrations at the Turn of the Century," 107 *Penn. Mag. of Hist. and Biog.* 421 (1983); Max Page, "From 'Miserable Dens' to the 'Marble Monster': Historical Memory and the Design of Courthouses in Nineteenth-Century Philadelphia," 119 *Penn. Mag. of Hist. and Biog.* 299 (1995). For general treatments of the role of invented tradition in American society, see Michael Kammen, *Mystic Chords of Memory: The Transformation of Tradition in American Culture* (1991); David Glassberg, *American Historical Pageantry: The Uses of Tradition in the Early Twentieth Century* (1990).

<sup>15</sup>This emphasis on tradition as the justification for even revolutionary retooling of institutional structures has a venerable heritage. See John M. Murrin, "The Legal Transformation: The Bench and Bar of Eighteenth-Century Massachusetts," in Stanley N. Katz & John M. Murrin, eds., *Colonial America: Essays in Politics and Social Development* 540 (3d ed., 1983).

<sup>16</sup>For analyses of the evolution of historical consciousness, see Dorothy Ross, "Historical Consciousness in Nineteenth-Century America," 89 *Am. Hist. Rev.* 909 (1984); Hayden V. White, "On History and Historicisms," *From History to Sociology: The Transition in German Historical Thinking*, Carlo Antoni, ed. xv (1959).

<sup>17</sup>See Robert W. Gordon, "Historicism in Legal Scholarship," 90 *Yale L.J.* 1017 (1981); Morton J. Horwitz, "The Conservative Tradition in the Writing of American Legal History," 17 *Am. J. Legal Hist.* 275 (1973).

<sup>18</sup>See Gordon, "Historicism in Legal Scholarship," supra note 17, at 1028-30. Originalism is, of course, conditioned in some sense by historicism. If legal meaning is fixed by a particular moment in time, that moment becomes by definition worthy of historical investigation. Yet the corollary — that meaning is cemented as if by supra-historical superglue — is a violation of historical consciousness (which is premised on the difference of the past from the present). For the originalist, the legal past not only conditions (even dictates to) the legal present, but is at base identical to the legal present, because meaning is static.

<sup>19</sup>Peter Novick, *That Noble Dream: The "Objectivity Question" and the American Historical Profession* 99 (1988). For a study in presentist legal analysis by an early legal historian, see James Barr Ames, "Law and Morals," 22 *Harv. L. Rev.* 97 (1908) (arguing that legal development has progressed over centuries "in harmony with moral principles"). Ames, Dean of Harvard Law School, also gave a speech at the opening of Lewis Hall, predicting the law professors' power would grow through the building of schools like Penn's, which would attract the most able lawyers to teaching. James Barr Ames, *Proceedings*, at 25-44.

<sup>20</sup>"Final Report," in 5 *Record Book*, supra note 13, at 573.

<sup>21</sup>For the role of Justinian and the Roman law code, see J.A.C. Thomas, *The Institutes of Justinian: Text, Translation, and Commentary* (1975); J.B. Bury, 2 *History of the Roman Empire*

from the Death of Theodosius I to the Death of Justinian (1923).

<sup>22</sup> See 6 *Record Book*, supra note 13, at 6.

<sup>23</sup> Anna M.D.W. Stirling, *Coke of Norfolk and His Friends* (1908); James R. Stoner, Jr., *Common Law and Liberal Theory: Coke, Hobbes, and the Origins of American Constitutionalism* (1992); Stephen D. White, *Sir Edward Coke and "The Grievances of the Commonwealth," 1621-28* (1979); John H. Baker, "Sir Edward Coke," in A.W.B. Simpson, ed., *Biographical Dictionary of the Common Law*, 117 (1984).

<sup>24</sup> Hedley Bull, et al., eds., *Hugo Grotius and International Relations* (1990); Gerhard Reinartz, "Hugo Grotius und seine Zeit—Ein datenmässiger Überblick," in Friedrich Elchlepp et al., eds., *Hugo Grotius, 1583-1645*, 7 (1983); "Hugo Grotius," 5 *Encyclopedia Britannica* 514 (1990).

<sup>25</sup> Ferguson, supra note 12, at 4.

<sup>26</sup> It is fair to say that Blackstone was probably more important in America than in England. For biographical and substantive treatments of Blackstone, see Daniel J. Boorstin, *The Mysterious Science of the Law* (1941); "Sir William Blackstone," 2 *Dictionary of National Biography* 595-602 (1908).

<sup>27</sup> William Draper Lewis, ed., *Great American Lawyers: A History of the American Legal Profession* (1907-1909). For biographies of the figures on the medallions mentioned above, see Horace Stern, "William Tilghman," 2 *Great American Lawyers* 145; William Schofield, "Joseph Story," 3 *Great American Lawyers* 121; Everett Pepperrell Wheeler, "Daniel Webster," 3 *Great American Lawyers* 287; Charles Chauncey Binney, "Horace Binney," 4 *Great American Lawyers* 195

<sup>28</sup> For an analysis of such traditional notions of the value of biography, see Eric Homberger and John Charmley, *Introduction to The Troubled face of Biography*, ix (Eric Homberger and John Charmley, eds., 1988), Janet Malcolm, *Annals of Biography: The Silent Woman*, New Yorker, 23 August 1993, at 84; Virginia Woolf, *The Art of Biography*, in *The Death of the Moth and other Essays* 187 (1942).

<sup>29</sup> William Draper Lewis, "John Marshall," in 2 *Great American Lawyers*, supra note 27, at 311.

<sup>30</sup> Id., at 313-351.

<sup>31</sup> On the case method as developed by Dean Christopher Columbus Langdell at Harvard, and its popularity at the turn of the twentieth century, see sources cited in note 6, supra.

<sup>32</sup> On the movement to integrate social science research into legal theory and scholarship, see Roscoe Pound, "The Scope and Purpose of Sociological Jurisprudence," 24 *Harv. L. Rev.* 591 (1911); Morton J. Horwitz, *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy* (1992); Edward A. Purcell, *The Crisis of Democratic Theory: Scientific Naturalism and the Problem of Value* 77-94 (1973); Sarah Barringer Gordon, "The Creation of a Usable Judicial Past: Max Lerner, Class Conflict and the Propagation of Judicial Titans," 70 *N.Y.U.L. Rev.* 262, 272-76 (1995).

<sup>33</sup> "Address of Mr. William Draper Lewis," *Proceedings*, supra note 2, at 17.

<sup>34</sup> For such a technocratic vision, see Oliver Wendell Holmes's essay, "The Path of the Law," in Max Lerner, ed., *The Mind and Faith of Mr. Justice Holmes: His Speeches, Essays, Letters, and Judicial Opinions* (1943).

<sup>35</sup> Lewis received a Ph.D. in economics from Penn in 1891, at the same time that he earned his law degree. Obituary, supra note 5. Lewis's dissertation, entitled *Our Sheep and the Tariff*, blended (according to his protégé and colleague, George Wharton Pepper) political economics and sociology in ways that Lewis employed throughout his legal career. "William Draper Lewis," supra note 5, at 4.

<sup>36</sup> William Draper Lewis, *Proceedings*, supra note 2, at 18.

<sup>37</sup> Id., at 19-21. For Lewis's emphasis on kindness, and the great fondness with which he was regarded by his peers and protégés, see the collection of eulogies at 98 *Penn. L. Rev.* 1 (1949).

<sup>38</sup> For details of the unsuccessful campaign, and the meeting with Theodore Roosevelt, who persuaded Lewis to withdraw in favor of the Democratic candidate, see Botein, "William Draper Lewis," supra note 5.

<sup>39</sup> Herbert F. Goodrich and Paul A. Wolkin, *The Story of the American Law Institute, 1923-1961*, 3-5 (1961).

<sup>40</sup> N.E.H. Hull, "Restatement and Reform: A New Perspective on the Origins of the American Law Institute," 8 *Law and History Review* 55, 56 (Spring 1990).

<sup>41</sup> Lewis did not hesitate to condemn practitioners: "If, as a profession, we are awake to our failure to perform our public duties, it is the small class of men who are devoting their lives to the legal teaching who must point the way." Quoted in Jerold L. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* 82 (1976). Lewis's theory that intellectual acumen would lead to progressive reform, of course, seems as naive as his theory that the example of greatness in the past would produce greatness in the future.

<sup>42</sup> *Scott v. Sandford*, 60 U.S. (19 How.) 393 (1957). See Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (1978); Edward S. Corwin, "The Dred Scott Decision, in the Light of Contemporary Legal Doctrines," 8 *Am. Hist. Rev.* 52 (1911). For biographical information on Taney, see Carl Brent Swisher, *Roger B. Taney* (1935); Samuel Tyler, *Memoir of Roger Brooke Taney* (1872). The biography of Taney in *Great American Lawyers*, written by Professor William E. Mikell of the Law School, is an ardent defense of Taney, and an attack on his detractors. "Roger Brooke Taney," 4 *Great American Lawyers* 77 (1908).

<sup>43</sup> The quote is from Robert M. Cover. For an analysis of Cover's theory of the values of legal biography, as well as for the above quote, see Tanina Rostain, "Tribute to Robert Cover," 96 *Yale L.J.* 1713, 1715 (1987).

<sup>44</sup> Recent biographies of Lincoln include David Herbert Donald, *Lincoln* (1995) and Mark E. Neely, Jr., *The Last Best Hope of Earth: Abraham Lincoln and the Promise of America* (1993).

<sup>45</sup> The single most comprehensive treatment of all aspects of the Civil War era is James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (1988). For a treatment of constitutional change, see Harold Hyman and William Wiecek, *Equal Justice Under Law: Constitutional Development, 1835-1875* (1982). For Lincoln's career as a lawyer, see William Eleroy Curtis, "Abraham Lincoln," 5 *Great American Lawyers* 459 (1908).

<sup>46</sup> The most poignant example of Lincoln's use of the past to explain the present is his Gettysburg address, delivered at the battlefield in Pennsylvania. For analysis of Lincoln's transformative address, see Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (1992).

# Faculty Notes



Regina Austin '73

**Regina Austin** '73, *professor of law*, presented her work on anti-black conspiracy theorizing to the participants of the Boston Freedom Summer Program. The program involves college and high school students in community organizing. In September, she taught an introduction to the torts course for first-year minority students attending law school in the New York City area. The session was sponsored by Practicing Attorneys for Law Students, which pairs minority law students with minority attorney mentors. Austin presented a paper entitled, "Social Inequity, Physical Restraints on Mobility, and the Black Public Sphere," at a conference on Gunnar Myrdal's *An American Dilemma*, sponsored by the W.E.B. DuBois Institute of Harvard University.

**C. Edwin Baker**, *Nicholas Gallicchio Professor of Law*, spoke on press freedom and structural regulation of the press at the Oxford Civil Liberties Union. He published "Turner Broadcasting: Content-Based Regulation of Persons and Presses, 1994 Sup. Ct. Rev. 57." His op-ed, "Media Merger Wave Doesn't Serve Society," appeared in the *Philadelphia Inquirer*, and his paperback version of *Advertising and a Democratic Press* was published.

**Stephen B. Burbank**, *David Berger Professor for the Administration of Justice*, Formerly Robert G. Fuller, Jr. Professor of Law, he served as acting dean of the Law School from July through December. Burbank spoke on a decade of developments in civil procedure scholarship at

the annual meeting of the Association of American Law Schools. In January 1995, he participated in an invitational conference on federal regulation of lawyers sponsored by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States.

**William B. Ewald**, *assistant professor of law*, wrote "Comparative Jurisprudence (I): What Was It Like to Try A Rat?," which appeared in the *University of Pennsylvania Law Review*, and "Comparative Jurisprudence (II): The Logic of Legal Transplants," which is forthcoming in the *American Journal of Comparative Law*.

**Michael Fitts**, *professor of law*, wrote "The Paradox of Power in the Modern State: Why a Unitary and Centralized Presidency May Not Exhibit Effective or Legitimate Leadership," to be published in the *University of Pennsylvania Law Review*. Fitts delivered a paper, co-authored with Professor Robert Inman of the Wharton School, at the annual meeting of the American Political Science Association (APSA), entitled "The Budgetary Effects of the Civil Rights Act of 1965: Did the Act Make a Difference?" Fitts joined APSA's working group for the law and political process. He also began a three-year term on the provost's budgetary and planning committee for the University.



Robert A. Gorman

**Douglas Frenkel**, *practice professor and clinical director*, spoke on “The Role of the Attorney in using ADR” at the Philadelphia Bar Education Center’s CLE conference in December. In November, he delivered a Wharton School MBA Legal Studies lecture entitled “What Mediators Do.”

**Sarah Barringer Gordon**, *assistant professor of law*, delivered papers at the University of Chicago Law School and history department, at the NYU Legal History Colloquium, the Law Society Conference at the American Society for Legal History meetings, and at Wayne University. Her article, “The Creation of a Usable Judicial Past: Max Lerner, Class Conflict and the Propagation of Judicial Titans,” was published by the *New York University Law Review*.

**Robert A. Gorman**, *Kenneth W. Gemmill Professor of Law*, served in August on the faculty of the Salzburg Seminar session on Transnational Law: Intellectual Property Rights. In attendance at the one-week program were 60 lawyers, from 40 nations, most of whom have drafted or are administering their nation’s copyright law and patent laws. Gorman was also appointed a member, and elected Vice President, of the Asian Development Bank. He holds the same office on the World Bank Administrative Tribunal. In October, Gorman spent five days in Ukraine, for the U.S. Government-sponsored Rule of Law Project. He met with law professors to plan a program on legal education and he lectured to Ukrainian law students on the American legal system.

**Professor Lani Guinier** was honored by the American Civil Liberties Foundation of Pennsylvania at their 14th Annual Civil Liberties Award Dinner in Philadelphia. The award was presented to Guinier by James D. Crawford ’62. “In standing up for what she believes and vigorously defending minority rights, Lani Guinier embodies the true spirit of the ACLU,” says Deborah Leavy, executive director of the ACLU of Pennsylvania.

**Geoffrey C. Hazard, Jr.**, *Trustee Professor of Law*, gave a seminar on “Ethics in Transnational Law Practice” in Paris. Hazard is a member of the American Bar Association’s panel on legal ethics. He was reporter for the conference on federal rules of civil procedure of the Southwestern Legal Foundation. Hazard is also a member of the Committee of Practice and Procedure of the Judicial Conference of the United States.

**Heidi M. Hurd**, *Associate Dean for Academic Affairs and Professor of Law and Philosophy*, gave a lecture during the summer on “The Interpretive Role of a Statute’s ‘Spirit’” at the 1995 National Workshop for Judges of the U.S. Courts of Appeals in San Diego. In October, she conducted a seminar on “The Constraints of Precedent” at the retreat for the Eastern District of Pennsylvania Federal Judges. She also gave a Faculty Workshop at the Chicago-Kent Law School on “The Deontology of Negligence (forthcoming in the *Boston University Law Review*) and a keynote address at the Fall Penn Sorority Banquet on “Legislating Good Samaritanism.” In November, Professor Hurd travelled to Lviv, Ukraine, to teach a series of classes on theories of judicial interpretation, the nature of law, concepts of justice, tort theory, substantive ethics, and theories of proximate causation. These classes were co-sponsored by the AALS and the Rule of Law Project in Kiev. They were designed to demonstrate to Eastern European law professors and students how moral and legal theory can be integrated into a standard legal curriculum so as to make theory practical. In December, Hurd published “The Levitation of Liberalism”—a review of John Rawls’ Political Liberalism—in the *Yale Law Journal*. She also co-hosted, with Professor Michael Moore, the Penn Law Seminars on Analytic Legal



Heidi M. Hurd



A. Leo Levin

Philosophy—a conference attended by 50 legal theorists from around the world. In February, Hurd lectured on the role of precedent in judicial reasoning at the annual educational conference on Pennsylvania Trial Judges held in Philadelphia.

**Professor Leo Katz** wrote *Ill-Gotten Gains*, a book discussing the moral issues that face many lawyers today. The book is scheduled for 1996 publication.

**Professor Friedrich Kübler** was a member of a Council of Europe delegation that went to Moscow to discuss current issues of protection of mass media freedom with Russian authorities. Last winter, Kübler was a member of a similar Council of Europe delegation that went to Ljubljana, Slovenia. His proposals to amend the German Stock Corporation Code were adopted by the German Federal Parliament. During Spring 1995, Kübler was asked by the German Broadcasting Regulatory Authorities to draft a proposal for new rules against excessive concentration in the broadcasting industry. In Summer 1995, Kübler together with Professor Richard Herring of the Wharton School, chaired the Seventh Multinational



Bruce H. Mann

Banking Seminar, which was attended by regulators and executives of major banks from the United States, United Kingdom, Japan, Switzerland and Germany. The Frankfurt Academy of Sciences elected him as a member. Kübler is the author of several articles in German and one recent article with Professor Herring on legal issues of banking.

**A. Leo Levin '42**, *Leon Meltzer Professor of Law Emeritus*, received the American Judicature Society's Justice Award for his efforts to improve the administration of justice in the United States. The Society presented its prestigious award to him during the AJS annual dinner held in Chicago. Levin also received an honorary degree from Quinipiac College School of Law.

**Joseph M. Manko**, *lecturer in law*, taught the liability portion of a two-week superfund course at Vermont Law School for the seventh year. He was also listed for the fifth year in "Best Lawyers of America" for environmental law.

**Bruce H. Mann**, *professor of law and history*, presented a paper entitled "Debt, Dependence, and Slavery: The Imagery of Insolvency in the Early Republic," to the Columbia University seminar on early American history. He chaired the Littleton™ Griswold Prize Committee of the American Historical Association and was a member of the Surrency Prize Committee of the American Society for Legal History.

**Charles W. Mooney, Jr.**, *professor of law*, published (with Professor Steven L. Harris) articles in symposium issues of the *University of Minnesota Law Review* and the *Idaho Law Review*. He continues to serve as co-reporter for the drafting committee for the Revision of Uniform Commercial Code Article 9. He is also a member of the Securities and Exchange Commission's market transactions advisory committee and of the Secretary of State's Advisory Committee for Private International Law. Mooney presented a draft of the revised UCC Article 9 to the annual meeting of the National Conference of Commissioners on Uniform State Laws in Kansas City, Missouri. He appeared on a panel at the annual meeting of the American Bar Association. In October, Mooney headed the U.S. Department of State's delegation to the fourth meeting of the study group on international secured financing of mobile equipment in Rome, sponsored by the International Institute for the Unification of Private Law. In November, he was a featured speaker at the annual meeting of the Oklahoma Bar Association. In December, Mooney was a panelist at an ALI-ABA program, "The Emerged and Emerging UCC," in New York.

**Michael Moore**, *Leon Meltzer Professor of Law and Professor of Philosophy*, published "Plain Meaning and Linguistics—A Case Study," in the *Washington University Law Quarterly* Vol. 73 (1995), 1253-62. In September he delivered a paper, "Liberty and Drugs," to the conference on morality, legality, and

drugs held at SUNY-Buffalo; this paper will be published in a conference volume. Also in September Moore participated in a Liberty Fund-sponsored conference on retributivism, held in Albuquerque. In October, Moore conducted a seminar on "The Constraints of Precedent" at the annual retreat for the district judges of the Eastern District of Pennsylvania. In November, Moore gave a series of lectures in legal philosophy to the Law Department of Lviv University, Ukraine. He and Professor Heidi Hurd were co-sponsored by the AALS and the Rule of Law Project in Kiev to illustrate how legal theory can inform both the legal profession and the legal academy. Also in November, Moore's article, "The Dead Hand of Constitutional Tradition," was published in the *Harvard Journal of Law and Public Policy*. In December, Moore and Heidi Hurd hosted the First Annual Seminars in Analytic Legal Philosophy attended by 50 of the leading philosophers from the United States, Canada, the United Kingdom and Israel. In January, Moore presented his paper on "The Role of Principles in Legal Reasoning" to the Jurisprudence section at the AALS annual meeting in San Antonio. In February, Moore gave a lecture on statutory interpretation to the annual educational conference of Pennsylvania Trial Judges held in Philadelphia.

**Assistant Professor Eric Posner** presented "The Regulation of Groups" at the annual meeting of the American Law and Economics Association. The paper will be published in the *University of Chicago Law Review* in February, 1996.



*Mitchell Moore*

**Harry Reicher**, *visiting professor of law*, edited *Australian International Law: Cases and Materials*, the first indigenous Australian casebook on international law. The Agudath Israel World Organization appointed Reicher to be its representative to the United Nations. He moderated a session organized by the Environmental Law Society on "The Pending United Nations Nuclear Testing Ban and Nuclear Weapons Testing: New Zealand vs. France." Reicher addressed a session organized by the Jewish Law Students Society on "The Interface of Halacha [Jewish Law] and the Secular Legal System" and acted as faculty advisor to the University of Pennsylvania Law School's team in the Jessup International Law Moot Court Competition.

**Curtis Reitz** '56, *Algernon Sydney Biddle Professor of Law*, serves as secretary of the Conference of Commissioners on Uniform State Laws and on the conference's executive committee. Reitz is a member of the drafting committee revising the sales article of the Uniform Commercial Code, scheduled for completion in 1997. Reitz chaired the drafting committee that prepared the revisions for Article 8 of the UCC, and he assists in presenting the proposal to legislative bodies.

**David Rudovsky**, *senior fellow*, published an op-ed piece in the *Philadelphia Inquirer*, "Why It Was Hands Off On The Police," dealing with the police corruption scandal in Philadelphia. Rudovsky appeared as a panelist at a Federalist Society conference on federalism and judicial mandates in November, where he addressed the issue of federal judicial involvement in state criminal law.

**Louis S. Rulli**, *associate practice professor*, serves as chair of the Philadelphia Bar Association's commission on judicial selection and retention for 1996. The commission reviews the qualifications of candidates and incumbent judges under consideration for appointment, election or retention to judicial office and makes recommendations to the public when an election is involved and to the legislature if the confirmation of appointment is required. Rulli continues to serve in the House of Delegates of the Pennsylvania Bar Association and on the editorial board of the *Legal Intelligencer*. He wrote the forward to the Summer 1995 *Temple Law Review*, entitled, "Pennsylvania Legal Services at Risk," and addressed the Villanova University Center for Peace and Justice on the future of legal services to the poor. Rulli also spoke at the Central Asian Judges luncheon program sponsored by the Philadelphia Bar Association. He recently received an award from the Pennsylvania Lawyer Trust Account Board for his work as a founding board member for service to indigent citizens seeking access to civil justice in Pennsylvania.

**Reed Shuldiner**, *professor of law*, specializes in federal income taxation and tax policy. His current research involves the application of principles of horizontal equity to taxation.

**Hon. Edmund B. Spaeth, Jr.,**

*adjunct professor of law and director emeritus of the Center on Professionalism*, co-authored a paper, "Explorations in Teaching Professional Responsibility," with Janet G. Perry, lecturer and program director of the Center on Professionalism, and Peggy B. Wachs '86, associate director of the Center. The paper was published in the journal, *Law and Contemporary Problems*, in an issue devoted to the teaching of legal ethics. In November, the co-authors and Curtis R. Reitz participated in the symposium on Teaching Ethics and the Legal Profession in Durham, N.C., sponsored by the W.M. Keck Foundation of Los Angeles and the Duke University School of Law. At the symposium, Perry presented, "Mainstreaming Ethics: The Pervasive Method of Teaching Ethics," and Spaeth presented, "Ethical Training in the Profession: The Special Challenge of the Judiciary." The Center on Professionalism received a grant from the W.M. Keck Foundation on "Professional Responsibility in the Law Schools and on the Bench."

**Clyde Summers**, *Jefferson B. Fordham Professor of Law Emeritus*, spoke at a colloquium on "The Role of The Contract of Employment in the Future of Labor Relations," held in The Hague, Netherlands in March 1995. The colloquium was sponsored by the International Associates of Labor Law Journals. Summers, as chair of the North American sector of the International Society of Labor Law and Social Security, participated in the American Regional Congress of the Society held in Montreal in May 1995. In September he presented a faculty seminar on "Litigation Costs and Varieties of Alternative Dispute Resolution" at the University of Kentucky. In October, he presented a paper, "American Labor Policy-From Here to Where?" at the conference on National Labor Policy in Washington on the 60th anniversary of the NLRB and the Wagner Act.

**Professor Barbara Bennett**

**Woodhouse** continues her work on children and the law. In July 1995 she participated in a Liberty Collection Fund Colloquium on the family and freedom in Washington, D.C. In September she moderated the opening plenary session on theories of children's rights for the Juvenile Law Center/ Temple University conference "Looking Forward, Looking Back: Charting the Progress of Children's Rights." In October she presented a paper, "What Makes A Family?" at the University of Utah Law School and also appeared on the television show *CBS This Morning* as an expert on custody and adoption. In November Woodhouse was a panelist at Cardozo Law School on the topic of "Child Pornography on the Internet" and presented a chapter of her book-in-progress on children's rights at Ohio State University College of Law and Center for Socio-Legal Studies on "Meeting the Basic Needs of Children: Defining Public and Private Responsibilities." She presented a legal studies paper and a guest lecture on children and families at the University of Florida. Her article, "Of Babies, Bonding, and Burning Buildings: Discerning Parenthood in Irrational Action," based on a presentation at the Olin Foundation Conference on new directions in family law, was published in the *Virginia Law Review*. In addition to her scholarship and her pro bono work as a guardian ad litem, she serves as president of the family law section of the Association of American Law Schools and as an editor of the interdisciplinary journal, *Law, Psychology and Public Policy*.

*Clyde Summers*

# Law Alumni Society

*The support of dues-paying members of the Law Alumni Society is responsible for many of the Society's events, such as breakfasts, luncheons and receptions in cities across the country. Dues also help underwrite Parents & Partners Day for the 1L class and portions of Alumni Weekend.*

*We would like to take this opportunity to thank those alumni who supported the Society by paying their dues for 1994-1995. This listing represents due payments from July 1, 1994 through June 30, 1995. Their commitment is important to the mission and programs of the Law Alumni Society.*

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Morton Abrams '50  
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Bradley T. Bechman '88  
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Thomas J. Beddow '39  
Wendy Beetlestone '93  
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Susan Taylor Bell '90  
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Marc S. Berman '86  
Marshall A. Bernstein '49  
Richard M. Bernstein '76  
Stanley J. Bernstein '68  
John H. Bertoler '31  
Susan B. Besancon '87  
Ronni Silverman Bianco '93  
Clair G. Biehne '37  
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Robert P. Blank '73  
Robert S. Blank '65  
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Stewart A. Block '71  
Elisabeth G. E. M. Bloemen '79  
William O. Blome '76  
Charles J. Bloom '71  
Fred Blume '66  
Donald K. Bobb '56  
Karen E. Bodner '86  
Harold Bogatz '63  
Robert N. Bohorad '66  
Harry O. Boreth '66  
Tecla J. Borick '87  
David I. Bower '79  
Darren A. Bowie '92  
Terrence M. Boyle '66  
James S. Boynton '41  
John P. Bracken '39  
Raymond J. Bradley '47  
Linda L. Bradmiller '87  
Christopher Branda, Jr. '51  
Floyd E. Brandow, Jr. '54  
George W. Braun '79  
Keith B. Braun '84  
Raymond W. Braun '83  
Marvin J. Brauth '74  
Nancy J. Bregstein '76  
Herbert Brener '41  
Michael Francis Breslin '87  
Ira Brind '67  
Mitchell Brock '53  
Jeffrey Brotman '89  
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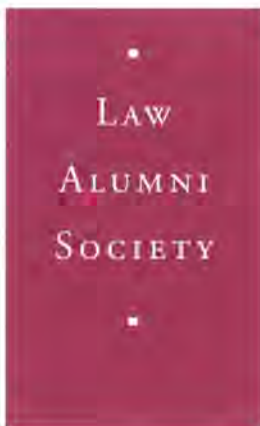
Gary R. Burghart '78  
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 Hon. Berel Caesar '54  
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 Lesley G. Carroll '90  
 Hon. Curtis C. Carson, Jr. '46  
 Louis J. Carter '49  
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 John J. Clair '72  
 John A. Clark '48  
 Nancy M. Clark '91  
 Isaac H. Clothier IV '57  
 Benjamin Coates '46  
 Walton Coates '41  
 Nicholas H. Cobbs '74  
 Arthur G. Cohen '75  
 David L. Cohen '81  
 George M. Cohen '86  
 Hon. Lita Indzel Cohen '65  
 Rhonda R. Cohen '80  
 Robert S. Cohen '57  
 Sheryl Jana Cohen '88  
 Steven Michael Cohen '88  
 Sylvan M. Cohen '38  
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 Aims C. Coney, Jr. '54  
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 Neil L. Conver '48  
 Jeffrey N. Cooper '75  
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 Leslie Kyman Cooper '89  
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 Louis G. Corsi '72  
 George C. Corson, Jr. '59  
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 Stuart Coven '51  
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 Stephen A. Cozen '64  
 Cassin W. Craig '49  
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 Pamela F. Craven '77  
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 Joseph C. Crawford '79  
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 Samuel S. Cross '49  
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 Thomas F. Cunnane '63  
 Edward I. Cutler '37  
 Bernard J. D'Avella, Jr. '73  
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 E. Dillwyn Darlington '48  
 Martin I. Darvick '72  
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 Mark B. Davis '75  
 Preston L. Davis '60  
 Guy G. De Furia '28  
 John F. De Podesta '69

E. Foster De Reitzes '69  
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 Alexander A. Di Santi '59  
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 Allan B. Duboff '84  
 Jay A. Dubow '84  
 Elaine G. Dubroff '75  
 Jon B. Dubrow '92  
 Michael Philip Duffy '86  
 Julie A. Dugan '90  
 Kenneth R. Dugan '83  
 Justin G. Duryea '47  
 David W. Dykhous '74  
 David T. Eames '80  
 John F. A. Earley '51  
 Kathy L. Echternach '83  
 Murray S. Eckell '59  
 Lisa Ehrlich '82  
 Leon Ehrlich '47

William A. Ehrlich '86  
 Thomas J. Eicher '83  
 James Eiseman, Jr. '66  
 Bruce A. Eisenberg '77  
 Thomas J. Ellis '85  
 William E. Elwood '68  
 Andrew M. Epstein '67  
 Neil G. Epstein '65  
 Christian S. Erb, Jr. '55  
 Kevin R. Erdman '87  
 Daniel H. Erickson '50  
 John A. Erickson '56  
 Ann Laquer Estin '83  
 Martin S. Ettin '78  
 Hon. Mike Fain '72  
 Frank Federman '60  
 A. Richard Feldman '80  
 David N. Feldman '85  
 Louis Evan Feldman '92  
 Elit R. Felix II '82  
 Wifredo A. Ferrer '90  
 Elena Ferrera '86  
 Arlene Fickler '74  
 H. Robert Fiebach '64  
 Ronald R. Fieldstone '74  
 Lawrence Finkelstein '76  
 C. T. Finnegan III '72  
 Steven Firkser '83  
 Joseph F. Flanagan '56  
 Joseph P. Flanagan, Jr. '52  
 Dennis M. Flannery '64  
 Hon. J. H. Flannery, Jr. '58  
 Lawrence E. Flatley '75  
 Peter N. Flocos '90  
 Janet S. Fogarty '86  
 Leon S. Forman '39



- Joseph H. Foster '53  
 John Fouhey '72  
 Deborah Large Fox '80  
 Carl A. Frahn '54  
 David C. Franceski, Jr. '80  
 Bernard Frank '38  
 Mahlon M. Frankhauser '57  
 John W. Frazier IV '68  
 Ira H. Freedman '64  
 Christine A. Freeman '77  
 Mark H. Friedman '74  
 Gerald S. Frim '84  
 Abe H. Frumkin '59  
 Joseph B. Frumkin '85  
 Mary C. Frye '77  
 Robert G. Fuller, Jr. '64  
 William N. Gabovitch '87  
 Richard L. Gabriel '87  
 Michael A. Gaffin '68  
 GERALYN GAHRAN-HUMPHREY '84  
 Andrew P. Gaillard '85  
 Linda A. Galante '79  
 Chris F. Gallagher '72  
 John J. Gallagher '76  
 Lewis I. Gantman '77  
 John C. Garner '53  
 Gerald P. Garson '57  
 Chris Gegelys '90  
 Martin J. Genauer '74  
 Nicolas Genoud '93  
 Bernard R. Gerber '62  
 Gordon W. Gerber '49  
 Hon. L. Anthony Gibson '64  
 Francis X. Gindhart '66  
 Lena Orlow Ginsburg '31  
 Philippe R. Girard-Foley '83  
 Howard Gittis '58  
 John Joseph Giuffre '87  
 Suzanne L. Glassburn '90  
 Bernard Glassman '61  
 Jacqueline Glassman '91  
 Thomas P. Glassmoyer '39  
 Francis E. Gleeson, Jr. '62  
 Peter G. Glenn '68  
 Stuart B. Glover '28  
 Claude P. Goddard, Jr. '79  
 Joseph A. Godles '79  
 Richard L. Goerwitz, Jr. '59  
 Kenneth Craig Gold '87  
 James P. Golden '80  
 David M. Goldenberg '91  
 Ira C. Goldklang '90  
 Ellen Winchell Goldman '86  
 Michael L. Goldman '86  
 Hon. Murray C. Goldman '59  
 Kenneth R. Goldstein '71  
 Louis Goldstein '41  
 Curtis L. Golkow '88  
 Michele Berman Golkow '88  
 Kara Hagstrom Goodchild '94  
 Joshua D. Goodman '91  
 Stephen M. Goodman '65  
 Davidson Taylor Gordon '71  
 George Gordon '91  
 Joseph K. Gordon '51  
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 James W. Gould '74  
 Harry M. Grace '48  
 Christopher F. Graham '82  
 Curtis A. Graham '79  
 Richard A. Grande '72  
 Gail P. Granoff '76  
 Michael D. Green '75  
 Oliver F. Green, Jr. '51  
 Harold Greenberg '62  
 Stephen J. Greenberg '66  
 I. Michael Greenberger '70  
 Earl D. Greenburg '70  
 Joseph E. Greene, Jr. '57  
 Robert W. Greenfield '30  
 George C. Greer '57  
 Thomas Grexa '90  
 Francine F. Griesing '81  
 Gordon D. Griffin '48  
 John Patrick Groarke '88  
 David I. Grunfeld '68  
 Peter J. Guffin '81  
 Kurt F. Gwynne '92  
 David P. Hackett '81  
 Frederick P. Hafetz '63  
 James W. Hagar '49  
 Burton K. Haines '68  
 Willard J. Hall III '91  
 Sean Michael Halpin '93  
 Joe M. Hamilton '83  
 Leslie B. Handler '59  
 William T. Hanglely '66  
 Arthur W. Hankin '68  
 Marc E. Hankin '92  
 Tara Lee Harper '93  
 Thomas B. Harper III '51  
 Matthew P. Harrington '92  
 Wilmot L. Harris, Jr. '66  
 J. Barton Harrison '56  
 Francis J. Hartman '55  
 Hideshige Haruki '71  
 Herman S. Harvey, Jr. '56  
 Gerald E. Haughey '62  
 Peter Hearn '61  
 Paul W. Heil '66  
 Charles A. Heibold, Jr. '60  
 Christoph R. Heiz '87  
 William J. Heller '78  
 Kenneth D. Henderson '74  
 Charles J. Henry, Jr. '49  
 Hon. Jerome O. Herlihy '66  
 Linda R. Herman '82  
 Philip C. Herr '30  
 Alan C. Herring '81  
 Robert G. Hess '48  
 William C. Hewson '67  
 A. C. Reeves Hicks '49  
 John H. Higgs '60  
 Henry S. Hilles, Jr. '64  
 Irving M. Hirsh '55  
 Samuel L. Hirshland '56  
 Tonny K. Ho '80  
 Henry S. Hoberman '85  
 Linda K. Hobkirk '93  
 Burton Hoffman '62  
 Michelle D. Holland '80  
 Richard V. Holmes '56  
 Leon C. Holt, Jr. '51  
 Selwyn A. Horvitz '59  
 James N. Horwood '61  
 Richard M. Horwood '65  
 James M. Howley '55  
 Marion Sokal Hubing '90  
 John M. Huebner '34  
 Richard A. Huettner '52  
 James P. Hughes, Jr. '92  
 William A. Humenuk '67  
 Richard J. Hurder '85  
 Theodore H. Husted, Jr. '50  
 Hon. Richard S. Hyland '60  
 Thomas M. Hyndman, Jr. '50  
 Karin Iest '77  
 Eleanor Morris Illoway '83  
 Jeffrey H. Ingerman '82  
 Steven J. Insel '79  
 Thomas A. Isaacson '83  
 Alvin J. Ivers '52  
 Alice French Jacobs '89  
 Marshall J. Jacobson '74  
 Richard A. Jacoby '64  
 Paul L. Jaffe '50  
 Kathy P. Janowitz '80  
 James W. Jennings '65  
 Heather A. Johnson '81  
 Scott David Johnson '93  
 Robert J. Jones '64  
 Donald K. Joseph '68  
 Mark A. Kadzielski '76  
 Kenneth S. Kail '80  
 Steven J. Kalish '73  
 Seymour Kanter '56  
 John O. Karns '57  
 A. Carl Kaseman III '71  
 Lewis Kates '59  
 Robert J. Katzenstein '76  
 Alexander Katzin '31  
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 Warren J. Kauffman '62  
 Andrea Kayne Kaufman '93  
 David J. Kaufman '55  
 Jacob J. Kaufman '92  
 Anthony S. Kaufmann '70  
 Judy L. Kavjian '90  
 Akio Kawamura '86  
 Brian T. Keim '68  
 Morris C. Kellett '63  
 John Patrick Kelley '62

Eric D. Kelly '75  
 Arthur S. Kelsey '48  
 Robert L. Kendall, Jr. '55  
 Edward Kessel '60  
 Hon. George P. Kiester '37  
 Harrison G. Kildare '28  
 Sabine Kilgus '93  
 T. F. Killheffer, Jr. '61  
 Hon. M. Patrick King '59  
 William H. Kinkead 3rd '59  
 Rachel Marks Kipnes '84  
 Wilbur L. Kipnes '74  
 Alan G. Kirk II '56  
 Richard Kirschner '57  
 David Kittner '51  
 Barry D. Kleban '77  
 Marc H. Klein '91  
 Michael R. Klekman '73  
 Ralph J. Kmiec '59  
 Jeffrey W. Knapp '89  
 Rodman Kober '60  
 Lorraine Kiessling Koc '83  
 Timothy Martin Kolman '87  
 Lawrence W. Koltun '75  
 Kenneth H. Koo '82  
 Charles G. Kopp '60  
 Harriet J. Koren '83  
 Alan F. Kornstein '78  
 Israel E. Kornstein '79  
 Mikael Kovamees '85  
 Lisa Kramer '70  
 Stephen D. Kramer '74  
 Marc C. Krantz '86  
 Norman M. Kranzendorf '55  
 Mitchell Glen Krapes '88  
 Edwin Krawitz '55  
 Isabel Weil Kreiss '73  
 Goncer M. Krestal '57  
 Daniel M. Kristol '61  
 Robert Kruger '63  
 Robert R. Kugler '70  
 Naobumi Kurashina '83  
 James F. Kurkowski '90  
 Seymour Kurland '57  
 Murray Kushner '76  
 Marilyn Ziff Kutler '74  
 Jeffrey L. Kwall '81  
 Judah I. Labovitz '63  
 Hon. Joseph T. Labrum, Jr. '50  
 Marlene F. Lachman '70  
 Nina J. Lahoud '81  
 Paul Vincent Lalli '89  
 William O. Lamotte III '68  
 Carlos L. Landin '90  
 Sue Nadel Lang '71  
 William W. Lanigan '57  
 Mark G. Lappin '72  
 Kenneth N. Laptook '73  
 Marc C. Laredo '84  
 Thomas W. M. Laryea '93  
 Melissa B. Lautenberg '93  
 Hon. David W. Leahy '58

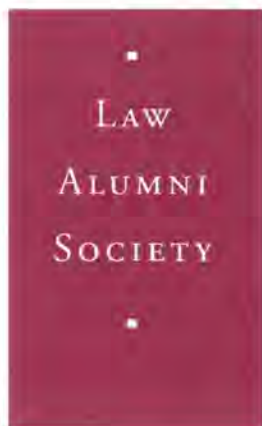
Miriam M. Leder '85  
 James R. Ledwith '63  
 Prof. Noyes E. Leech '48  
 Robert William Lees '49  
 Arthur W. Lefco '71  
 Detlef G. Lehnardt '69  
 Arthur W. Leibold, Jr. '56  
 Andrew Everett Lelling '94  
 Hon. C. D. Lemmond, Jr. '55  
 Joseph M. Lemond '90  
 Benjamin Lerner '65  
 Jeffrey A. Less '69  
 David J. Lester '71  
 Paul A. Lester '74  
 A. Leo Levin '42  
 Jay M. Levin '81  
 Richard A. Levine '72  
 Robert J. Levine '75  
 Arthur Levy '55  
 Berthold W. Levy '36  
 Dale Penneys Levy '67  
 Hon. Melvin G. Levy '50  
 Paul G. Levy '61  
 Ralph B. Levy '70  
 Andrew Lichtman '76  
 L. Scallet Lieberman '71  
 Michael Lieberman '91  
 Gregory J. Ligelis '75  
 Howard Lindenberg '88  
 Gail A. Lione '74  
 Hon. William Lipkin '33  
 Benjamin S. Loewenstein '37  
 Daniel W. Long '35  
 Jonathan Mun-Fai Loo '86  
 Hon. G. Craig Lord '71  
 David P. Loughran '62  
 Hon. Helge J. W. Loytved '74  
 Gary Lawrence Lozoff '82  
 Steven K. Ludwig '83  
 Allan W. Lugg '53  
 William F. Lynch II '49  
 Daniel J. Lyons, Jr. '62  
 Thomas F. MacAniff '63  
 Arnold Machles '63  
 Janet Benjamin Macht '46  
 Donald M. MacLay '61  
 Edward W. Madeira, Jr. '52  
 Antonio Magliocco, Jr. '77  
 Thomas R. Mai '89  
 Michael H. Malin '60  
 Robert H. Malis '47  
 Marc J. Manderscheid '83  
 Michael M. Maney '64  
 Hon. William J. Manfredi '68  
 Rebecca N. Mann '87  
 Ralph F. Manning '73  
 Rosaleen M. Manzi '82  
 Eric J. Marandett '92  
 Alan W. Margolis '58



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Andrew S. Margolis '87  
 Robert Margolis '48  
 David H. Marion '63  
 Hon. Dominic T. Marrone '55  
 Jerrilyn G. Marston '84  
 Hector A. Martinez, Jr. '76  
 Ruben A. Martino '82  
 Theodore W. Mason '72  
 Daniel Mateo '93  
 Charles E. Mather III '59  
 J. Alan Matheson '47  
 Mitsuo Matsunaga '91  
 Herman H. Mattleman '49  
 Baldwin Maull '25  
 Le Roy S. Maxwell '39  
 Ann E. Mayer '75  
 Sandor X. Mayuga '74  
 Elliot M. Maza '85  
 Sergio Mazzillo '77  
 Milford L. McBride, Jr. '49  
 Rear Admiral James J. McHugh '54  
 Robert C. McAdoo '48  
 Gerald Paul McAlinn '79  
 Thomas B. McCabe III '78  
 Sean A. McCarthy '73  
 John F. McCarthy, Jr. '48  
 Eric W. McCormick '93  
 Hon. Barron P. McCune '38

Donald L. McElwee '75  
 Randall H. McFarlane '73  
 Lynn G. McGuire '64  
 Robert A. McIntire '74  
 Mary A. McLaughlin '76  
 Richard L. McMahon '56  
 K. E. McMahon-Stoll '76  
 Sheila Taenzler McMeen '71  
 E. Ellsworth McMeen III '72  
 John McNelis '50  
 Edward S. Mead '82  
 Ruben M. Medina-Lugo '82  
 Edward M. Medvene '57  
 Matthew A. Melone '93  
 Henry E. Mendia '87  
 Joyce A. Mends-Cole '86  
 Mark J. Menting '83  
 Harry D. Mercer '67  
 Edward H. Merves '76  
 Ellen Metzger '77  
 Joyce S. Meyers '80  
 Marjorie A. Meyers '82  
 Albert B. Michell '60  
 George James Miller '51  
 Henry F. Miller '63  
 John R. Miller '46



- Margery K. Miller '72  
 Melvin B. Miller '66  
 Steven J. Miller '86  
 Donald M. Millinger '79  
 Stephen J. Mills '72  
 Richard D. Milvenan '83  
 Anthony S. Minisi '52  
 Jeremy D. Mishkin '79  
 AnnMarie P. Mitchell '90  
 Murray S. Monroe '50  
 Joseph L. Monte, Jr. '63  
 T. Weldon Monteith, Jr. '58  
 John H. Moore '70  
 Edwin S. Moore III '62  
 Raymond E. Morales '80  
 Mary Kathleen Moran '90  
 Elaine Newman Moranz '80  
 William J. Morehouse '65  
 Trisha Garcia Morgan '91  
 Gordon G. Morie '67  
 Mark Kimio Morita '92  
 Stephen J. Moses '62  
 Edgar E. Moss II '53  
 Martha S. Mozden '82  
 John C. Mueller '59  
 Melva Long Mueller '54  
 Thomas A. Mullen '92  
 James M. Mulligan, Jr. '57  
 Shuichiro Munakata '93  
 Bertram S. Murphy '55  
 Donna Marie Murphy '88  
 Francis W. Murphy '62  
 Maven J. Myers '66  
 Reto A. Nadig '92  
 Koji Nagao '84  
 Stephanie Weiss Naidoff '66  
 Tomohiro Nakamoto '90  
 Hiroshi Namba '90  
 Nicholas J. Nastasi '67  
 Richard E. Nathan '61  
 Spencer G. Nauman, Jr. '61  
 Mansfield C. Neal, Jr. '64  
 Nancy Nemhauser '85  
 Fred E. Newberg '65  
 Samuel W. Newman '60  
 John W. Noble '75  
 Jacob L. Nogi '67  
 George W. Nordham '52  
 Roderick G. Norris '53  
 David W. O'Brien '49  
 Kathleen O'Brien '76  
 James Edson O'Connell '51  
 David McCormack O'Neill '90  
 George J. O'Neill '53  
 Hon. James A. O'Neill '49  
 Thomas N. O'Neill III '90  
 Hon. T. N. O'Neill, Jr. '53  
 Claire Connor Obade '81  
 Ramon R. Obod '58  
 James E. Odell, Jr. '85  
 Reinhard J. Oertli '89  
 Allen O. Olin '59  
 Stephen H. Orel '84  
 Cheryl Ann Croteau Orr '87  
 Katsutoshi Osaki '93  
 Michael J. Ossip '79  
 Lambert B. Ott '49  
 Wilfried Ottel '87  
 Richard D. Oughton '77  
 Maria Mercedes Pabon '89  
 Christopher R. J. Pace '90  
 Nicanor B. Padilla, Jr. '78  
 Andrew J. Pal '89  
 Charlene Kulick Pal '88  
 Athanasios Papaioannou '88  
 Kyung Jae Park '80  
 Lewis F. Parker '62  
 Susan L. Parker '82  
 Albert P. Parker II '90  
 G. Belmont Parker III '94  
 Charles C. Parlin, Jr. '49  
 Glen A. Payne '74  
 Jose R. Paz Padilla '81  
 Felicia Sue Pearlberg '94  
 Samuel S. Pearlman '66  
 Nadia Pedreschi '84  
 Robert E. Penn '60  
 William B. Pennell '61  
 Walter L. Pepperman II '67  
 Lawrence M. Perskie '49  
 Hon. Steven P. Perskie '69  
 James H. Peters '51  
 William B. Petersen '89  
 Sigurd R. Peterson '87  
 Derek Nicholas Pew '93  
 Martin H. Philip '31  
 John P. Pierce '83  
 Nancy Washor Pierce '74  
 Thomas P. Pinansky '85  
 Francis H. Pinkham '42  
 Thomas E. Pitts, Jr. '76  
 Peter Platten '50  
 Charles K. Plotnick '56  
 Sharon Anne Pocock '87  
 Martin D. Polevoy '67  
 Harry Polikoff '31  
 David L. Pollack '72  
 Sharon Guss Pollack '86  
 Mark Pollak '71  
 Joy Kleiner Pollock '68  
 Stanley M. Poplow '53  
 Irwin A. Popowsky '77  
 Hon. Deborah T. Poritz '77  
 John H. Potts '62  
 Franklin Poul '48  
 Herman B. Poul '38  
 Albert T. Powers '77  
 William R. Powers, Jr. '69  
 Gene E. K. Pratter '75  
 Robert L. Pratter '69  
 Ernest D. Preate '34  
 Ernest D. Preate, Jr. '65  
 Gregory P. Pressman '69  
 Thomas J. Profy III '66  
 Nathalie M. Prouveur '93  
 David B. Pudlin '74  
 Helen Pomerantz Pudlin '74  
 Alfred W. Putnam, Jr. '78  
 Thomas E. Quay '63  
 John M. Quinn '51  
 David M. Raim '78  
 Alfredo Forrest Ramirez '87  
 Hon. Samuel C. Ranck '54  
 Jay S. Rand '87  
 Susan G. Raridon '83  
 David L. Ravid '82  
 Lillian G. Raycroft '53  
 John W. Reading '70  
 Nathan L. Reibman '35  
 Neil Reiseman '63  
 Robin Resnick '86  
 Donald Reuter '48  
 S. White Rhyne, Jr. '55  
 Stephen I. Richman '57  
 Steven F. Richman '84  
 James G. Rickards '77  
 Patrick R. Riley '72  
 Thomas B. Roberts '79  
 Aneta Marie Robinson '93  
 Edwin O. Robinson, Jr. '70  
 Hon. Herman M. Rodgers '42  
 Eric Alberto Rodriguez '90  
 Yolanda C. Rodriguez '89  
 M. Alexandra Rogers '91  
 Susan Windle Rogers '63  
 Hon. Theodore O. Rogers '40  
 Peter Roorda '79  
 J. Lorraine Rosato '87  
 Philip Rosenbach '77  
 Norman Scott Rosenbaum '89  
 Richard M. Rosenbleeth '57  
 Robert M. Rosenblum '66  
 Scott S. Rosenblum '74  
 Bruce C. Rosenthal '72  
 Lawrence S. Rosenwald '72  
 William A. Rosoff '67  
 Daniel R. Ross '66  
 Michael J. Rorko '63  
 Jill Whitelaw Rouff '88  
 Hon. Joseph D. Roulhac '48  
 Robert H. Rubin '59  
 Howard J. Rubinroit '69  
 Brett I. Rubinson '93  
 Hon. Edward E. Russell '57  
 Valerie H. Rutenberg '87  
 Patrick T. Ryan III '82  
 Harry M. Sablosky '30  
 Joel H. Sachs '66  
 Susan Lea Sack '92  
 Kenneth A. Sagat '68  
 Patricia A. Saint James '85  
 Hon. Samuel W. Salus II '60  
 Joan C. Salwen '76  
 A. Francisco Sanchez '88  
 Manuel Sanchez '74

- Lloyd A. Sanders '81  
 Julie Ann Sandler '92  
 Sheldon N. Sandler '65  
 James J. Sandman '76  
 Hugh A. A. Sargent '60  
 Martin J. Sarinsky '72  
 David M. Satz, Jr. '51  
 Peter V. Savage '65  
 Henry W. Sawyer III '47  
 George Sayen '86  
 Robert W. Sayre '40  
 Hon. Ralph F. Scalera '55  
 Henry G. Schaefer, Jr. '51  
 Alan Jeffrey Schaeffer '89  
 Lester J. Schaffer '37  
 James P. Schellenger '47  
 Beth J. Schlegel '86  
 Raymond C. Schlegel '54  
 Henry S. Schleiff '73  
 Cary Bruce Schmelzer '93  
 John E. Schmidt III '85  
 Thomas R. Schmuhl '71  
 Carl W. Schneider '56  
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 Robert C. Schneider '79  
 Allan B. Schneirov '58  
 Herbert F. Schwartz '64  
 Jeffrey B. Schwartz '65  
 Jodi J. Schwartz '84  
 Stephen H. Schwartz '91  
 Wendy Helene Schwartz '90  
 Denise D. Schwartzman '69  
 William W. Schwarze '68  
 Neal A. Schwarzfeld '71  
 Nanci Brett Scoblionko '92  
 Michael T. Scott '76  
 Alan D. Seget '74  
 Nina G. Segre '74  
 Edwin W. Semans, Jr. '58  
 Evan Y. Semerjian '64  
 William R. Shane '61  
 Paul H. Shaphren '80  
 Hon. Anita Rae L. Shapiro '65  
 Charles S. Shapiro '48  
 Mark S. Shapiro '91  
 Hon. Norma L. Shapiro '51  
 Paul E. Shapiro '67  
 Sidney A. Shapiro '73  
 Jason M. Shargel '77  
 Craig M. Sharpe '42  
 Robert J. Shaughnessy '86  
 Peter John Shea '88  
 Howard L. Shecter '68  
 Leslie K. Shedlin '79  
 Stuart A. Sheldon '74  
 Frank H. Sherman '75  
 Pi-Li Shieh '92  
 Edward B. Shils '86, GL '90  
 Peter Taru Shimabukuro '93  
 Deborah Ann Shore '92  
 George J. Shotzbarger '78  
 Gerard P. Shotzbarger '81  
 Alvin G. Shpeen '56  
 Morris M. Shuster '54  
 Richard M. Shusterman '64  
 Patty Shwartz '86  
 Joel D. Siegel '66  
 Prof. Jay Sterling Silver '86  
 Edwin Silverstone '66  
 Daniel A. Simon '93  
 Albert R. Simonds, Jr. '68  
 P. Anthony Singler, Jr. '90  
 William Sherman Skinner '86  
 Juliana M. Skrapits '79  
 Leonard S. Slavit '56  
 Hon. Dolores K. Sloviter '56  
 Barry R. Smith '75  
 David F. Smith '78  
 Lee A. Snow '81  
 Alvin L. Snowiss '55  
 Larry D. Sobel '76  
 Rudolph A. Socey, Jr. '68  
 Jason A. Sokolov '67  
 Mark E. Solomons '70  
 Amy Karig Sommer '77  
 Jane E. Sommer '72  
 Randall J. Sommovilla '72  
 Daniel C. Soriano, Jr. '63  
 David H. Sorokoff '85  
 Carole Weisberg Soskis '74  
 Susan Marie Spaeth '89  
 Jeffrey Alan Spector '92  
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 Max Spinrad '63  
 Carol A. Springer '78  
 Robert J. Staffaroni '76  
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 Robert J. Stearn, Jr. '90  
 Richard D. Steel '66  
 Jacqueline A. Stefkovich '90  
 Joseph J. Steflik, Jr. '71  
 Thomas B. Steiger '42  
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 William S. Stevens '75  
 Donald W. Stever, Jr. '68  
 Allen W. Stewart '70  
 Mark S. Stewart '82  
 George S. Stewart III '54  
 James A. Strazzella '64  
 Leo Edward Strine, Jr. '88  
 Joseph B. Sturgis '59  
 Lucindo Suarez '76  
 Sandra Marcela Suchin '92  
 Joseph A. Suchoza '53  
 Walter I. Summerfield, Jr. '52  
 Wayne W. Suojanen '80  
 Dennis R. Suplee '67  
 John R. Suria '57  
 Ellen L. Surloff '80  
 William C. Sussman '73  
 James F. Swartz, Jr. '54  
 Charles N. Sweet '72  
 Charles Swinburn '93  
 Hon. Thomas A. Swope, Jr. '59  
 Alan J. Swotes '49  
 Kenneth Syken '52  
 John T. Synnestvedt '52  
 Myles H. Tanenbaum '57  
 Neil H. Tannebaum '65  
 Jonathan N. Tanner '74  
 Frank K. Tarbox '50  
 Gary I. Teblum '79  
 Clyde W. Teel '37  
 Hon. Carolyn E. Temin '58  
 Darius Tencza '76  
 Franz Tepper '87  
 John A. Terrill II '76  
 Tai Chang Terry '80  
 Dean Samuel C. Thompson, Jr. '71  
 Jere R. Thomson '68  
 Ira P. Tiger '59  
 Thomas J. Timoney '52  
 Glen A. Tobias '66  
 Frank Nathan Tobolsky '87  
 Hon. William C. Todd III '76  
 Robert I. Toll '66  
 David R. Tomb, Jr. '59  
 Sandra Tomkowicz '88  
 David C. Toomey '63  
 Terri Solomon Topaz '79  
 Mario R. Torcuator '86  
 Joseph Sliney Trapasso '90  
 Randolph W. Tritell '77  
 Stella Ming Tsai '88  
 Hon. Alison W. Tumas '84  
 Martin I. Twersky '80  
 Sue A. Unger '83  
 Karen Knox Valihura '88  
 Hon. D. W. Van Artsdalen '47  
 Col. Joseph C. Van Cleve, Jr. '53  
 Ross Vandenberg '69  
 Michael D. Varbalow '63  
 Eileen Weisman Vass '81  
 Michael B. Vath '66  
 Donald P. Vernon '53  
 Jo-Ann M. Verrier '83  
 John Clifton Vetter '93  
 Harold K. Vickery, Jr. '66  
 Peggy Brenner Wachs '86  
 Robert E. Wachs '52  
 Eliot R. Wagner '85  
 Sean P. Wajert '84  
 Murry J. Waldman '52  
 Prof. Geoffrey D. D. Walker '63  
 Virginia Barton Wallace '50  
 William T. Walsh '49  
 Andrea E. Ward '89  
 Peter M. Ward '49  
 Lisa Washington '92  
 Webb Wassmer '89  
 Akihiko Watanabe '91  
 Seth W. Watson, Jr. '52  
 Diane Theresa Weber '90  
 Hadassah R. Weiner '80  
 Irwin J. Weiner '58  
 Friedrich J. Weinkopf '58  
 Mark M. Weinstein '68  
 Mildred Lubich Weisberg '48  
 Morris L. Weisberg '47  
 Dean E. Weisgold '88  
 Gregory A. Weiss '69  
 Adam G. Wenchel '40  
 Roy H. Wepner '74  
 Kenneth R. Werner '73  
 Hon. Ronald P. Wertheim '57  
 Caroline Gittis Werther '86  
 George W. Westervelt, Jr. '73  
 Dru S. White '81  
 Hon. Helene N. White '78  
 Robert I. Whitelaw '70  
 Jack R. Wiener '82  
 Victor M. Wigman '66  
 S. Donald Wiley '53  
 Mervin M. Wilf '55  
 Amy E. Wilkinson '83  
 Kenneth C. H. Willig '80  
 Kenneth W. Willman '86  
 J. Michael Willmann '70  
 Bruce B. Wilson '61  
 Parker H. Wilson '65  
 James A. Wimmer '65  
 William R. Wister, Jr. '61  
 Eric C. Woglom '67  
 Stephen R. Wojdak '65  
 Prof. Bernard Wolfman '48  
 Toni G. Wolfman '75  
 Bruce A. Wolfson '77  
 Paul A. Wolkin '41  
 Richard H. Woods '68  
 R. Elisabeth Wurtman '87  
 Yong-Xian Xu '87  
 Wanda Mummah Yachnis '93  
 Sidney T. Yates '54  
 Herbert S. Yeh '94  
 Robert E. Yetter '59  
 Kiyohiko Yoshii '87  
 John K. Young '36  
 Theodore A. Young '71  
 Stephen G. Yusem '63  
 Norman P. Zarwin '55  
 Arthur A. Zatz '71  
 James E. Zeigler '57  
 Ronald Ziegler '60

# Alumni Briefs

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'34

LEON MESIROV, a founder of Mesirov Gelman Jaffe Cramer & Jamieson, Philadelphia, announced the celebration of the firm's 35th anniversary in March 1995.

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'37

Governor Lawton Chiles reappointed EDWARD I. CUTLER, a senior shareholder in the Tampa firm Carlton, Fields, Ward, Emmanuel, Smith & Cutler, commissioner for the promotion of uniformity of legislation in the United States of the Florida Commission on Uniform State Laws. Cutler is one of Florida's three commissioners on uniform state laws, appointed by Governor Reubin Askew in 1974. He remains active in the National Conference of Commissioners on Uniform State Laws.

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'38

SYLVAN M. COHEN joined Drinker Biddle & Reath, Philadelphia as of counsel.

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'47

HON. ARLIN M. ADAMS serves as bankruptcy trustee for the financial affairs of the Foundation for New Era Philanthropy.

The American Judicature Society gave ROBERT M. LANDIS, a partner and former chairman of Dechert Price & Rhoads, Philadelphia, its Herbert Harley Award honoring his lifetime achievements in improving the administration of justice. Landis was re-elected to a three-year term as Pennsylvania delegate. He is a member of the nominating committee of the ABA.

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'50

PAUL JAFFE, a founder of Mesirov Gelman Jaffe Cramer & Jamieson, Philadelphia, announced the celebration of the firm's 35th anniversary in March 1995. Jaffe also participated in a two-day conference, in Washington, D.C., of UNILAW, a network of law firms around the world, to discuss issues that face the legal profession.

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HON. D. DONALD JAMIESON, formerly a senior partner at Mesirov Gelman Jaffe Cramer & Jamieson, Philadelphia, serves on the Superior Court of Pennsylvania.

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'51

MILTON BECKET, of Becket & Watkins, Malvern, Pa., participated in a conference at the National Association of Chapter 13 Trustees in Boston.

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'54

JEROME B. APFEL, a partner in the tax and estates department, Blank, Rome, Comisky & McCauley, Philadelphia, participated in two programs directed at the aging population. "Elder Abuse: Whose Problem? Partners in Guardianship" addressed a variety of guardianship and power of attorney issues. He spoke on "Ethical Issues Involved in Representing the Older Consumer," sponsored by the Pennsylvania attorney general in association with AARP.

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'55

DAVID J. GOLDBERG joined Drinker Biddle & Reath, Princeton, N.J., as of counsel.

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'56

The American Bar Endowment elected ARTHUR W. LEIBOLD, JR., a senior litigation partner of Dechert Price & Rhoads, Washington, D.C. President. Leibold has served as a director of the Endowment since 1984 and as an officer since 1989.

HARRIS OMINSKY, of Blank, Rome, Comisky & McCauley, Philadelphia, published "Letters of Credit Withstand FDIC Rejection" in the Uniform Commercial Code Bulletin and "Title Insurance Covers Improper Subdivision" in the *Legal Intelligencer*.

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'57

The American Judicature Society re-elected SEYMOUR KURLAND, a senior partner, litigation group, Dechert Price & Rhoads, Philadelphia, to its board of directors.

The Corporate Alliance for Drug Education (CADE) elected RICHARD M. ROSENBLEETH, a partner in Blank, Rome, Comisky & McCauley, Philadelphia, to a three-year term on its board. CADE is a non-profit alliance of corporations that marshal resources to support substance abuse prevention and education programs for Philadelphia-area schools.

'58

JOHN A. CARPENTER, a partner in Carpenter, Diehl, Kivko & Wilkison, Sunbury, Pa., received a special achievement award from the Pennsylvania Bar Association for chairing its communications advisory panel.

'59

The American Travellers Corporation re-elected HON. HENRY G. HAGER to its board.

The American College of Trust and Estate Counsel appointed ROBERT P. OBERLY, a partner in the trusts and estates department of Schnader, Harrison, Segal, & Lewis, Philadelphia, as Pennsylvania chair.

'60

The Mobil Corporation named CHARLES A. HEIMBOLD, JR. to its board.

'61

BERNARD GLASSMAN, a partner in the tax and estates department, Blank, Rome, Comisky & McCauley,

Philadelphia, spoke at the 68th annual convention of the register of wills and clerks of the Orphans' Court Association.

'63

STEVEN A. ARBITTIER, a partner in the litigation department, Ballard Spahr Andrews & Ingersoll, Philadelphia, spoke at the fifth annual Delaware Valley Construction Forecast Seminar on "New Trends in Construction Dispute Resolution."

JUDAH I. LABOVITZ joined Mann, Ungar & Spector, Philadelphia.

JOHN F. LEDWITH joined Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, as a shareholder.

The American Jewish Congress awarded DAVID H. MARION, of Montgomery, McCracken, Walker & Rhoads, Philadelphia, the Fund for Religious Liberty Award.

'64

The American College of Bond Counsels elected ROBERT J. JONES, senior partner in Saul, Ewing, Remick & Saul, Philadelphia, a founding member.

'65

WILLIAM H. EWING, a partner at Hangley Aronchick Segal & Pudlin, Philadelphia,

spoke on "Communicating with Employees and Former Employees, Rule 4.2 and the Ethical Boundaries" at the Pennsylvania Bar Institute and the Pennsylvania Bar Association employment law section's first annual employment law institute in Philadelphia.

'66

STEPHANIE W. NAIDOFF, a partner at Morgan, Lewis & Bockius, Philadelphia and member of the board of the Free Library of Philadelphia, participated in the kickoff festivities for "Changing Lives," the library's \$50-million fundraising campaign. *Business Philadelphia* listed her in its "25 Most Influential People" of 1995.

BERNIE K. WRUBLE was mentioned in retired Army General Colin Powell's autobiography *My American Journey*.

'67

WALTER COHEN, former Pennsylvania deputy attorney general, served as acting Pennsylvania attorney general from June through October 1995. Cohen joined the Harrisburg, Pa. firm of Obermayer, Rebmann, Maxwell & Hippel in December.

RONALD B. GLAZER, a senior partner in the real estate department of Wolf, Block, Schorr & Solis-Cohen, Philadelphia, wrote the third edition of *Pennsylvania Condominium Law and Practice*.

The International Academy of Trial Lawyers inducted DENNIS R. SUPLEE, chairman of Schnader, Harrison, Segal & Lewis, Philadelphia, as a member.

The Council of the American Law Institute elected JONATHAN M. STEIN into membership.

'68

LAWRENCE J. FOX began a one-year term of office as chair of the ABA Section of Litigation. Fox, an active member of the ABA for more than a decade, became chair at the conclusion of the ABA's Annual Meeting in August.

STEPHEN C. ZIVITZ, a partner in the tax, pension and estates practice group of White and Williams, Philadelphia, lectured on "Assembling Financial Information" at the 1995 estate planning conference presented by the PICPA Foundation for Education and Research.

'69

CARL S. BISGAIER joined Flaster, Greenberg, Wallenstein, Roderick, Spigel, Zuckerman, Skinner & Kirchner, Marlton, N.J.

'70

FRANCIS P. DEVINE III, a partner in White and Williams, Philadelphia, received the Judge Learned Hand Award from the Philadelphia Chapter of the



Nancy M. Weinman '72



Susan Katz-Hoffman '74

American Jewish Committee for his professional and human rights achievements. Devine is chancellor of the Philadelphia Bar Association.

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'71

The Committee of Seventy reappointed MARK A. ARONCHICK, a founding partner in Hangley Aronchick Segal & Pudlin, Philadelphia, to its board. The Committee is a non-partisan, non-profit organization of citizens, dedicated to research, education, and action in the interest of good government.

The Law Alumni Society elected ARTHUR "TERRY" LEFCO, a shareholder in Sherr Joffe & Zuckerman, Conshohocken, Pa., to a two-year term as president. He co-chairs the gift committee for the Class of '71's 25th Reunion. Lefco serves as a judge pro-tem in the Philadelphia Court of Common Pleas.

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'72

JOHN FOUHEY, Davis Polk & Wardwell, New York, received a certificate of appreciation from the Lawyers Alliance for New York for his pro bono work in developing low-income housing.

MICHAEL F. KRAEMER, a partner in White and Williams, Philadelphia, spoke at the Atlantic Coast summer chapter meeting of the Metal Treating Institute on Reconciling the Americans with Disabilities Act and

the Family Medical Leave Act; maintaining a union-free workplace; and employee handbooks.

The American College of Real Estate Lawyers elected DAVID L. POLLACK, a partner in Pollack Meyers & Rosenblum, Philadelphia, into membership.

NANCY M. WEINMAN is of counsel to Montgomery, McCracken, Walker & Rhoads, Philadelphia, where she is in the health, education and nonprofit department, concentrating in health care matters.

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'73

CHARLES E. DORKEY III, a partner of Haythe & Curley, New York, is a director of the New York Urban Development Corporation.

KENNETH S. KAMLET, a partner in the environmental practice group at Linnowes and Blocher, Silver Spring, Md., is a member of Maryland's voluntary cleanup task force.

JOSEPH MURPHY spoke on "Beating Them with Carrots and Feeding Them Sticks," at the U.S. Sentencing Commission's symposium, "Corporate Crime in America: Strengthening the 'Good Citizen' Corporation." He presented "What Does the Future Hold for Voluntary Corporate Compliance

Programs?" at the American Corporate Counsel Association's regional meeting. He published an article in *Corporate Conduct Quarterly* entitled "Hotlines: An Overview."

AIDA WASERSTEIN, chair of the Delaware Human Relations Commission, became the first Hispanic person nominated and confirmed to a major Delaware court.

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'74

The Edison Electric Institute (EEI) appointed EDWARD H. COMER vice president for law. EEI is a national trade association that represents investor-owned electric utilities before Congress and federal and state agencies.

IAN M. COMISKY, a partner in the litigation department, Blank, Rome, Comisky & McCauley, Philadelphia, addressed a U.S. Secret Service advanced asset forfeiture seminar on "Asset Forfeiture from the Defense Perspective," in Charlotte, N.C., and in San Diego.

The subcommittee on mergers and acquisition of the employee benefits committee, American Bar Association section of taxation, appointed SUSAN KATZ HOFFMAN, a partner with Pepper, Hamilton & Scheetz, Philadelphia, chair.

ALBERTO IBARGUEN is the publisher of *El Nuevo Herald* in Miami and vice president of international operations for *The Miami Herald* Publishing Company.





Robert Lane '77 as a guest on "Today's Law" with host Saul Segan (right).



Joseph L. Lincoln '76



J. Robertson MacIver '77

H. RONALD KLASKO, chairman of the immigration law group of Dechert Price & Rhoads, Philadelphia, testified for U.S. employers concerning immigration law at the U.S. Commission on Immigration Reform. He spoke about the technical and ethical sides of immigration law at the annual conference of the American Immigration Lawyers Association in Atlanta.

CARRIE J. MENKEL-MEADOW joined the faculty of Georgetown University.

DAVID B. PUDLIN, a founding partner in Hangley Aronchick Segal & Pudlin, Philadelphia, is vice-chairman of the Metropolitan Philadelphia board of the Anti-Defamation League and chairman of its development committee. He will chair the squash team for the 15th Maccabiah Games to be held in Israel in 1997.

'75

Ball State University named ERIC DAMIAN KELLY dean of its College of Architecture and Planning.

The American College of Tax Counsel elected MICHAEL B. LANG, professor and associate dean at the University of Maine School of Law, a fellow. Lang spoke about implications of recent Supreme Court decisions for Circular 230 advertising and solicitation limitations to the American Bar Association section of taxation committee on standards of tax practice in Washington, D.C. He was a panelist for the Maine State Bar Association CLE Program, "Asset Protection Strategies, Devices and Concerns," in Portland. Lang is a member of the curriculum committee of the ABA Section on legal education and admissions to the bar.

'76

LUIS M. ARTIME joined AHI Healthcare Systems, Inc. as vice president of corporate development for the Eastern division.

LAWRENCE FINKELSTEIN, a financial services partner at Blank, Rome, Comisky & McCauley, Philadelphia, is president of the Philadelphia/Delaware Valley chapter of the Crohn's and Colitis Foundation of America.

MARK A. KADZIELSKI serves on the board of the American Academy of Healthcare Attorneys.

DONNA R. LENHOFF co-authored "Implementation of the Family and Medical Leave Act: Toward the Family-Friendly Workplace," with Claudia Withers. It was published in the *American University Journal of Gender and the Law*.

GE Capital Modular Space, a subsidiary of GE Capital Services, appointed JOSEPH L. LINCOLN general counsel.

'77

GILBERT F. CASELLAS, chairman of the U.S. Equal Employment Opportunity Commission, received the 1995 Clarence Farmer Service Award of the Philadelphia Commission on Human Relations. The Commission honored Casellas for his lifelong commitment to intergroup harmony and minority involvement in the legal profession.

Anderson Kill Olick & Oshinsky appointed HOPE A. COMISKY managing partner at its Philadelphia office.

LEWIS I. GANTMAN is president and chief operating officer of Kravco Company, the shopping mall developer in King of Prussia, Pa.

Conoco Power Marketing named GORDON E. GOODMAN president. He also heads North American business development for Conoco Global Power.

ROBERT D. LANE, JR., president of the Philadelphia Bar Education Center and chairman of the real estate department at Pepper, Hamilton & Scheetz, Philadelphia, was a guest on "Today's Law," the law-oriented Philadelphia cable television talk show.

J. ROBERTSON MACIVER joined Wheaton, Inc. as corporate counsel.

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'78

MARK L. ALDERMAN joined Wolf, Block, Schorr & Solis-Cohen, Philadelphia, as vice chairman, concentrating in litigation and business law.

M. NORMAN

GOLDBERGER joined Wolf, Block, Schorr & Solis-Cohen, Philadelphia.

JAMES A. A. PABARUE, of Christie Pabarue Mortensen & Young, Philadelphia, spoke about non-settling insurers' risks and benefits of being last, at Mealey's settling the long-tail claim conference in Philadelphia in September.

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'79

JILL BRONSON joined Drinker Biddle & Reath, Philadelphia, in the corporate department.

MICHAEL OSSIP, a partner with Morgan, Lewis & Bockius, Philadelphia, spoke on labor and employment law panels at the American Bar Association's annual meeting in Chicago.

ROBERT C. SCHNEIDER directs the Columbia University alumni club of Nassau County, N.Y.

M. KELLY TILLERY, senior partner with Leonard, Tillery & Sciolla, Philadelphia, discussed developments in

trademark law at a seminar sponsored by Philadelphia Volunteer Lawyers for the Arts. He spoke about counterfeit sports designs and licensing to the Imprinted Sportswear Show in Chicago; and about protecting intellectual property in the entertainment industries in San Francisco and Los Angeles as part of a forum on current property issues.

KENNETH J. WARREN, of Manko, Gold & Katcher, Bala Cynwyd, Pa., spoke at the forensic and litigation services conference sponsored by the Pennsylvania Institute of Certified Public Accountants.

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'80

KENNETH S. KAIL joined the New York office of Morgan, Lewis & Bockius as a partner.

Joyce S. MEYERS joined Montgomery, McCracken, Walker & Rhoads, Philadelphia, as a partner in the litigation department.

Saul, Ewing, Remick & Saul elected PATRICK G. OAKES a partner.

CLAIRE C. OBADE, a partner in the healthcare practice group of Ballard Spahr Andrews & Ingersoll, Philadelphia, served on the faculty of the 1995 health law update and annual meeting sponsored by the National Health Lawyers Association. Obade gave two presentations: "Fundamentals of Health Law" and "Healthcare Reform Initiatives in the Commonwealth of Pennsylvania: Legislative and



Donald J. Mares '82



Lynn R. Axelroth '83

Market-Driven." She spoke on advance healthcare decision-making issues at the Pennsylvania Hospital Health Ways seminar last October.

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'82

RENEE CHENAULT, a news anchor at WCAU-TV, Philadelphia, joined a group of journalists, attorneys and academics to discuss the media's role in the O.J. Simpson trial and other high-profile cases on "News on Trial: The Media & Justice," a television program presented by the Philadelphia Bar Association and the National Academy of Television Arts and Sciences.

LISA A. KELLY, associate professor at West Virginia University College of Law, published "If Anybody Asks Who I Am: An Outsider's Story of the Duty to Establish Paternity," in the *Yale Journal of Law and Feminism*.

DONALD J. MARES is auditor of Denver, the second-highest elected post in the city. Mares earlier served in both houses of the Colorado General Assembly.

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'83

LYNN R. AXELROTH, a partner in the real estate department of Ballard Spahr Andrews & Ingersoll, Philadelphia, participated in the Pennsylvania Bar Institute seminar on insurance problems in real estate, development, and construction, held in both Philadelphia and Harrisburg. She serves on the board of the Central Philadelphia Development Corporation, a non-profit organization with an urban planning focus. The Philadelphia chapter of Commercial Real Estate Women elected Axelroth to its board. She wrote an article in the *Legal Intelligencer* discussing the Americans with Disabilities Act and its effect on public building accommodations for the disabled.

The Library of Congress named SHIRA PERLMUTTER associate register of copyright for policy and international affairs. She also is a professor of law at Catholic University of America School of Law.

PAUL G. SHAPIRO joined Drinker Biddle & Reath, Princeton, N.J.

'84

DONALD C. EVERSLEY joined the City of New York's department of cultural affairs.

GREGG VANCE FALICK has relocated his firm to Suite 1560, Albuquerque Plaza, 201 Third Street NW, Albuquerque, N.M. Fallick concentrates in criminal defense and civil litigation.

ANTOINETTE D. HUBBARD, a partner in Warner & Stackpole, Boston, serves on the council of the Boston Bar Association.

Crompton & Knowles Colors, Charlotte, N.C. appointed MATTHEW R. JOYNER senior legal counsel.

MARC C. LAREDO opened his own law office in Boston.

DEBBIE RODMAN SANDLER, a partner in White and Williams, Philadelphia, spoke on sexual harassment in the workplace at the Institute of Business Law's conference on employment relations in Valley Forge, Pa.

JOHN SUMMERS, of Hangley Aronchick Segal & Pudlin, Philadelphia, co-chairs the professional responsibility committee of the Philadelphia Bar Association. Summers wrote an article in the *Legal Intelligencer* discussing the need for an ethics committee in firms.

'85

STEVEN S. FOX wrote eight articles that appeared in the magazine *The Creative*.

The New York law firm of Bachner, Tally, Polevoy & Misher named MICHAEL D. KARSCH a partner in the corporate department.

REUBEN C. WARSHAWSKY joined the Chicago firm of Neal Gerber & Eisenberg as a partner.

'86

DAVID CASTRO is director of Weed & Seed programs for the Commonwealth of Pennsylvania. He designs programs to combat drug crime and stimulate community development in Pennsylvania.

SHARON B. ECKSTEIN, of Willig, Williams & Davidson, Philadelphia, co-chairs the divorce committee of the Philadelphia Bar Association's family law section. She joined the Pennsylvania Academy of Adoption Attorneys. Eckstein married LAWRENCE R. INDIK in August.

The San Francisco firm of Brobeck, Phleger & Harrison appointed KEVIN B. FISHER as leader for the financial services and insolvency practice group.

YVONNE R. HADDAD joined the Detroit office of Miller, Canfield, Paddock and Stone, as an associate in the labor and employment department.

The Bosakowski Theater presented JAMES KAHN's *The Loophole* in November in New York City.

The Council on Insurance & Fidelities named QUINTIN L. KING, senior partner of Rexhaven & King, Chicago, to the board of directors.

Duane, Morris, & Heckscher, Philadelphia, named WAYNE A. MACK as a partner in the area of complex commercial litigation, with emphasis on antitrust, franchise, healthcare and securities law as well as class actions.

TIMOTHY F. MALLOY joined Manko, Gold & Katcher, Bala Cynwyd, Pa., as a partner.

Duane, Morris & Heckscher, Philadelphia, named DIANNE A. MEYER as a partner in the areas of commercial loan documentation, healthcare and municipal finance.

SHELDON D. POLLACK, assistant professor, College of Business and Economics, University of Delaware, was a guest scholar at the Brookings Institution in Washington last summer. Pollack testified before the Senate finance committee on proposals for revising the federal income tax.



Gregg Vance Fallick '84



Matthew Joyner '84



Yvonne Haddad '86

EDWARD B. SHILS and his wife, SHIRLEY, received the Philadelphia Geriatric Center's 1995 Family Award in October.

KENNETH I. TRUJILLO joined Christie, Pabarue, Mortensen & Young, Philadelphia, concentrating in white-collar criminal defense and commercial litigation.

'87

HELENA FRANCUS DINER and her husband, ALAN DINER, announce the birth of their son, Benjamin Gavriel, July 9.

Ballard Spahr Andrews & Ingersoll, Philadelphia, made BRIAN D. DOERNER a partner. He practices in the business and finance department and concentrates in the areas of securities law, mergers and acquisitions, partnership law and general corporate law.

The Miami office of Greenberg Traurig named JUAN J. MAYOL, JR., a shareholder, concentrating in local development issues and administrative and civil litigation.

FRANK N. TOBOLSKY, a shareholder in the Philadelphia firm of Frank N. Tobolsky, spoke about plain-language leases at the

Pennsylvania Bar Institute's "Representing Residential Landlords and Tenants" seminar. He has published a plain-language lease to suit Pennsylvania's 1995 contract law. Tobolsky spoke on "When Your Business Client Acquires Real Estate," in Baltimore and Cherry Hill, N.J.

'88

CURTIS L. GOLKOW joined Hangley Aronchick Segal & Pudlin, Philadelphia, where he concentrates in business transactions.

The firm of Fried, Frank, Harris, Shriver & Jacobson, New York, named KARL GROSKAUFMANIS a partner at their Washington office. He concentrates in civil and criminal securities enforcement, insider trading and corporate compliance.

'89

DANIEL S. JONAS, of Miller, Alfano & Raspanti, Philadelphia, addressed the Pennsylvania State Trial Judges on current issues in death penalty litigation. An adjunct professor at Penn Law, Jonas has taught a course on the death penalty since 1991.

JOSEPH R. HALPRIN has joined AT&T in Basking Ridge, N.J., as an attorney supporting the consumer communications division including intraLATA and local markets agenda. His e-mail address is law295cjhalprin@attmail.com.

CHARLES S. MARION joined the West Palm Beach firm of Tew & Beasley, concentrating on commercial and securities litigation and bankruptcy.

ABBE A. MILLER, a corporate bankruptcy and reorganization attorney, joined Hangley Aronchick Segal & Pudlin, Philadelphia.

ALAN J. OMINSKY, of Bernstein Silver & Agins, Philadelphia, spoke on confidentiality in the ethics of law and medicine at a conference on medical malpractice sponsored by PaTLA. At the Pennsylvania Bar Institute's personal injury institute, he discussed "Scientific Evidence After Daubert."

'90

CRISTINA DEL VALLE serves as in-house associate counsel to the Metropolitan Museum of Art, New York. She works primarily with licensing work for the museum's shops and also with leases, publishing, employment and some construction law.

ALBERT P. PARKER joined the firm of Schnader, Harrison, Segal & Lewis, Philadelphia, concentrating in commercial litigation.

'91

L.B. KREGENOW joined Klett Lieber Rooney & Schorling, Philadelphia, as an associate.



Curtis L. Golkow '88



Michael D. Stowsky '91

MICHAEL D. STOVSKY, of Kahn, Kleinman, Yanowitz & Arnson, Cleveland, is a member of the American Bar Association's Business Law Section Legal Education Committee and the ABA's committee on legislation. He serves on the Cleveland Bar Association's joint medical-legal committee.

'92

KURT F. GWYNNE co-authored, "Third Circuit Explores Sec. 523(a)(8) Parameters," published in the *Legal Intelligencer*.

'93

The Asian American Legal Defense & Education Fund named DENLEY Y. CHEW to its board. Chew works for the Federal Reserve Bank of New York, where he is secretary to the drafting committee of the principles and practices for wholesale financial market transactions.



*Christian P. Jones '95*

SOPHIA L. HERBERT-PETERSON became an associate of Gambrell & Stolz, Atlanta, practicing civil litigation.

'94

ERIC A. SHORE joined Weinstein, Goss, Schleifer, Eisenberg & Associates, Philadelphia, concentrating in personal injury and social security claims.

'95

ANTHONY FALZON received the James J. Manderino Award for Trial Advocacy, presented to graduating law students by the Philadelphia Trial Lawyers Association.

JOHN H. GRADY, JR. joined the business and finance section of Morgan, Lewis & Bockius in its Washington, D.C. office.

CHRISTIAN P. JONES joined the firm of Bond, Schoeneck & King, Syracuse, N.Y., as an associate.

Skadden, Arps, Slate, Meagher & Flom, New York, named PETER RUNDLET one of its 25 Skadden Fellows. For two years he will provide legal assistance to those in need through the NAACP Legal Defense Fund in Washington, D.C.

Skadden, Arps, Slate, Meagher & Flom, New York, named LAVAL WILSON as one of its 25 Skadden Fellows. For two years he will provide legal assistance to those in need through the Juvenile Law Center in Philadelphia.

IN MEMORIAM

*The following alumni and friends of the Law School were omitted from the list of generous donors who made gifts of \$25,000 or more to the Campaign for Penn Law. We apologize for these omissions.*

*Howard M. Appel '86  
The Honorable Harold Berger '51  
Conston Foundation  
Dechert Price & Rhoads  
Mary and William B. Johnson '43  
Steven B. Lapin '70  
John B. Lowy '68  
Roland Morris '60  
Raymond G. Perelman  
Michael M. Tomasko IV '68  
Union Pacific Foundation*

ERRATA

*The Editor and Law School apologize for the following errors in the last editions of the Journal and the 46th Annual Report of Giving:*

*Frank Tobolosky '87 let us know that he is not a member of the Class of '85; we're sorry for aging him at least two years.*

*We inadvertently omitted The Honorable Thomas N. O'Neill, Jr. '53 and Professor A. Leo Levin '42 from the list of donors who made gifts to the James O. Freedman Portrait Fund. Our regrets for the omissions.*

*We're sorry that the gift that Robert E. Wachs '52 made to Annual Giving was mistakenly credited to another Law School fund. We apologize to Mr. Wachs and the Class of '52 for the error.*

'29  
FRANK J. VALGENTI, JR.  
October 9, 1995

'30  
JOSEPH M. FIRST  
September 6, 1995

'31  
ISADORE J. BRODSKY  
December 1994

'32  
THE HONORABLE  
MORRIS GERBER  
November 1, 1995

'33  
JOSEPH GRAFF  
November 1, 1993

MARTIN B. EBBERT  
October 4, 1995

'35  
THE HONORABLE  
CHAUNCEY M. DEPUY  
May 16, 1995

'37  
CLAIRE G. BIEHN  
October 25, 1995

'38  
IRWIN PAUL  
April 12, 1995

'39  
DAVID R. MEEHAN  
October 17, 1995

'40  
WALTER L. PETERS  
September 12, 1995

'41  
PAUL A. WOLKIN  
November 9, 1995

'43  
THE HONORABLE  
JACK H. ROSEMAN  
October 26, 1995

'44  
G. SHELDON PITT  
September 22, 1995

'47  
HARRY P. O'NEILL, JR.  
May 10, 1995

ALFRED W. PUTNAM  
November 12, 1995

'49  
THE HONORABLE  
HOWARD F. REED, JR.  
August 11, 1995

'56  
RICHARD L. BOND  
October 2, 1995

'66  
LAWRENCE A. GARBER  
October 28, 1995

'78  
GEOFFREY R.  
SAYRE BROWN  
June 5, 1995

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Glen A. Tobias '66

Robert I. Toll '66

Mark Weinstein '68

• *emeritus status*

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The Journal, Vol. 31, Iss. 2 [2014], Art. 1

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