



BIG IDEAS

FALL
2016

PennLawJournal

THE FACULTY ISSUE

From copyright to marriage, Penn Law scholars are rethinking accepted doctrine and broadening our understanding of the law.

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CORRECTIONS

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

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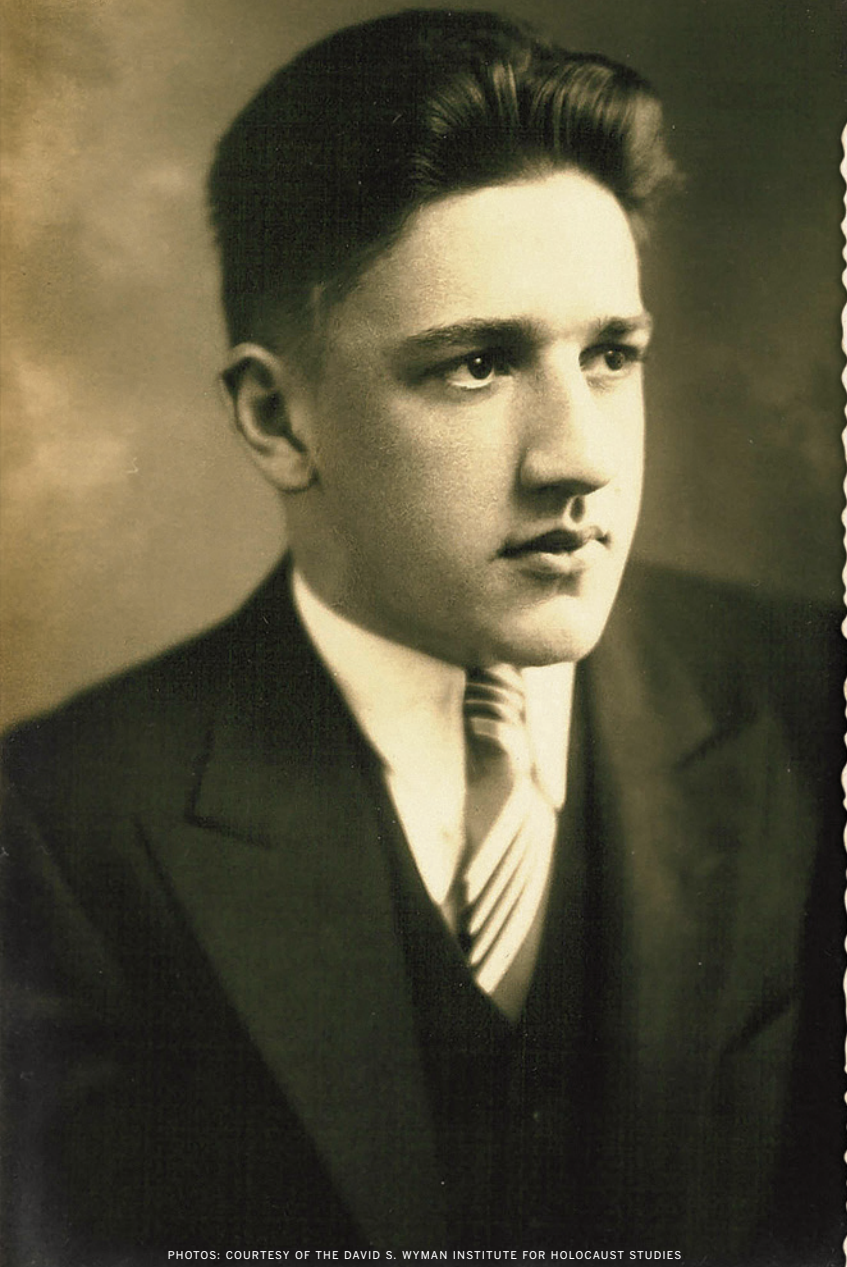
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← Josiah DuBois at the time of his graduation from Penn Law (left) and later, with his wife Dorothy (right).



PHOTOS: COURTESY OF THE DAVID S. WYMAN INSTITUTE FOR HOLOCAUST STUDIES

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Big Ideas

Copyright. Marriage. Contracts. Workplace. Disparate subjects, to be sure. But in each case, Penn Law faculty are providing fresh insights into how the law works or should work.

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The Lesnick Legacy

Howard Lesnick taught fifty years at Penn Law School before calling it a day, continually reminding the young lawyers about their obligations to the profession and to society.

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Fighting Over Free Speech

Free speech is under assault on college campuses. Last spring Penn became ensnared in the conflict over who can speak and on what subject.

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Righteous Indignation

Undoubtedly, you've never heard of Josiah E. DuBois Jr. C'31, L'34. But he was a hero who saved scores of Jews during World War II by standing up to FDR's government.

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FROM THE DEAN



PHOTO: COLIN LENTON

ONE OF THE PRIVILEGES OF BEING DEAN IS the opportunity to broadcast the path-breaking scholarship of our faculty. One such opportunity presents itself in the Fall *Penn Law Journal*.

The issue you hold in your hands features the work of four scholars who have joined the faculty within the last decade. Each carries on the tradition of innovation to which we've become accustomed at Penn Law. They employ a range of methodologies — from historical analysis to experimental psychology — to shed new and important light on pressing issues in the law, all the while bridging different disciplines into a coherent whole, reflecting the guiding philosophy of our school. And all are master teachers who bring their particular insights into the classroom for the benefit of our students.

In these pages you will read about the work of Shyam Baganesh, who proposes fundamental reforms to copyright law which include a restoration of the courts as the body of authority in making laws that govern infringement and creative enterprise.

You will also read about the work of legal historians Sophia Lee and Serena Mayeri, each of whom offer correctives to accepted wisdom on, respectively, constitutional law in the workplace and the legal benefits of marriage. Professor Lee traces the surprising history that led to a lack of constitutional protections for most American workers. Professor Mayeri describes the evolution of marriage and ponders how the institution retains its legal supremacy in an era of feminism and same-sex marriage.

Finally, you will read about the work of Tess Wilkinson-Ryan L'05, a product of Penn Law's unique cross-disciplinary program. Professor Wilkinson-Ryan draws on economic analysis, empirical legal studies, and experimental psychology, among other methodologies, to analyze how ordinary people view their contractual obligations.

While we celebrate the work of these scholars, we must also acknowledge the retirement of one of the "greats," Howard Lesnick. After fifty years at Penn Law, Howard joins our distinguished roster of emeritus faculty. We pay tribute to Howard in this issue, noting his seminal involvement in the establishment of our public service program, among so many other achievements. His impact will be felt for years to come.

Sincerely,

Theodore Ruger

Dean and Bernard G. Segal Professor of Law

#PENNLAW

“A career uplifting others and fighting for their rights is not just a goal for me, but also a personal obligation and this fellowship allows me to continue fulfilling this responsibility.”



How can we be sure new insights in neuroscience are used in responsible ways? @PennLaw's Stephen Morse weighs in. <http://bit.ly/2e3F7Td>

A new three-year study from @pennlawctic will compare antitrust law in China, Europe, and the U.S. <http://bit.ly/2eOIGik>



A @PennLaw fellowship is taking Sarah Kuper LLM'16 to a new opportunity with the @UN Security Council @NZUN. <http://bit.ly/2eOjjw2>



Natasha Arnpriester L'16 uses Chubb Rule of Law fellowship to fight for the rights of refugees. <http://bit.ly/2cU99Xh>

Download the tablet edition of Penn Law Journal in the App Store.

New research from @PennLaw's Deepa Das Acevedo proposes "Shadow 401(k)s" to help workers save for retirement. <http://bit.ly/2eioPDF>

Wall Street has @LendingClub's founder under scrutiny. @PennLaw's Jill Fisch weighs in @markets. <http://bloom.bg/2dMpxs1>



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A Call to Update Provisions for Vaccine Injury Compensation

By Susan Lee L'95

AS A PREVENTIVE HEALTH MEASURE FOR THE UPCOMING WINTER MONTHS, the Centers for Disease Control and Prevention (CDC) recommends getting the influenza vaccine. Imagine after receiving an influenza vaccine, you immediately experience searing pain in your shoulder. Unable to lift your arm, a doctor diagnoses you with deltoid bursitis or shoulder injury related to vaccine administration (SIRVA). For over six months, you experience this pain and are unable to perform daily living activities like getting dressed and driving without assistance.

In the United States, vaccine injury compensation is available under the National Childhood Vaccine Injury Act (Vaccine Act). Congress proposed this legislation thirty years ago, yet most individuals I have encountered, including physicians and attorneys, have never heard of the Vaccine Act. The United States Department of Health and Human Services (HHS) administers the vaccine injury compensation program. Within HHS is the CDC, the government agency responsible for approving and regulating vaccines.

If you do decide to file a vaccine injury claim in the U.S. Court of Federal Claims the respondent is HHS who is legally represented by Department of Justice attorneys in the proceedings. The Vaccine Act removed vaccine manufacturers as parties to the proceedings. Originally, the purpose of the Vaccine Act was to avoid time-consuming and costly litigation. The proceedings are conducted in a non-traditional legal setting with a unique set of legal rules. Unlike other personal injury lawsuits, special masters preside over the “administrative” proceedings where there are no juries. Additionally, the Federal Rules of Civil Procedure and Federal Rules of Evidence do not apply.

In addition to SIRVA, HHS lists other compensable vaccine injuries as Guillain-Barré Syndrome (GBS), transverse myelitis, brachial neuritis, acute disseminated

encephalomyelitis, chronic inflammatory demyelinating polyneuropathy, arthritis, idiopathic thrombocytopenic purpura, myalgia, encephalopathy, hearing loss, optic neuritis, anaphylaxis, shingles, systemic lupus erythematosus and other autoimmune and neurological disorders. In 2010, special masters presided over approximately 434 filed cases in the calendar year. Last year the approximate number of filed cases rose to 945. Because of the high volume and increasing number of filed vaccine injury claims the office of the special masters (OSM) created a special processing unit (SPU) in July 2014. The SPU is a type of alternative dispute resolution tool. Currently, there are eight special masters, and their dockets are overloaded. In May 2016, the OSM anticipated 1,200 cases for 2016. As of March 31, 2016, in the SPU the approximate breakdown of cases was: 63% for SIRVA; 27% for GBS; 4% for brachial neuritis; and 2% for intussusception. As of August 1, 2016, the OSM awarded \$172,507,137.63 to 535 claimants under the program.

With the rising number of vaccine injury claims, my first recommendation is to increase the number of special masters from eight to sixteen. It is an easy solution for eight inundated dockets. I am confident the government can budget for more special masters from the approximately \$3.4 billion in the vaccine injury compensation fund.

My second recommendation is to extend the statute of limitations. The current statute of limitations is three years from the date of injury. This time frame is too short. Long-term effects of vaccination on the body remain unknown. It is an area bereft of knowledge. Lacking scientific knowledge and ignorant of rights afforded to vaccine recipients under the Vaccine Act, too often, the statute of limitation expires so



potential claimants miss out on receiving possible damages for their injuries.

Lastly, I would recommend an increase in the pain and suffering amount. The cap on pain and suffering is \$250,000, and this amount has not changed since the effective date of the Vaccine Act on October 1, 1988.

These three recommendations are no-brainers especially because vaccine injury compensation is supposed to be just, and Congress wished to error on the side of generosity when creating the Vaccine Act. Until the creation of the special processing unit, petitioners experienced claims dragging on for years that were contentious with an undesirable outcome of parsimonious compensation awards, if any amount at all.

Although the creation of the SPU has resulted in compensation for 94% of the claims, vaccine injury compensation can be an arduous process. While SPU cases usually involve the influenza vaccine not all claims fall under the SPU because the Vaccine Act covers other vaccines. For non-SPU cases, the proceedings resemble personal injury litigation but without the typical court rules, defendant, judge and jury. As a result, I have provided three steps in the right direction. Change for this program is long overdue. The only way to make these changes is to get Congress to amend the Vaccine Act. I urge you to educate yourself about this unknown program and get in frequent contact with your Congressional representative. Advocate for a more just program so that it does what it was originally designed to do—get money quickly and easily to those who are suffering from vaccine injuries.

Susan Lee is a consultant to *Focus for Health*.
www.focusforhealth.org

NEWS & EVENTS

IN SESSION



PHOTO: PABLO MARTINEZ MONSIVAIS / ASSOCIATED PRESS

NAACP President Counsels Young Lawyers to Use Moral Imagination in Their Work

The speech had the rhythm and cadence of a fiery preacher's sermon.

"It was powerful and very resounding," said Allanté Keels C'13, L'16, last year's president of Penn Law's Black Law Student Association (BLSA). "It felt like he took us to church."

Cornell William Brooks, president and CEO of the National Association for the Advancement of Colored People (NAACP), capped Penn Law's Black Law Student Association's Sadie T.M. Alexander Commemorative Conference in February with his keynote address.

Brooks, a fourth-generation minister in the African Methodist Episcopal Church, used some of the same rhetorical devices heard in Martin Luther King, Jr.'s "I Have a Dream" speech, but he addressed

the possibilities—and pitfalls—of the Fourteenth Amendment.

He talked about the importance of coming together to protect Americans' rights.

"In no uncertain terms can we keep police officers safe and not keep the communities they police safe as well," he said. "These two things not only go together: One is necessary for the other."

Brooks, a Yale Law graduate, called on lawyers to be brave in a way that goes beyond having an unpopular opinion.

"We need lawyers with an expansive moral and legal imagination," he said. "We have to use statutory tools, constitutional vehicles, we have to engage in regulatory reform, we have to engage in best-practice reform, we have to bring people together. We have to think outside the box, and yes, we have to work with folks who are outside of our law firms, and outside of our public interest organizations."

He recalled the accomplishments of Sadie Alexander ED'18, GR'21, L'27, the conference's namesake. Alexander was America's first black woman to receive a PhD in economics and was Penn Law's first female black graduate.

"When we read about her life, and the grace of yesteryear," Brooks said, "we have to ask ourselves this question: If our forebears, if our foremothers and forefathers, did all they did with what little they had, why, why, why can't we do more with all we've been given?"

Keels said it was a thrill for him and the conference co-chairs,

Ashley Walters L'17 and Esther Clovis L'17, to have Brooks at the conference.

"It was a privilege to have someone of his stature—the president and CEO of the NAACP—to be able to deliver that address," Keels said, "especially given the context that we're honoring someone with another powerful legacy, Sadie Alexander."

Penn Law's International Moot Court Team Truly World Class

Penn Law's Phillip C. Jessup International Law Moot Court Team is the best in the United States. In April, the Law School team participated in an international competition in Washington, D.C., making the championship round.

Over 550 teams from all over the world participated in the Jessup competition, during which Penn Law defeated several traditional favorites, such as NYU, Columbia, and India's National Academy of Legal Studies

and Research, among others, to earn a place in the World Championship Round against Argentina's Universidad de Buenos Aires, which defeated Penn Law.

The Jessup competition presents a dispute between two fictitious countries that raises pressing issues in international law. This year's dispute, titled "The Frost Files," concerned mass surveillance and cyber-attacks.

Penn Law's oralists argued the World Championship Round before judges from the International Court of Justice, hundreds of spectators in attendance, and thousands watching from around the world on livestream.

The team consisted of Bethan Jones L'16, Adria Moshe L'16, Alexander Bedrosyan L'16, Leo Park L'17, Camilla Ihenetu L'17, Laura Harrison L'18, and Tracy Corbett L'18, and was coached by Professor Bill Burke-White and lecturer Alka Pradhan.

“
**WE HAVE TO THINK
 OUTSIDE THE BOX, AND
 YES, WE HAVE TO WORK
 WITH FOLKS WHO ARE
 OUTSIDE OF OUR LAW
 FIRMS, AND OUTSIDE OF
 OUR PUBLIC INTEREST
 ORGANIZATIONS.”**

CORNELL WILLIAM BROOKS
President and CEO of the NAACP

Number of lawyers in the U.S., according to the American Bar Association

1.3 million

%

Percentage of incoming IL Penn Law students with STEM (Science, Technology, Engineering and Math) backgrounds

10

2,000,000

Number of articles downloaded from the Penn Law Scholarship Repository, which contains faculty scholarship and podcasts, content from student journals and papers, and the *Penn Law Journal* alumni magazine.

97

%

Percentage of criminal cases resolved through plea bargaining, according to John Hollway C'92, executive director of Penn Law's Quattrone Center for the Fair Administration of Justice.

Novel JD/MD Degree Will Prepare Students for Hybrid Careers

A new collaboration between Penn Law School and the University's Perelman School of Medicine will enable students pursuing careers at the intersection of law and medicine to earn a joint JD/MD degree.

"Through this new program, students will have the opportunity to attend two world-renowned schools at the forefront of research, teaching, and practice in their respective fields," said Ted Ruger, Dean of the Law School and Bernard G. Segal Professor of Law. "The law touches every aspect of society, and for students, having degrees in both law and medicine is both highly beneficial to one's career as well as to society, and a wholly unique advantage."

"Having a knowledge of the law is, increasingly, an integral part of being both a physician and a biomedical research scientist, and these fields will benefit from professionals with in-depth, hybrid expertise," said J. Larry Jameson, MD, PhD, Dean of the Perelman School of Medicine and Robert G. Dunlop Professor of Medicine. "The JD/MD program will empower health professionals to effectively address the emerging legal issues that accompany topics ranging from patient confidentiality in the era of big data and electronic medical records to patenting and commercialization processes for new discoveries."

The new program will be initiated in the 2017–18 academic year. Candidates for the program would

matriculate in both schools. They would spend the first two years at the medical school, the second two years studying law, the fifth year at the law school while also taking medical courses, and the sixth year solely at the medical school.

The new JD/MD degree joins a roster of joint-degree and certificate programs focusing on law and health. The JD/MBE program allows students to earn a law degree from Penn Law and a Masters of Bioethics from the Medical School, and many medical students also pursue master's degrees in Bioethics,

as well. The Master in Law (ML) program provides professionals with a fundamental legal skillset and features a specific health law track for medical professionals.

Cross-disciplinary study is a longstanding hallmark of the curriculum in both schools' curriculums. Seventy-five percent of law students and 65 percent of medical students at Penn already graduate with a joint degree or certificate. This exciting new partnership solidifies a program successfully completed on an ad hoc basis by several talented students in the past.



With all the legal issues, there's more to the practice of medicine today than stethoscopes and surgical masks.

Two New Faculty Members

Beth Simmons, a world-renowned authority on international relations and human rights at Harvard University, has been appointed Penn's eighteenth Penn Integrates Knowledge University Professor.

Simmons is the Andrea Mitchell University Professor, with joint faculty appointments in the Law School and the Department of Political Science in the School of Arts and Sciences.

At Harvard, Simmons was Clarence Dillon Professor of International Affairs and served from 2006–2013 as director of the Weatherhead Center for International Affairs. A member of the National Academy of Sciences and the American Academy of Arts and Sciences, she is former president of the International Studies Association and author of two landmark books: *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge University Press, 2009) and *Who Adjusts? Domestic Sources of Foreign Economic Policy During the Interwar Years, 1924–1939* (Princeton University Press, 1994). Both books won the Woodrow Wilson Award of the American Political Science Association as the best book of the year published in the United States on government, politics, or international affairs, as well as additional major awards from the International Studies Association, the International Social Science Council, and the American Society for International Law.

A co-editor of seven books and author of dozens of influential articles and book chapters, Simmons

worked from 1995–1996 at the International Monetary Fund and previously taught at the University of California-Berkeley and Duke University. She earned a PhD and MA in Government from Harvard University, an MA in International Relations from the University of Chicago, and a BA summa cum laude in political science and philosophy from the University of Redlands.

"It is tremendously exciting to welcome to Penn one of the world's leading scholars of global affairs and human rights," said Penn Provost Vincent Price. "Beth Simmons brings to us deep scholarly expertise and global engagement across multiple disciplines. She is certain to be an extraordinary catalyst for the Perry World House, for Penn's engagement around the world, and for our vibrant intellectual life here on campus."

The Penn Integrates Knowledge program was launched by President Gutmann in 2005 as a university-wide initiative to recruit exceptional faculty members whose research and teaching exemplify the integration of knowledge across disciplines and who are appointed in at least two Schools at Penn.

Also joining the faculty is promising young scholar Ryan Doerfler, who holds a JD from Harvard Law School and a PhD in philosophy from Harvard University. He was previously a Bigelow Fellow at the University of Chicago Law School and a clerk for the Hon. Sandra L. Lynch for the U.S. Court of Appeals for the First Circuit. His scholarship focuses on questions of statutory and constitutional interpretation, drawing from his studies in philosophy.

“IT IS TREMENDOUSLY EXCITING TO WELCOME TO PENN ONE OF THE WORLD'S LEADING SCHOLARS OF GLOBAL AFFAIRS AND HUMAN RIGHTS.”

VINCENT PRICE

Provost, Steven H. Chaffee Professor of Communication and Professor of Political Science

The Art of Law

FOR SEVERAL DAYS LAST APRIL, THE Law School resembled Penn's School of Design. A student lounge featured works of art—from paintings to sculpture—created by nine students who belong to a student organization called Penn Law and the Arts. The group, dedicated to supporting, promoting and protecting the arts, explores legal issues related to art preservation, art theft, and museum representation—and, it seems, showcases the hidden talents of the Penn Law community.

PHOTO: CHARLES SHAN CERRONE





From the NFL to a JD/MBA

IN RECENT YEARS **Todd Mortensen L'12, WG'12**, a corporate attorney at Sullivan & Cromwell, has advised the Los Angeles Dodgers on their bankruptcy and subsequent sale to a group led by Los Angeles Laker legend Magic Johnson. It was an interesting experience for him, given that he was not that far removed from an athletic career himself—Mortensen played in the NFL for four seasons, most memorably as a member of the 2006 New England Patriots.

When Mortensen left the field of play in 2007, he returned to his original post-college plan to attend graduate school. He enrolled in the JD/MBA program at Penn Law and Wharton and used the dual degree as a springboard to work as an investment banker, in the investment management industry, and now as a lawyer.

What did you learn as a member of the New England Patriots, a team led by perfectionists such as head coach Bill Belichick and quarterback Tom Brady?

No matter how much talent you have there are still no shortcuts; you have to be able to perfect your craft and work very diligently at it and train and practice and establish good relationships with your teammates. These same principles apply whether you're in a graduate school program, working at a large company, your own startup, or in a law firm.

What don't people know about the NFL?

How incredibly intelligent all of the athletes are. And they're not only intelligent in terms of their smarts and their ability to memorize a playbook and understand each of their responsibilities on 90 different plays against 5 different defenses. But guys have an innate sense of spatial intelligence and motion intelligence and they can sense things physically in a way that is just really incredible.

What has been the value of the JD/MBA program to you?

Having a dual degree instantly differentiates you from your peers. You can approach problems from a business perspective. What are the underlying economics, what is the strategy, what are the financial and accounting metrics used to manage the outcome. But you can also turn around and put on your lawyer hat. What are the key issues to be analyzed, what are the legal ramifications if we structure the business or the transaction or approach the legislation (in a particular way). How can we protect the entity that we're working for from legal challenges or lawsuits or potential liability.

I understand you are an accomplished pianist and composer. Tell me about that.

I was a product of my upbringing. My dad (Fred Mortensen) was a quarterback (for the Denver Broncos and in the USFL) and my mother was a piano teacher. So growing up I always had to do my piano practice before I could go out and play. I kept with it long enough that in high school I joined a jazz band and I started composing at that time.

“ THE LAWS THAT WERE WRITTEN ARE BEING REWRITTEN, AND THERE ARE SO MANY AREAS OF GRAY... BECAUSE OF THE ADVANCES IN TECHNOLOGY AND DIGITAL DISTRIBUTION.”

JONATHAN SEIDEN L'01
Lecturer in Law

A Pitch for Lawyers to Get Right with Technology

No matter your law practice, chances are you're going to have to do some nitty gritty detail work on your computers at some point. And it can be a real pain if you don't know what you're doing.

Take, for example, renumbering sections in a lease agreement, a tedious operation courtesy of Microsoft Word.

"It's miserable work," said Casey Flaherty, a lawyer-turned-entrepreneur who participated in Penn Law's Center on Professionalism's Capstone Presentation in the spring.

Flaherty developed a test for lawyers that teaches them how to best employ the everyday technology they use to do their jobs. The results of the test are submitted to employers so they can see if further training is required.

The idea is that more efficiency in performing mundane tasks can translate to higher profits, a very important consideration at a time

when large firms and companies are trying to reduce legal costs.

To that end, Flaherty launched Legal Tech Audit in February 2015, and it has drawn interest, *The Washington Post* noted, from several Fortune 500 companies and Big Law firms.

Flaherty's main message to the audience was this: Don't underestimate the value of technical training.

"People hate going to training," he said. "They hate it, they hate it, they hate it. It's hard to convince people of training value."

That said, Flaherty's training test is showing that the ability to master the minutiae of technology—everything from track changes to functions such as find and replace—correlate with career success. The highest-rated partners are the ones who have scored the best on the test, he said.

If there isn't training available at your office, Flaherty recommended starting with some simple YouTube and Google searches. "There is," he said, "so much training available."

No Glitz Just Brass Tacks in New Entertainment Law Class

It's easy to dismiss the glitz of Hollywood and the banality of celebrities' social media accounts as frivolous fluff.

But the entertainment industry has a lot more depth—and opportunity—than some give it credit for, says Jonathan Seiden L'01: It accounts for 6.5 percent of the U.S. GDP and employs six million people.

"At the end of the day, this is one of our biggest exports, and I think that's why a proper view of the law surrounding the industry would be an interesting class," he said.

That's why he's teaching a new class in entertainment law this fall at the Law School. The entertainment law expert is teaching in large part because he wants to give back to his alma mater.

"I feel very loyal to the school that gave me a profession that I'm happy to go to work to every day," he said.

His curriculum draws from the best aspects of his law school experience and real-life know-how. He's covering areas such as negotiating endorsement deals, analyses of music, television, film and music festival agreements and provisions, and current entertainment litigation and its ramifications for IP and contract law. He also plans to bring in some industry insiders as guest speakers.

Seiden started his law career at Skadden, where he was part of the Intellectual Property and Technology Group from October 2001 to March 2006. Then he became in-house counsel at CCKX, Inc. (now Core Media Group), which owns

the intellectual property assets to the *American Idol* franchise and was the prior owner of the Elvis Presley Estate and Muhammad Ali's intellectual property rights.

There, he helped manage the celebrity brands, which included a stint working with Cirque du Soleil on an Elvis-themed show in Las Vegas as well as many other projects ranging from album releases to stage shows to product licensing. He also counseled final *American Idol* contestants on the various contracts that they would be required to sign if they competed in the show, often negotiating with the top music lawyers in the country. Seiden's work for the show also involved agreements with sponsors, live summer tours and foreign spin-offs of the show.

In 2012, Seiden traveled with Muhammad Ali and his wife to the London Olympics to raise awareness

for the Muhammad Ali Center and the Ali Parkinson Center, which included charity events with David Beckham and other sports and entertainment luminaries.

Most recently, Seiden spent almost a year and a half as head of business affairs for SFX Entertainment, a live-events conglomerate that produces some of the biggest music events around the globe, and in July joined WME-IMG (a merger of famed Hollywood agency William Morris with sports and fashion conglomerate IMG) as legal counsel where he is working on both owned assets such as the Miss Universe Pageant as well as its litany of celebrities and brand for which it provides representation services.

Entertainment law, Seiden noted, involves the gamut of legal knowledge, from intellectual property to torts to contracts.

"You have to be the accountant, you have to be the lawyer, you have to be the business development guy, the business affairs guy, you have to be the tax consultant, you have to be all those things, and sometimes the immigration consultant," he said. "Everything pops up, and they expect you to know everything."

Now is a great time to be learning about entertainment law, Seiden said, because the industry is exploding and constantly evolving.

"The laws that were written are being rewritten, and there are so many areas of gray just because of the advances in technology and digital distribution" he said. "That's the fun part—asking questions that haven't been answered yet." ♥



Is government broken? Kasim Reed, the dynamic young mayor of Atlanta, responded to that question at a Penn Law conference last March. He said it depends on the form of government. The federal government often fails to rise to challenges and because of that is viewed unfavorably by the public. On the other hand, he said, city government does a much better job of delivering services and responding to the needs of constituents. "The cities are it," Reed said. The conference was a product of The Model Government and Public Affairs Initiative.



Low-Income School District Finds Heavy-Duty Mentoring Key to College

IN 2008, **Dan Clement L'74** CO-FOUNDED A NONPROFIT COLLEGE-PREP mentoring program that targeted high-achieving low-income students of color who were predominantly the first in their families to go to college. Two and a half years later, 81 percent of program participants went to college. By comparison, in 2014, just 34.7 percent of American Hispanic students enrolled in college, according to the National Center for Education Statistics, so Clement's program made quite a statement.

Today, he runs the show for College Bound Today in all five high schools in the Montebello Unified School District, a largely Latino district located about seven miles east of downtown Los Angeles. Clement handles practically everything — fundraising, recruiting mentors, managing relationships with school district leadership and other partners, arranging SAT prep courses and college campus tours, among other tasks.

"I'm basically it," Clement said. And he doesn't get paid a cent for it. "It's 100 percent volunteer," he said.

Back in 2008, Clement, a longtime Los Angeles trial lawyer, was ready for a change.



← Dan Clement L'74 with participants in the College Bound Today program, all 11th graders at Bell Gardens High School. Pictured (from left to right) are Estephanie Garcia, Fernando Rios, Clement, Anali Cabrera and Hunter Rios.

PHOTO: MAX S. GERBER

“After 31 years, I decided that this has been a really wonderful career, and while I still had some gas left in the tank, I wanted to get involved with nonprofit work,” he said.

He landed as a volunteer staff member at Community Partners, an umbrella-like nonprofit that helps startup nonprofit projects in the L.A. area succeed.

Clement spent his first few months there learning about different projects and reviewing applications from people who wanted to start projects through Community Partners.

One of those applications was submitted by Todd Clark, a man who had spent his career in the educational nonprofit sector and wanted to start a program called College Bound Today.

“Todd told me about this mentoring program he had designed, and I said, ‘If you’re serious, I’d love to help you build that program,’” Clement said. “So that’s what happened.”

The Montebello Unified School District has an enrollment of approximately 28,000 K-12 students, 93 percent of whom

are Latino, and 80 percent of whom are living below the federal poverty level, according to Clement.

Students attend monthly Saturday morning meetings with their mentor team, make numerous college visits and take a free SAT prep course. But what really accounts for the program’s success is its team-mentoring design: each 10-student group contains high and low achievers and is assigned three mentors, so there is both peer and adult help available.

In the program’s pilot year, College Bound Today opened its doors at one high school with 74 10th grade students and 30 mentors. Two and a half years later, 60 of these students went to college, including Harvard, Stanford, UC Berkeley, UCLA and Mount St. Mary’s, while one enrolled in a post-secondary school certificate program (and now does video work for Disney).

The program gradually expanded into other high schools in the district, and last June, College Bound Today welcomed the district’s fifth school to the fold. Since the program’s inception, 745 of the 750 students who have completed College Bound Today have gone on to college.

In 2015, College Bound Today won the Golden Bell Award, a statewide recognition from the California School Boards Association that showcases educational programs that are innovative, can demonstrate success through statistical proof, and can be replicated in other school districts.

Expanding the program would be possible but not easy, Clement said. A step toward eventual expansion, he said, would involve having a professional program evaluation done. He’s now the one running the show, as Clark has substantially decreased his involvement. In 2014, Clement struck a 5-year deal with the school district which agreed to assign two district employees to work with him as program staff through 2019.

A handful of foundations have given College Bound Today solid support over the years he said, but he wishes he had more time to get more funding and recruit more mentors.

“I’d like to be in a position to ... hire a person to do what I’m doing,” he said. “I’m in my mid-60s, I’m not going to last forever, and I want this program to outlast me.”

Still, Clement says he enjoys the work and is thrilled to have co-founded a nonprofit organization that enables him to accomplish what he set out to do in finding a meaningful way to help others. And this school year, something special has happened that Clement never imagined happening when the program began in 2008.

“We now have our own alumni students who have graduated from college, moved back to their communities, and have recently started serving as College Bound Today mentors at their high school alma maters where they’re helping younger students follow in their footsteps to college,” he said. “That moves me deeply. It doesn’t get any better.”



BIG IDEAS

From copyright to marriage, Penn Law scholars are rethinking accepted doctrine and broadening our understanding of the law.

By **Lindsay Podraza** and
Larry Teitelbaum



01 HOW TO SOLVE THE COPYRIGHT CONUNDRUM

MORE CREATIVITY IS BETTER than less.” Who can argue with that? Not Shyam Balganesh, who voiced those words during an interview in which he issued a passionate call for fundamental reforms to the U.S. copyright system.

Balganesh, a member of the Penn Law faculty since 2009, has been talking and writing about the shortcomings of that system over the last several years, criticizing a one-size-fits-all legal regime that he argues constrains the dynamism and diversity of creativity and ultimately the overall public good.

Balganesh suggests a copyright system that accommodates different rules for different forms of creativity. “Struggling individual artists, literary novelists, software programmers, and Hollywood studios do not all think and act alike when they create. And yet, current copyright law assumes that they do—and should!” In other words, Balganesh proposes what he calls a “more nuanced and context-sensitive doctrinal mechanism” that balances the needs of creators, users, litigants, on a case-by-case basis.

How to get there is the hard part. As Balganesh relates, stagnation set in when Congress took over the then-traditional role of the courts and codified copyright law comprehensively in 1976. Since then, change has been hard to come by in Congress, even more so in recent years as the legislative body has become more and more gridlocked and unable to pass laws.

Enter the federal judiciary. Today, federal judges deciding copyright cases are far more comfortable interpreting rather than making law, for fear that they will be branded judicial activists, which has become a pejorative in the charged American political process. But that’s exactly what Balganesh thinks judges should do when it comes to copyright: make law.

“Courts should play a much, much more central role in crafting the copyright system than they do currently,”

said Balganesh, “and they should do this by relying on the knowledge that they have from a variety of other areas, that they have developed and controlled for ages now, such as tort law, contract law, the law of unjust enrichment and property law, all areas where courts have been the primary gatekeepers, so to speak, of the area.”

Balganesh recognizes the heavy lift. While the federal judiciary, he noted, is better equipped to sort through the complexity of copyright law, it must be willing to take back its law-making power. And Congress in turn must agree to relinquish a good amount of its law-making authority.

Balganesh began to think about what it takes to encourage innovation at the ripe age of 15. In the mid-1990s he found himself sitting around his parents’ dinner table listening to and participating in discussions about India’s entry into the World Trade Organization, and what it might mean for the country’s economic development to have stronger intellectual property laws.

Years later he’s become an expert in property law, intellectual property, patent law and law and technology, in addition to copyright law. He is co-author on a few important sections of the leading treatise on the subject of copyright law: *Nimmer on Copyright*. Last year, he was asked to be an adviser to the American Law Institute’s new Restatement of Copyright, a project that is attempting to synthesize judge-made law in the field, to aid future courts and lawyers.

His argument for more judicial involvement goes to the heart of whether juries, as they do now, should be in a position to rule on complex cases alleging copyright infringement. Balganesh says no.

Shyamkrishna Balganesh
Professor of Law



RESEARCH

Copyright Law
Intellectual Property Law
Property Law & Theory
Common Law Theory

CLASSES

Property Law
Copyright Law
Copyright Theory
Property Theory

The current approach is the vestige of a Second Circuit decision, *Arnstein v. Porter*, handed down almost seven decades ago in which the most important parts of the infringement analysis were required to be handed over to a lay jury, with no guidance from experts. Juries, said Balganes, are singularly unqualified to render such decisions. He questions how we can entrust laymen to decide such cases, when their simple yes or no vote only leads to an ensuing lack of clarity.

“We’re handing over one of the most important questions in copyright law: When does the amount of copying become so much that we should treat it as wrongful? And I say that this question should be one that judges decide, because in deciding it, they will be making law that future courts and litigants can use,” Balganes said. “They will be forced to articulate what makes taking 80 percent of a book wrong; what makes taking a chorus and melody of a song wrong; what makes taking the core part of an artistic work

wrong, and they will actually create guidelines for future creators.”

Balganes is proposing major reforms to other parts of the copyright system, even as the advent of new technologies promise to pose tremendous challenges in the years ahead, raising a series of new questions: What are the rules concerning machine-made creativity? Who owns the copyright on the work product of artificial intelligence, the machine or the person at the controls? How much human agency is needed to make someone responsible for the outcome?

“Copyright is headed into new, uncharted territory,” said Balganes, making the case that the courts’ application of common law principles of causation hold the answer not only in emerging areas of the law but in the existing system. “You can’t move into the future without a firm grounding in the present, and a strong sense of the past, and that’s the problem.”



02 THE CHANGING NORMS OF MARRIAGE

IN THE 1960S AND 1970S, many feminists and gay activists rejected marriage as an inherently unequal and oppressive institution. By the end of the twentieth century, highly educated professional women were marrying in droves and same-sex couples fought for the right to marry.

Penn Law professor Serena Mayeri, a legal historian with expertise in women’s and civil rights, family and antidiscrimination law, wondered why. Her first book, *Reasoning from Race: Feminism, Law, and the Civil Rights Revolution*, explored how, in the 1970s, Ruth Bader Ginsburg, then a lawyer for the ACLU, successfully argued a string of U.S. Supreme Court cases that helped level the playing field between married men and women.

The government could no longer assume that husbands were breadwinners and wives homemakers. But, Mayeri realized, these decisions did not unseat marriage itself as the source of myriad public and private benefits. “The marriage equality movement

helped us to see how much the law privileges marriage,” she explained.

The primacy of marriage, Mayeri said, is illustrated in married couples’ receipt of special Social Security, tax, health care and other benefits. Many such economic benefits are available in some European countries based on individual citizenship rather than marital status. Family law, too, generally favors the married over the unmarried, she said. For example, equitable division of property, available to divorcing couples, doesn’t apply to unmarried cohabitants.

Mayeri wondered how marriage remained legally supreme even as fewer Americans married and nonmarital childbearing rates soared. That’s why she’s writing a book, called *The Status of Marriage: Marital Supremacy Challenged and Remade, 1960–2000*, which provides an historical account of challenges to the legal privileging of marriage. The book will also explore how feminist-inspired reforms made marriage a more egalitarian union, mitigating feminist antipathy for the institution.

Another major change, Mayeri said, has been a greater acceptance of nonmarital children. “While there certainly is still to some degree a stigma attached to non-marital child-bearing, that stigma is no longer the severe, legally debilitating stigma it was.” For adults, however, many of the legal disabilities of nonmarriage persist.

Though there is disagreement about cause and effect, scholars agree that marriage increasingly correlates with education, income, and socioeconomic status. The *Obergefell* decision, recognizing same-sex marriage, opens new possibilities for rethinking the legal primacy of marriage itself.

“Most of the work on nonmarital families has been done by legal scholars and sociologists,” said Mayeri, who earned her JD and PhD in history from Yale. “There’s plenty of historical work on earlier periods with respect to non-marital children and the question of illegitimacy, but there’s a bit of a gap in more recent history.”

Many people tend to think of same-sex marriage upon hearing the term “marriage equality.” But Mayeri said same-sex marriage is just one component of the overall concept of marriage equality. “I think it’s pretty clear that this is just one of the next frontiers in family law—certainly not everyone is in agreement that it should be—but there’s a fairly sizable group of family law scholars, feminist scholars and folks who have been concerned with LGBT issues who want to pursue activism and reform around non-marital families,” Mayeri said.

Moving toward marriage equality is a gradual process, Mayeri said.

“

WE MIGHT THINK THAT GIVEN ALL OF THE BURDENS OF SINGLE PARENTHOOD, IMPOSING LEGAL DISADVANTAGES ON PEOPLE NOT MARRIED IS THE LAST THING WE SHOULD BE DOING. ONE DOES NOT HAVE TO BE ANTI-MARRIAGE TO BE AGAINST MARITAL SUPREMACY.”

Serena Mayeri

Professor of Law and History



RESEARCH

Legal and Constitutional History
Antidiscrimination Law and Policy
Family Law and History
Civil Rights and Feminism
Marriage and its Alternatives

COURSES

Family Law
Law and Social Movements in Twentieth-Century America
Employment Discrimination
Gender and the Law in Recent American History
Feminist Legal Advocacy in the Twentieth-Century United States
Marriage: History and Law

“I’m trying to take a historian’s perspective, but I don’t pretend to be indifferent to the possibility of reforming marital supremacy to some degree,” she said.

But the relationship between feminism and marital supremacy is complicated, Mayeri said. For example, unmarried mothers tend to have the primary caregiving and economic responsibility, and may not want the fathers of their children to have legal parental or custody rights. In a recent article in the *Yale Law Journal*, Mayeri explored feminist disagreement about the role of unmarried fathers. Some argue that married women have consented to a role fathers would play in their children’s lives, while a non-married woman has not; others say parental roles shouldn’t be based on marriage.

Mayeri, who is happily married with two children, distinguishes between opposing marital supremacy and opposing marriage itself. “Someone could think that marriage can be a wonderful institution to which many people aspire, but there are so many disadvantages already associated with not being married,” she said.

“We might think that given all of the burdens of single parenthood, imposing legal disadvantages on people not married is the last thing we should be doing... One does not have to be anti-marriage to be against marital supremacy.”



03 PSYCHOLOGICAL THEORY RESHUFFLES OUR UNDERSTANDING OF CONTRACTS

Tess Wilkinson-Ryan L'05, GR'08
Professor of Law and Psychology



RESEARCH

Contracts
Psychology
Behavioral Economics
Financial Decision-Making

COURSES

Contracts
Trusts & Estates
Psychological Analysis of Legal Decision-Making

THERE'S A PLACE WHERE contracts and psychology meet, and that's the focus of Tess Wilkinson-Ryan's L'05, GR'08 research.

In an era of proliferating contracts, a central question runs through her work: How do ordinary people view their contractual obligations?

In the last 40 years contracts scholarship has been hugely influenced by the law and economics movement. Among other things, economic analysis of legal decision-making yields predictions about how people will behave in

response to particular legal rules or incentives. Empirical legal studies goes about testing these predictions, and others, with methods from experimental psychology, sociology, and economics.

And how does she fit into that conversation?

"The intervention that I'm making into the existing debates in contracts is to inject some realism about what humans are like in particular, and to suggest there are certain ways in which people predictively deviate from a rational actor model," said Wilkinson-Ryan, who earned a master's and PhD at Penn. She is using experimental psychology studies to understand the moral compass that guides decision-makers when they face the prospect of breaking a contract.

A key part of the equation, Wilkinson-Ryan said, are human interactions and the social and moral weight of those interactions. Truly negotiated contracts are becoming rarer in modern times and so what matters doctrinally is just that people represent that they assent to the terms and conditions, she said.

And yet meaningfully assenting is becoming increasingly difficult with ubiquitous contracts that are nearly impossible to read in entirety. "You cannot possibly read all of your contracts," she said. "And yet they are definitely legally binding."

"The problem with this lack of readership," she continued, "is that it undermines the traditional approach to fairness in contract, which is all about autonomy and assent. But it's hard to talk coherently about whether a party has assented to a term when in fact we all know that she clicked 'I agree' but didn't read it—and furthermore that it would be ridiculous to expect that she would read it."

Take, for example, a contract with a parking garage, where the back of the ticket has language indicating that all claims against the garage must be brought in arbitration. "So imagine the contract term says you can't take a claim to court if you need to sue the

garage because something fell off the ceiling and crashed through the windshield," Wilkinson-Ryan said. "To determine whether the term is enforceable, the first step is to ask whether the parties agreed to it when they formed the contract," which in contract law turns largely on whether they had notice of the term and an opportunity to read it.

"But that just muddies the actual issue," she said. "No one is meaningfully agreeing to arbitration, so the assent analysis is a red herring. The real question ought to be whether we want to permit companies to unilaterally decide that claims must be brought in arbitration."

The inability to read contracts in full comes up in other research she's done, raising these kinds of questions: What do people think a contract is? When do they think it's binding, whether on paper or online? She found that people thought that an unfair policy embedded in a long form contract was legitimate, fair, and enforceable—even if they would identify that same policy as grossly unfair if they saw it outside the context of a contract. "I find that troubling because nobody can possibly read all of that paperwork," Wilkinson-Ryan said.

Because her research has focused on the relationship between promising and contracting, she has directed particular attention to the places where contracts look unlike other kinds of promises. One example is assigned contracts. This is when a party who is entitled to something under the terms of a contract sells that entitlement to a third party. So, for example, a creditor sells debt to a debt collector. Assigned contracts are particularly common in mortgages. Most people get their mortgage with one company but have their loan assigned at some point. Wilkinson-Ryan thought that this transfer of rights to a party outside of the original promissory relationship would be perceived as odd.

"My hypothesis is when you assign the rights to something, it actually loses a key feature of promising—that you promised it to someone and then it goes to someone else," she said. In an experiment she ran, it rang true: People didn't want their money going to someone they hadn't initially agreed upon paying, citing a lack of interaction between the parties.

Wilkinson-Ryan is currently working on two papers for publication: *Contracts Without Terms* and *Statutory Damages in the Shadow of the Law*.

Most contract doctrine, she said, is about how courts will interpret and enforce deals, but most of the action in contract happens outside of the courtroom. That is why Wilkinson-Ryan has focused her attention on the moral norms that influence how they make and break contracts.

"What I'd say is different about modern contracting is the number of deals people are assenting to on a daily basis," she said, adding that the increased number doesn't necessarily diminish the social and moral meaning of contracts. "My view is that the norm of promise-keeping is a very strong one. It might play out a little differently when the promise comes as fine print in a form contract, but it is still part of the psychology of the contract."

Polk Wagner Flips the Script on Teaching

PHOTO: CHARLES SHAN CERRONE

Picture this: The authoritative professor lectures in a stentorian voice before a sea of students, à la scenes from *The Paper Chase*. A typical law school scenario, right? Not so in Polk Wagner's classroom.

Wagner, who's been teaching at Penn Law since 2000, has always had an interest in experimental methods involving hands-on learning. He continued to introduce such activities in his teaching over several years, for which he received positive feedback from students. A couple of years ago, he found that he was unsure how to balance lecture time and an increasing amount of mock exercises.

"Finally you have to decide at that point whether to just completely change the classroom requirements," he said.

And he did, by fully "flipping" his classroom in 2014. A flipped classroom is educational lingo for a method that flips the focus from the professor's actions (generally, lecturing) to those of the students.

The idea has been around for several years but has gained steam in recent years as technology has made it easier to video-record and disseminate lectures. And flipped classrooms aren't limited to higher education—the Khan Academy, a nonprofit founded in 2005, offers millions of free video lessons for all levels of education and continues to expand and grow in popularity. In 2012, the Flipped Learning Network launched

a website to promote the teaching method, and the organization hosted its ninth annual FLIPCON convention this past summer in Texas.

The point of flipping classrooms, Wagner said, is to give students a platform on which they can develop their skills in persuasive writing, put more focus on teamwork, and learn how to build good arguments rather than just taking notes while the professor talks. In other words, it's putting critical thinking into action.

That means Wagner video-records all of his lectures—which involves simply doing voiceovers with slides, he says—that students are expected to watch before class. Then at the first class of the week, Wagner introduces a problem or challenge. In this class, students are assigned roles, often in teams, to address the given challenge in a legal setting, and they have the chance to ask him questions.

Students meet and strategize for the exercise during the second session of the week. "I'm there as a consultant," Wagner said. "They're the ones that are in charge." The third and final class of the week gives students the opportunity to execute a trial or work on the assigned activity.

"Almost universally, students say it's better and they enjoy it, and also universally, they say it's significantly more work and more active and hands-on," he said.

David Bernstein L'17, a current 3L, took Wagner's patent law flipped class last fall. He attested that the method required about three additional hours of work per week, but that didn't dampen his enthusiasm for the class.

"I love it," he said. "I was a little skeptical of the flipped classroom thing at first, but it does a number of things that normal, doctrinal classes don't."

Among those things are brainstorming with others, applying what you learn and producing a tangible work product. "It bookmarks important parts of materials in a way that normal lecture classes don't," Bernstein said. "I think maybe you don't dive into cases quite as deeply as you would in a lecture, but you come away with more practical, lasting knowledge."

Wagner has learned a few things in his time flipping classrooms, and the first is that not all classes are cut out to be flipped. A flipped classroom doesn't work for a large introductory course, for example. Wagner said he sticks to a more traditional lecture format in his Intro to IP course and supplements it with several short and easy quizzes to ensure students do their reading.

The ideal size for a flipped class, Wagner said, is about 20 students. And the physical space where such classes take place matters too—Wagner knows he has to reserve rooms that have small tables instead of an auditorium format.

Because IP is a constantly evolving field, Wagner has learned that it's best to record his video lectures in 10-minute increments, so he doesn't have to re-do an entire lecture if he wants to make some changes.

This school year, Wagner is teaching a seminar in appellate advocacy, an Intro to IP class, and of course, a flipped patent law class.

Because a flipped classroom is more time-intensive for professors, he doesn't foresee the method supplanting traditional lecture-style classes. But that's not stopping Wagner. He said flipping classrooms has been a positive experience so far, and he plans to stick with it when he can. "I think they learn more from each other in a way that surprises me every semester, and that's a good thing."



04 THE UNTOLD HISTORY OF WHY MOST WORKERS LACK CONSTITUTIONAL PROTECTIONS

PROFESSOR SOPHIA LEE IS changing how we think about constitutional law and its history. Her recent book, *The Workplace Constitution from the New Deal to the New Right*, explains how the United States ended up with most workers lacking constitutional protections. Along the way, she offers a new history of civil rights and a different way to think about how constitutional law is made.

Today, unless you work for the government, you lack constitutional rights on the job. The First Amendment won't protect you from being fired,

she says, for attending a gay rights or pro-life march on your own time, for instance. Lee takes readers back to the middle of the 20th century when it seemed quite possible, even likely, that today Americans would have rights ranging from free speech to privacy at work. She uses the stories of workers and their efforts to win constitutional rights on the job to show their surprising, and often forgotten, successes as well as to explain how we still ended up with most workers lacking those rights today.

Lee's account changes civil rights history in two ways. Previously, historians thought that civil rights advocates stopped challenging the constitutionality of racial discrimination by employers and unions at the end of the 1940s. Lee demonstrates that far from dropping such claims, lawyers at the NAACP and those representing interracial unions doubled down in the 1950s and 1960s. During those decades, they brought their most concerted, coordinated, and successful campaign for a constitutional right to join unions and access decent jobs.

Lee also shows that conservatives forged their own civil rights campaign in the middle of the twentieth century. New Deal labor laws had, for the first time, given workers the legal right to form unions. The new laws also obligated employers to bargain with

Sophia Lee
*Professor of Law and History,
Deputy Dean*



RESEARCH

Administrative Law

Constitutional Law

Legal History

Labor & Employment Law

Civil Rights

Right to Work

Political History

Privacy

COURSES

Employment Law

Administrative Law

The Constitution Outside of the Courts: Theory and History

The History of Privacy and the Law

“

THE CIVIL RIGHTS MOVEMENT'S SIDE OF THE STORY REALLY LED ME INTO THE RIGHT-TO-WORK STORY, AND THE MORE I LOOKED AT THE RIGHT-TO-WORK STORY, I SAW THEY WERE INSEPARABLE.”

unions that could show sufficient support from their employees. Once recognized, many unions bargained for contracts that required all workers to join or support the union. At the same time, unions that were more politically progressive, even radical, than their predecessors flooded the scene. Conservatives opposed to the New Deal were alarmed as workers joined unions in droves.

In an effort to stop unions' spread and limit their political power conservatives turned to the Constitution. In the 1940s, a coalition of employers and their conservative allies began a campaign for workers' constitutional right not to join or support a union, she says. They claimed the title “right to work” for their campaign and described their fight as one for workers' civil rights. Lee tells for the first time the history of this conservative civil rights campaign and argues that you can't understand the history of the civil rights Constitution unless you look at its conservative as well as its liberal champions.

“The civil rights movement's side of the story really led me into the right-to-work story, and the more I looked at the right-to-work story, I saw they were inseparable,” says Lee, deputy dean and member of the Penn Law faculty since 2009.

In another twist, Lee takes aim at how we tell constitutional history and understand constitutional law. She argues that a complete understanding of constitutional law requires examining the work not only of judges but also of bureaucrats and agencies. Lee supports this claim by demonstrating that federal agencies have played an important but underappreciated role in interpreting and implementing the Constitution. Indeed, Lee explains, African Americans' most successful constitutional fight against racial discrimination in the workplace happened before agencies such as the National Labor Relations Board (NLRB) and the Federal Communications Commission.

Lee shows that federal agencies implemented their own understanding of the Constitution. According to Lee, agencies took the lead in making constitutionally informed policy. In the 1940s, the NLRB *sua sponte* turned to the Constitution to inform its policies regarding racial discrimination by unions. Over the next thirty years, the agency proved to have a strong constitutional conscience. On its own initiative, it debated, publicized, and updated the constitutional constraints on its authority.

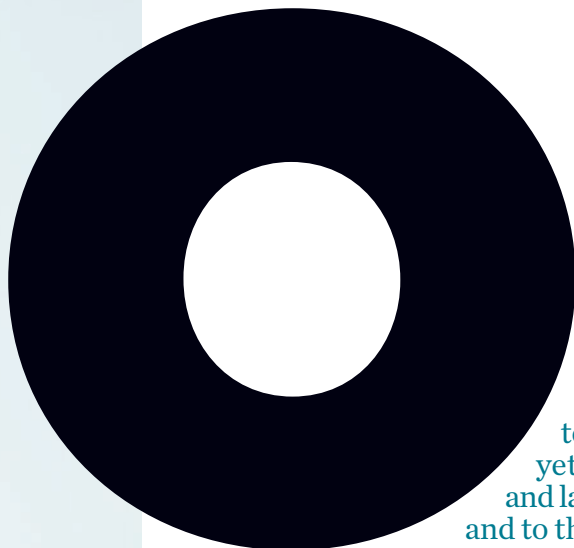
Further, Lee argues, agencies did not simply follow Supreme Court doctrine. Instead, she shows that they reached constitutional conclusions that the Court would not. For instance, she demonstrates that although the NLRB often cited Supreme Court decisions for support, it relied on arguments the Court had rejected. One might think Lee describes an instance of lawless, rogue agencies. In other work, however, Lee argues that agencies can be justified in adopting constitutional interpretations that differ from those of the Court.

While Lee recovers more robust constitutional protections in the workplace than were thought to exist, ultimately, she shows that they faded away, leaving most U.S. workers without them. But for Lee, the book does more than tell a history or contribute to our understanding of constitutional law. Lee points out that most workers are unaware of their lack of constitutional protections. She hopes her history can educate them about their lack of rights and help them think about whether the Constitution is the place to look if they are concerned about this reality. ♥



The Lesnick Legacy

By Larry Teitelbaum



One day last spring Howard Lesnick finished teaching his last class at Penn Law with the words, “Do not be daunted by the world’s grief.” Howard never has. In 50 years at Penn Law School, he never stopped innovating and working to repair the world. With a certain self-deprecation yet thoroughgoing idealism, he pressed lawyers and law students to be accountable to the profession and to themselves. As Howard becomes emeritus, let us count a few of the ways in which he stayed true to his vision.

That enumeration must start with the public interest program. Back in the 1960s, not many law schools pushed a public service agenda. But Penn was not most law schools and Howard Lesnick was not your average law professor. He reminded everyone that public service and the practice of law were inseparable. Proceeding from that proposition, he conducted a kind of dry run with a program in which students spent several hours a week working at Community Legal Services. But that wouldn’t do. He wanted something more engrained in the culture of the Law School. His intense advocacy led, years later, to a formalized program that is run by The Toll Public Interest Center.

The Public Service program has been described as one of the Law School’s glories. Think about what it has achieved during its 27-year history: several thousand students have performed more than half a million hours of service, the number of students pursuing public interest work after graduation has grown almost tenfold, and TPIC has affiliated with more than 300 public interest organizations in the United States and around the world.

That alone is enough to secure Howard’s legacy. But he’s done so much more, prodding the institution at every turn to expand the definition of what it means to be a lawyer, starting with his lifelong emphasis on professionalism. As with public service, Howard considered professional responsibility and legal ethics core values for every lawyer. With that in mind, he joined then-dean Robert H. Mundheim and several others in establishing the school’s original Center on Professionalism, which in its 10 years of existence earned a national reputation for the pioneering case studies and interactive exercises that Howard and his colleagues brought to lawyers and law schools all over the country.

Howard also brought glory to the institution by running, during the early years of the War on Poverty, the Reginald Heber Smith Community Fellowship, a program that trained and sent first 100 young lawyers, then 250 lawyers, then 400 lawyers around the country to represent poor people who needed counsel but couldn’t afford it.

As much as we like to lay claim to Howard Lesnick, let’s not forget what he accomplished during six golden years as one of the driving forces behind the then-new City University of New York School of Law. Howard was recruited to create a curriculum that integrated clinical practice and academic theory from the very first day of law school — a stunning and revolutionary concept at the time.

The motto he coined for the school — “Law in the service of human needs” — reflects the sum total of Howard’s career. We could talk about his dedication to humanistic education, civil rights and justice, and his tenacity in pursuing these goals. Howard mobilized armies of students and lawyers to continue his work for years to come. Suffice it to say, Howard strove to leave the world a little better than he found it. Of that there can be no doubt. ♥

On Lesnick:

AS SOMEONE WHO NOW THINKS about the “big picture” of Penn Law and its evolution through the years, I stand in awe of the impact you have had on this institution over the past half century. From the moment I set foot here as a junior professor in 2004, you have been a mentor and inspiration in your commitment to the highest levels of scholarship, critical inquiry, and public-mindedness. And I know how many thousands of students you have touched and inspired over a much longer time frame. Your career lives on each day in the lives of those lawyers who were educated here and who now work in the public interest around the world. Thank you Howard for all you have done for Penn Law, its students and graduates, and the broader legal community!

Ted Ruger

*Dean and Bernard G. Segal Professor of Law,
Penn Law School*

YOU SAVED MY LIFE WHEN I GOT myself in trouble. I was so out of my mind then. I turned to you because I knew you would understand how a student could get so tangled up in lies that he does not even know the truth any more. Every day of my 35 years as a lawyer I owe to you. After I graduated and passed the N.J. and N.Y. bars I went the other way—I went for the absolute truth in every facet of my life and practice. I became a lawyer and I graduated from Penn—one of my most treasured achievements—because of you. I came to your office and stood at threshold of the door and said I’m in trouble and you did not turn me away. May God Bless the moment you said yes to me and May God Bless you in your retirement.

Gareth Keene L’80

Self-employed Attorney

WHEN I TOOK MY POSITION LEADING the Toll Public Interest Center, I did so with great apprehension about the tremendous responsibility of nurturing a program with such extraordinary roots. I can say now that I am so very grateful I overcame that apprehension, and that is largely because of you. I will forever appreciate every opportunity I have had to work with you. You are a visionary who has changed the course of so many lives thanks to your bold pursuit of what you so clearly see is just and possible—even when others may question and doubt. It was not until I arrived at Penn Law that I fully appreciated the scale and impact this public service program could have. I feel like I could work many more decades and still not come close to helping the program realize its full potential because it is truly limitless—and I believe you knew that from its inception.

I am inspired every day that I am here to nudge us closer to that pinnacle of ensuring access to justice for all, because I have learned from you that all things are possible with vision, ideals, hard work, sometimes a bit of a fight, and perhaps with unlikely partners in unlikely places. On a personal note, your kindness has meant the world to me, and I am truly grateful for all that you have offered me, our students, our school, our profession, and countless underrepresented causes and communities around the world. Thank you for bending the arc so profoundly towards justice throughout your career, and for inspiring me to do whatever I can do to do so as well. With deepest respect and warmest regards.

Arlene Rivera Finkelstein

*Associate Dean for
Public Interest Programs*

AS I SIT HERE IN NEW YORK CITY helping my newborn granddaughter and her family, I am reminded of the deep connection human beings are capable of having for each other. That is exactly what Howard stood for: harnessing the law to deepen these connections in recognition of the humanity of all people. As a result of Howard's commitments to place humanitarian values above all else, he gave "birth" to the programs such as the public service program at Penn Law, courses that addressed the ethical component of legal practice and informal mentoring of law students and particular staff, including me. He created a space for many future humanitarian and public interest practitioners to explore their own values and their career paths and choices. As he moves on to retirement he will actually still be teaching as hundreds of former law students and colleagues (including me) will continue to benefit from his past mentoring, institution building, nurturing and writing.

Judith Bernstein-Baker SW'75

First director of the Penn Law Public Service Program

PROFESSOR LESNICK WROTE ONE of my letters of recommendation that allowed me to become a law professor. He helped me to enter a wonderful profession and to have a great life. One of my areas of expertise is business ethics. In my work, I often think of the lessons that I learned from him. He is a great professor, and Penn Law was lucky to have him on its faculty.

Eric Chaffee L'02

Associate Dean for Faculty Research & Development and Professor of Law

IN 1970, WHEN THE IDEA OF A credit bearing internship was downright radical, Professor Lesnick led the way to enable me to spend a semester in Washington at the Center for Law and Social Policy. As a result, I was one of the very first of what has become hundreds of Penn Law students to embark on a career in public interest law because of Professor Lesnick's leadership. I am indebted to him, as are the countless clients who have benefited from his work.

Andrew Schwartzman C'68, L'71

Benton Senior Counselor, Georgetown University Law Center Institute for Public Representation

IN THE THREE DECADES I HAVE known him I have been awed by Howard's unflagging ability to engage with the humanity of those around him, in large things and in small. By his unwavering regimen challenging himself to grow and learn. By his ability to transmute hard and righteous judgment into compelling and empathetic action. And by his boundless support of students, colleagues and friends. In one of his books, Howard tells the story of a question posed to the staff of Dorothy Day's Catholic Workers House. He asked, "Do you think that all of your efforts have been effective?" One of their number answered "We have not tried to be effective, we have tried to be faithful." My friend and teacher Howard has been effective because he has been faithful. I am in his debt, and I join a grateful throng of those nourished and inspired by his commitment, by his insight and by his faithfulness.

Seth Kreimer

Kenneth W. Gemmill Professor of Law, Penn Law School

I WAS SURPRISED AND A BIT apprehensive to be invited to lunch by Howard Lesnick. I had not had him in class and, in so far I could recall, I had never met him. And in the few times I spied him in the halls of the law school, he did not strike me as a chatty type. We went to a local restaurant. Perhaps we ordered, or maybe it was even before the ice water had arrived. Howard looked up and asked, "So, how do you pray?" That is not a question I ever expected anyone to ask me in law school. And yet, it was so characteristic of Howard cutting through banter to the heart of some matter that concerned him and posing a question with the confidence that the person he is talking to has something to say worth hearing. What was revealed in the ensuing conversation and the friendship that has lasted for twenty years was a ferociously curious mind open to information and inspiration from a huge variety of sources and the most unlikely of people. I will never forget that lunch or the influence and example of Howard Lesnick. His erudition, decency, and fundamental disposition toward wonder are powerful touchstones for me as a lawyer, as a continuing student of a variety of things, and most importantly as a human person.

John Grogan L'93

Co-Founder, Langer Grogan & Diver



[REDACTED]
[REDACTED]
[REDACTED] **Fighting** [REDACTED]
[REDACTED] **Over** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] **Free Speech** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
CIA Director John Brennan [REDACTED]
wanted to share his view with students [REDACTED]
[REDACTED] who assembled to hear him. [REDACTED]
[REDACTED]
A determined band of protestors [REDACTED]
had other ideas. [REDACTED]
[REDACTED] **By Larry Teitelbaum**



CIA DIRECTOR JOHN BRENNAN came to Penn last spring to speak in an environment where a group of undergraduate students and outside agitators were waiting in ambush.

In a speech at the Penn Museum auditorium, it didn't take long for protests to materialize. Driven by their opposition to drone strikes and American involvement in the Middle East, first one group, then another, and finally another rose to protest Brennan's appearance on campus. The shouts became more and more intense until the event organizers were forced to cancel the proceedings during an expedited question and answer period.

The shutdown disturbed some students and concerned university officials. Dissent is an American tradition. But it seems with increasing frequency that people are retreating to their rhetorical corners and spiking speech with which they disagree, raising questions about the rights and limits of free speech.

A number of universities have bowed to so-called political correctness, allowing students to dictate who comes to campus to speak, and which ideas are permissible to propagate. But, before the start of the new school year, University of Chicago administrators put down a marker, welcoming freshmen with a stern letter emphasizing that the school will not cancel invited speakers nor warn students about subjects that might upset them.

A group called the Foundation for Individual Rights in Education (FIRE) documents event disruptions and cancellations on college campuses. They've had a lot to work with over the last decade or so. Speakers have been hit with pies and raw meat and doused with salad dressing. Better to be disinvited, another trend on the rise.

Fortunately, Brennan did not have to dodge projectiles during his appearance last April. But the

protesters did achieve their goal, to the disappointment of Penn Law Dean Ted Ruger, who introduced Brennan. Penn Law co-sponsored the event.

Ruger regretted that the unrelenting protests foreclosed debate and open discussion. He said the "highest calling" of the University of Pennsylvania is to educate students and faculty about a range of issues and points of view. "It's okay to have protesters. It's okay to have protesters holding signs, or even shouting things out intermittently. But it's not okay for protesters to be so continuously disruptive that the event can't go on."

Greg Forster, now a 3L, did not attend the event but followed the coverage. "I'm sympathetic to some of the concerns raised by the protestors but I think it went too far," said Forster, president of the Penn Law chapter of the American Constitution Society (ACS), a 50-member student group with a progressive bent. "It's important that we maintain the right to free speech even if there are ideas that are different than what some of us have."

"These protests run counter to what we do," continued Forster, noting that ACS encourages debate, as it is doing this fall with pointed discussions on gun control, global warming and LGBT rights.

As president of the Penn Law Federalist Society, a conservative student group, Brent Hanson 3L represents the other end of the political spectrum. And he also agreed with Forster. "Some people think that their voices are never heard, so this is their opportunity," Hanson said. "But stifling all discussion means there is no debate or exchange of ideas, or advance of knowledge."

Hanson said there's no reason for protests to get out of hand. He pointed to a Federalist Society event on the use of police force as an example of the right way to raise objections. Activists from the



Protestors took aim at U.S. policy in the Middle East during CIA Director John Brennan's talk to students.

PHOTO: DARRYL MORAN



Black Lives Matter movement attended. “They were very respectful,” Hanson said. “They asked questions and then at the end they made their voices heard, reading off a list of names of (minority victims) who had been shot by police. That was proper because it allowed a dialogue on both sides.”

The Brennan event drew protesters from Penn Students for a Democratic Society as well as the Philly Coalition for REAL Justice, which brought to Penn people unaffiliated with the University, and who believe in direct, disruptive action. (This same group interrupted Bill Clinton less than a week later at a rally in Philadelphia for then-presidential candidate Hillary Clinton.) The SDS came to prominence during the Vietnam War, when students swarmed college campuses and Washington, D.C., to demonstrate against what they saw as American imperialism. The Penn SDS, defunct since 2008, re-formed in January. Ava Lipatti, an undergraduate who heads the group, defended the disruption.

Lipatti said he and the other protesters were compelled to challenge Brennan, who came to Penn to talk about his career in foreign policy, national security, and the global fight against terrorism. “He was not there to have a frank discussion about how the CIA operates,” said Lipatti, a senior in the School of Engineering and Applied Science. “He was there to perpetuate their (the CIA) narrative.”

Sophomore Daniel Pitts went further. “We were satisfied that we had shut down the event,” said Pitts, who is studying anthropology. “It was an event essentially propagandizing for a policy that we disagree with, that we do not find to be morally acceptable.”

Who decides what is acceptable?

An article in *The Atlantic* magazine last year caused a stir. The co-author of the piece, Greg Lukianoff, president of FIRE, criticized the effort to shield college students from ideas and subjects that make them uncomfortable.

Ari Cohn, an attorney with FIRE, takes up the argument. He decries what he views as a movement toward freedom from speech rather than freedom of speech. He blames educators on two fronts: for a failure to teach students well before college critical thinking skills that encourage students to question their beliefs and to cultivate in them an acceptance of opposing viewpoints.

“We’ve come to a point where young people grow up thinking that whatever they believe deep down in their heart of hearts is the absolute truth and how dare anybody question that,” Cohn said.

He recommended the return of more civics courses in high school and the encouragement of students to seek out people with whom they disagree.

A few days after Brennan spoke, Penn Provost Vincent Price sent an e-mail to the Penn community directing students, faculty and staff to guidelines on open expression. Those guidelines hint at potential disciplinary action in cases where Penn-affiliated protesters violate school standards.

Kevin Baine L’74, a First Amendment attorney with Williams & Connolly in Washington, D.C., took a somewhat harder line, noting the irony of students censoring free speech in America, when that is often the role of more authoritarian governments around the world.

[REDACTED]

[REDACTED]

[REDACTED] If a university does not act vigorously to [REDACTED] promote and protect the free exchange of ideas, [REDACTED]

[REDACTED]

[REDACTED] it diminishes itself as a university. [REDACTED]

[REDACTED]

[REDACTED]

KEVIN BAINE L’74
 First Amendment attorney with
 Williams & Connolly in Washington, D.C.

“Students today should know that violating the right of free speech on campus can result in disciplinary action, including dismissal in cases of extreme or persistence interference,” Baine said. “If a university does not act vigorously to promote and protect the free exchange of ideas, it diminishes itself as a university.”

There is a way to avoid these confrontations in the future, said Ava Lipatti, leader of the Penn SDS: don’t prescreen questions, which in his view stifles the free exchange of ideas the University purports to support.

Brent Hanson, president of the Penn Federalist Society, offered another approach: his group plans to hold a joint panel with members of the American Constitution Society to discuss freedom of speech and academic diversity in light of the Brennan protest. ♥

RIGHTEOUS INDIGNATION



The Story of
Josiah DuBois, a
Holocaust Champion
Lost to History
By **Fredda Sacharow**



AS A YOUNG ATTORNEY WITH THE U.S. TREASURY Department during World War II, he stood up to a deeply anti-Semitic bureaucracy, helping bring about the creation of the War Refugee Board which ultimately was responsible for saving many thousands of European Jews from the Nazis.

Later, as deputy chief counsel for the prosecution of war crimes at Nuremberg, he prosecuted executives at I.G. Farben, the German chemical firm that manufactured the gas used to murder prisoners at Auschwitz.

Josiah E. DuBois Jr. C'31, L'34 is the hero you probably never heard of.

Steven Spielberg never made a movie about the Camden, N.J., native, nor does Yad Vashem, Israel's memorial to the victims of the Holocaust, count him among its Righteous Gentiles.

But historians and scholars familiar with DuBois rank him with Oskar Schindler and Raoul Wallenberg for his role in forcing his own government to take action—however belatedly—to provide a haven for Hitler's intended victims.

“DuBois did not risk his life in doing what he did. But he certainly risked his career. And that takes courage, a special kind of courage that not many people possess,” writes historian Dr. Rafael Medoff in *Blowing the Whistle on Genocide: Josiah E. DuBois, Jr., and the Struggle for a U.S. Response to the Holocaust*.

The volume chronicles DuBois' unlikely path from junior government official to author of a highly charged memo threatening to expose State Department officials who were systematically withholding information about the murder of the Jews to keep America's doors closed.

Medoff, founding director of the David S. Wyman Institute for Holocaust Studies, felt compelled to tell the story because he did not want DuBois' role to vanish from public consciousness.

“He was a true hero, representing the best of the American spirit and the noble American tradition of concern about oppressed people everywhere,” Medoff said from his Washington, D.C. office.

That “noble American tradition” was notably absent during the late 1930s and early 1940s, as DuBois would come to discover.

The Great Depression had left Americans feeling anxious and insecure, convinced newcomers would threaten their jobs and their very way of life. Resentment against Jews, in particular, was wide-spread—an attitude reflected at government's highest levels.

“During World War II, our State Department was very anti-Semitic, and consistently denied concrete information about Germans murdering Jews,” says Richard Goodwin, a philanthropist who became friends with DuBois in the 1950s, when DuBois served as lawyer for his family's home-building business.

It was widely believed that Jews tended to be Communists, Medoff notes in his book, or, oddly enough, that their capitalistic maneuvering caused the Depression.

Against this backdrop, DuBois, a Quaker, was a voice in the wilderness—one whose pleas eventually reached all the way to the White House of Franklin D. Roosevelt.

After graduating from the Law School and working on a fellowship under the school's former Dean Herbert Funk Goodrich, he found himself at the Treasury Department. DuBois credited Goodrich, who served as dean from 1929 to 1940, with recommending him for the job.

He rose to become chief counsel of the department's Foreign Funds Control Division, charged with finding ways to finance the escape of refugees from the increasingly brutish Hitler regime.

It was in this role that DuBois came to write his scathing “Report to the Secretary on the Acquiescence of This Government in the Murder of Jews,” an 18-page document laying out the State Department's refusal to authorize a Jewish organization, the World Jewish Congress, to send its own funds to Europe to rescue and ransom Jews, specifically those in Romania and France.

Based largely on information slipped to him by a friend in the State Department, the report denounced immigration policies that shut America's doors to Jewish refugees fleeing the death camps.

Interviewed half a century later for the documentary *Who Shall Live, Who Shall Die*, DuBois pulled no punches.

“The normal attitude of the State Department in those days ... [is] that you don't do anything to rock the boat.

You keep things calm. And the fact that millions of Jews were being murdered while they were delaying I don't think troubled most of them, frankly," DuBois said.

His report, written on Christmas Day 1943 and presented to his boss, Secretary of the Treasury Henry Morgenthau Jr., pointed fingers and named names.

DuBois singled out Breckinridge Long, assistant secretary of state, attributing to him the "tragic bottleneck in the granting of visas," and went on to charge that "certain State Department officials" had not only failed to use governmental means at their disposal to rescue Jews from Hitler, but had used government machinery to prevent that rescue.

"Unless remedial steps of a drastic nature are taken, and taken immediately... to prevent the complete extermination of the Jews [in Hitler's Europe], this Government will have to share for all time responsibility for this extermination," DuBois wrote.

Finally, he threatened to resign and take his findings to the press if Roosevelt did not act immediately.

Concurrently, a Jewish activist named Peter Bergson (also known by his Hebrew name, Hillel Kook) had recently teamed with the writer Ben Hecht to form the Emergency Committee to Save the Jewish People of Europe.

The committee mounted an intense campaign that included newspapers ads, plays, pageants and a rally that attracted 40,000 people to Madison Square Garden. The activists convinced Congress to hold its first hearings on the plight of the Jews.

At the urging of the Bergson Group, lawmakers introduced a resolution calling for the creation of a government agency whose mandate would be the rescue of Jewish refugees. The Roosevelt administration originally lobbied against the resolution, relenting only under pressure from the public and Congress.

On Jan. 22, 1944, Roosevelt issued Executive Order 9417, creating the War Refugee Board under the auspices of the Treasury Department. Its executive director was John W. Pehle, a Treasury lawyer who had worked with DuBois in compiling his damning statistics.

Its general counsel? Josiah E. DuBois Jr.

Roosevelt provided little funding for the new entity, Medoff notes, but DuBois and his colleagues compensated with creativity and determination, using back channels to spirit Jews out of harm's way.

They bribed border officials and produced forged identification papers to protect refugees desperate to evade the Nazi machine. They urged world leaders to pressure Hungary to halt deportation of Jews to Auschwitz; some 120,000 Jews were able to survive in Budapest and find shelter through the Swedish diplomat Wallenberg—with funding and logistical support from the WRB.

They also arranged for 48,000 Jews to be moved from Transnistria, a region between the River Dniester and the eastern Moldovan border with Ukraine, to safer areas in Romania. An additional 15,000 Jewish refugees and 20,000 non-Jewish refugees were evacuated from territories occupied by Axis forces.

"In one sense," Medoff says, "the WRB's efforts may be regarded as too little, too late, given the magnitude of the Nazi genocide. On the other hand... DuBois and his colleagues played a major role in the rescue of more than 200,000 refugees during the final months of the war, despite numerous and daunting obstacles."

"He was a rock star to me," says Richard Goodwin. "I considered it a privilege every time I was in his company."

As their friendship developed, Goodwin recalls, DuBois felt comfortable enough to discuss his wartime experiences and the humanitarian role he played. "He was very modest, but I figured out what questions to ask and eventually he would talk about the details of what he had done."

Among those accomplishments was heading the team arguing the case against 24 directors of I.G. Farben during the Nuremberg Trials.

At the request of President Harry S. Truman, DuBois spent a year preparing the case against the men, under whose watch the German conglomerate forced Jewish slave workers to help produce the lethal gas known as Zyklon B—the Germans' favorite killing tool.

In *The World Must Know*, his book about the U.S. Holocaust Memorial Museum in Washington, D.C., Michael Berenbaum notes that Zyklon B could kill 2,000 people in less than 30 minutes. At Auschwitz-Birkenau alone, most of the 1,100,000 people who were murdered lost their lives in the infamous gas chambers.

The Nuremberg trials are considered an important model for dealing with later genocides, as well as a milestone in creating a permanent international court.

After the trial, DuBois returned to Camden to practice law with his brother Herbert.

When he died in 1983 at the age of 70, *The New York Times* noted that the American Jewish Committee had presented DuBois with its Humanitarian Award earlier that year, crediting him with saving the lives of thousands of Jews.

Although he never achieved the star power of a Schindler—nor even courted it—Josiah DuBois hasn't disappeared entirely from the American psyche.

In 1967, investigative journalist Arthur Morse wrote *While Six Million Died*, chronicling how the American government erected barriers against attempts to rescue Jewish Holocaust victims. Medoff notes that Morse was the first to identify DuBois by name, and to credit him with the report that led to the establishment of the WRB.

PHOTO: ASSOCIATED PRESS



In 2006, the Wyman Institute organized a conference at the University of Pennsylvania Law School exploring the contributions of the school's valorous graduate.

More than 100 scholars, students, faculty and Holocaust survivors attended the event, hosted by Harry Reicher, a Penn professor and member of the U.S. Holocaust Memorial Council who died in 2014. Speakers included members of the DuBois and Morgenthau families.

"To have Henry Morgenthau's son embracing Josiah Dubois's son was a very poignant moment," Medoff recalls. "As far as I know, it was the only time the younger Morgenthau spoke in public about his father's role in the events."

Chairing the conference was Richard Goodwin, the home construction mogul who in 1999 established the Josiah DuBois Humanitarian Awards, an annual scholarship recognizing youngsters in 11th and 12th grades for promoting tolerance and humanitarianism.

"I set up a \$100,000 trust fund, with the earnings to go to students who are doing things in the field of mutual respect, tolerance, understanding of others," Goodwin said. "It's amazing to me how many students are inspired by Joe's story."

The developer also founded and endowed the Esther Raab Holocaust Museum and Goodwin Education Center, also known as the Raab/Goodman Center, which fills a room off the lobby of the Jewish Federation of Southern New Jersey in Cherry Hill.

Among the artifacts displayed in the museum's cases—a Nazi helmet, a striped inmate jacket, a copy of "Mein Kampf"—is a small black-and-white photo of a smiling DuBois and an explanation of the attorney's heroic role.

Oh, and there's one other tribute: Anyone driving to the building housing the museum can't help but notice the blue sign with white lettering indicating they're driving on Josiah Dubois Memorial Lane. ♣



Josiah Dubois delivers a statement at the Nuremberg Trials, during prosecution against the I.G. Farben chemical company.



IN 1923, THE AMERICAN LAW INSTITUTE opened its doors with an ambitious agenda: to clarify, or restate, vast areas of the common law. Judges and lawyers have come to rely on these precise and painstaking reports that take years to complete. In more recent years, the ALI has compiled principles of the law as a resource for legislators. The ALI sprang to life with former Penn Law Dean William Draper Lewis as founding director. Today, Penn Law continues to make a significant contribution to the work of the organization, with 19 standing and emeritus faculty as members, including Catherine Struve, who sits on the ALI Council, which approves all projects. At present, Penn Law professors Kermit Roosevelt III and Tom Baker are working on, respectively, restatements on Conflict of Laws and Liability Insurance.



CLASS NOTES

FINE PRINT

1950s

The Hon. Manuel Greenberg L'54 was honored by the Atlantic County Bar Association in April for having been admitted to practice for at least 50 years. He is a retired Superior Court of New Jersey judge.

The Hon. Robert Neustadter W'53, L'56 was honored by the Atlantic County Bar Association in April for having been admitted to practice for at least 50 years. He now serves as of counsel at Cooper-Levenson in Atlantic City and is a retired Superior Court of New Jersey judge.

John Bertman W'54, L'57 was honored by the Atlantic County Bar Association in April for having been admitted to practice for at least 50 years. He continues his daily work as partner at Howell & Bertman Law Offices in Hammonton, N.J.

Richard Rosenbleeth W'54, L'57, PAR'84 was quoted in a *CPR Speaks* article that follows a petition with the U.S. Court of Appeals for Veterans Claims, filed by the American College of Trial Lawyers (of which he has been a fellow since 1985). His decade-long involvement in the VA appeals process was noted throughout the article, crediting him as the first to bring the issue to the College's attention.



Edward Glickman W'60, L'63, PAR'89 was named in the 2017 edition of *The Best Lawyers in America* for his work in trusts and estates. He serves as senior counsel at Cozen O'Connor.

David Marion W'60, L'63 joined White and Williams, LLP in Philadelphia as senior counsel. He was most recently a partner at Archer & Greiner, PC, and he has extensive experience in business litigation, antitrust and securities class actions, First Amendment and professional liability issues.

Stephen Cozen C'61, L'64, the founder and chairman of Cozen O'Connor, was named in the 2017 edition of *The Best Lawyers in America* for his work in insurance law.

H. Robert Fiebach W'61, L'64 was named in the 2017 edition of *The Best Lawyers in America* for his work in commercial litigation, legal malpractice law for defendants, real estate litigation and securities

litigation. He focuses on the tax aspects of commercial transactions of all types at Cozen O'Connor.

The Hon. L. Anthony Gibson L'64, PAR'88 was honored by the Atlantic County Bar Association in April for having been admitted to practice for at least 50 years. He's currently a self-employed mediator in Linwood, N.J.

Henry Gladstone C'61, L'64 was named in the 2017 edition of *The Best Lawyers in America* for his work in corporate law. He serves as senior counsel at Cozen O'Connor.

Paul Heintz L'65 was recognized by the American Cancer Society for 50 years of volunteer service. He has served as chairman of the Montgomery County Lower Merion Unity, as chairman of the Philadelphia division, as counsel for 20 years to the Philadelphia, Pennsylvania and East Central divisions and as a member of the National Planned Giving Council. He is a partner at Obermayer Rebmann Maxwell & Hoppel, LLP's trusts and estates department.

Gilbert High Jr. L'65 was named a 2016 Pennsylvania Super Lawyer by Thomson Reuters and was recognized for his state, local and municipal work. He is a partner at High Swartz, LLP and has dedicated most of his career to the practice of municipal and real estate and land use law.

Sheldon Sandler L'65 was nominated by Delaware Gov. Jack Markell and approved by the state senate to serve a three-year term on the Delaware Merit Employee Relations Board. He will serve as a management representative from New Castle County. The five-member board is the final step in the administrative process for grievances alleging a misapplication of the Delaware Merit Rules, which govern all

classified State of Delaware employees who are not covered by union collective bargaining agreements. Sandler, who is of counsel in Young Conaway Stargatt & Taylor, LLP's labor and employment section, also does pro bono work, conducts an active mediation and arbitration practice in the area of labor and employment law and has testified as an expert witness on Delaware law.

Norman Pearlstine L'67 was named vice chairman of Time Inc. A former editor in chief of the publication, he rejoined Time Inc. in 2013 to help guide the company after it spun off from Time Warner. He is focusing on international opportunities in his new role.



Joseph Bright L'70 was named in the 2017 edition of *The Best Lawyers in America* for his work in tax law. He focuses on state and local taxation at Cozen O'Connor.

Joseph Cooper W'69, L'72 was appointed executor of the estate of New Yorker cartoonist Frank Modell. For news of auctions of Modell's artwork, contact him at estateoffranklynmodell@gmail.com. Cooper continues to publish Books columns at The Huffington Post, and he also writes "Pauses and Moments: Rumbblings from the lane next to the off ramp" stories for PsychologyToday.com.

Ian Comisky W'71, L'74 joined Fox Rothschild's Philadelphia office as a partner in the firm's white-collar compliance and defense practice. He was previously a partner at Blank Rome, where he was co-chair of its white-collar group for more than 30 years. In June, at the Knowledge Group's webcast, he delivered the talk, "Extended Anti-Money

Laundering Requirements for Private Equity: The Collaboration Between the SEC and FINCEN LIVE Webcast.”

Marc Jonas C’69, L’72 was named the 2017 Lawyer of the Year for Land Use and Zoning Law in Philadelphia by *The Best Lawyers in America*. He is the co-chair of Eastburn and Gray’s land use and zoning practice group and has extensive experience in real estate, land use/zoning and municipal law. He also serves as solicitor to Kennett Square Borough and as solicitor to the zoning hearing boards of Towamencin, Upper Merion and Lower Salford Townships. He is a frequent lecturer for the Pennsylvania Bar Institute and the Montgomery Bar Association Real Estate Committee.

The Hon. Mark Bernstein L’73 received the 2016 Bench-Bar & Annual Conference’s Justice William J. Brennan Jr. Distinguished Jurist Award, which recognizes a jurist who adheres to the highest ideals of judicial service. He has been a judge of the First Judicial District of Pennsylvania since 1987, teaches evidence and civil procedure at the Thomas R. Kline School of Law at Drexel University and is the author of comprehensive comments on the Pennsylvania Rules of Evidence published by Gann Law Books. He was instrumental in designing and implementing the Day Forward Case Management system for the First Judicial District, which helped turn a backlogged court into one of the most efficient and admired case management systems in the United States. Judge Bernstein is currently writing a novel that takes place in the Philadelphia courts that he is releasing in serial form on his website, www.judgebernstein.org.

Mark Friedman C’70, L’73, a managing partner of Constellation Investment Partners in Boca Raton, Fla., reports the sale of OnForce, Inc., an online staffing company organized in 2003 with Alan Weber w’70, PAR’06, to Swiss-based Adecco Group, the largest staffing company in the world.

David Glyn L’73 was named in the 2017 edition of *The Best Lawyers in America* for his work in trusts and estates. He focuses on private client matters at Cozen O’Connor.

Wilbur Kipnes C’70, L’74, a partner at Schnader Harrison Segal & Lewis, LLP, was named chair of the litigation-services department, which comprises 26 practice groups. He had previously served as the firm’s general counsel.

H. Ronald Klasko L’74, a founding partner of Klasko Immigration Law Partners, LLP, participated in two panel discussions at the EB-5 Coalition’s 2016 Legislative Workshop in Washington, D.C. He was also named to the list of the 2016 top 25 EB-5 lawyers in the country by *EB5 Investors* magazine. In June, Klasko spoke at the Investment Migration Forum in Geneva about investment migration developments in the United States and Canada, and also participated in a panel discussion on immigration policy and investment migration. He was named in Lawdragon’s “The Most Powerful Employment Attorneys Guide for 2016” as one of 20 top immigration law practitioners. In July, he moderated the panels “Understanding and Evaluating Investor Protections and How U.S. Securities Laws Can Affect Overseas Agents” and “China Issues” at the 2016 New York EB-5 Convention. Klasko was named in the 2017 edition of *The Best Lawyers in America* for his work in immigration law.

Gail Lione L’74, PAR’11 was named senior counsel at global law firm Dentons. She serves on several boards for public and private companies and teaches intellectual property law as an adjunct law professor at Georgetown University Law Center. She has more than 20 years of general counsel experience, including at Harley-Davidson, Inc., where she was executive vice president, general counsel, secretary and chief compliance officer.

John Noble L’75 joined Morris James, LLP as a partner in its corporate and commercial litigation group. He joined the firm in July upon retiring from his post as vice chancellor of the Delaware Court of Chancery, having been appointed by Governors Carper and Markell in 2000 and 2012, respectively.

Thomas Rees L’75 was named a 2016 Pennsylvania Super Lawyer by Thomson Reuters and was recognized for his employment and labor work. He is a partner at High Swartz, LLP, where he heads the firm’s litigation and employment practice.

Bruce Ludwig L’76 was named a 2016 Pennsylvania Super Lawyer by Thomson Reuters. He is a partner in Willig, Williams & Davidson’s labor department and focuses on state, federal and administrative matters including discrimination and civil rights disputes, pension, retirement, unemployment compensation and wage and hour issues.

Michael Malloy L’76 gave a lecture, “More’s *Utopia* and Socio-Economics,” at Oxford University as part of the Utopia 500 project, a global commemoration of Thomas More’s *Utopia* that was published 500 years ago. The lecture was part of the Oxford Conference on Business, Economics, Poverty & Inclusive Capitalism, held at the University’s Saïd School of Business. He also

participated as a member of the organizing committee for the 13th Annual International Conference on Law sponsored by the Athens Institute for Education and Research. As director of the Institute's Business and Law Research Division, he delivered welcoming remarks to the conference. He presented a paper, *Encountering UTOPIA: Social Stresses and Responsibilities of the Lawyer*, which provides a legal and literary critique of the novel, an important literary milestone and cultural artifact. The following day Malloy chaired a panel on public policy and law.

Jeff Pasek L'76 was named the 2017 Lawyer of the Year for employment law by *The Best Lawyers in America*. He is the chair of Cozen O'Connor's labor and employment group.

Greg Ahlgren L'77, PAR'11 authored a Civil War historical novel called *Fort Fisher: The Battle for the Gibraltar of the South*. The story, told from the point of view of soldiers from both sides and a woman who was a Union spy, focuses on a January 1865 battle that sealed the Confederacy's fate. Ahlgren is a criminal defense lawyer in Manchester, N.H., and has been a criminal justice professor, state legislator and political activist. He's also penned the alternate history time-travel novel, *Prologue*, and the international thriller, *The Medici Legacy*.

Thomas Gallagher III C'74, W'74, L'77 was named in the 2017 edition of *The Best Lawyers in America* for his work in tax law. He focuses on tax aspects of commercial transactions of all types at Cozen O'Connor.

Bernard Lee L'77, PAR'02 was named in the 2017 edition of *The Best Lawyers in America* for his work in real estate law. He is the co-chair of Cozen O'Connor's real estate practice group.

Jason Shargel L'77 was named in the 2017 edition of *The Best Lawyers in America* for his work in corporate law and mergers and acquisitions law. He is a member of Cozen O'Connor's corporate practice group.

Brian Flaherty L'78 was named in the 2017 edition of *The Best Lawyers in America* for his work in commercial litigation. He is a trial lawyer at Cozen O'Connor.

H. Vincent McKnight, Jr. L'78, a partner in Sanford Heisler's Washington, D.C. office, has assumed the role of managing partner of the D.C. office. He is also co-chair of the firm's whistleblower practice and represents whistleblowers in numerous False Claims Act/Qui Tam suits under investigation by the United States and other governmental stakeholders.

Robert Friedman L'79 was named the 2017 Lawyer of the Year for trusts and estates by *The Best Lawyers in America*. He is the chair of Cozen O'Connor's private client services practice group and focuses on estate and trust planning and administration.

Linda Galante L'79 was named vice chair of the Center City District Foundation's board. The nonprofit seeks to raise money to test and implement new programs that uplift downtown Philadelphia. Galante is a partner at Stradley Ronon, LLP.

Niki Ingram L'79 was named a Fellow of the College of Workers' Compensation Lawyers. She is a shareholder and director of the workers' compensation department at Marshall Dennehey Warner Coleman & Goggin. The College honors lawyers who have distinguished themselves in workers' compensation practice.

Neil O'Toole L'79 was recognized by Professionals in Workers' Compensation with the 2015 President's Award, for lifelong commitment and extraordinary contributions to the field of workers' compensation law and practice. He is owner of the Law Office of O'Toole & Sbarbaro, PC in Denver, Co.



Reginald Jackson L'80 was named in the 2017 edition of *The Best Lawyers in America* for his work in bankruptcy and creditor rights/insolvency and reorganization law. He is a partner at Vorys, Sater, Seymour and Pease LLP's Columbus, Ohio, office.

Daniel Prywes C'77, L'80 joined Morris, Manning & Martin, LLP's Washington, D.C., office as a litigation partner. He was previously a partner at Bryan Cave, LLP. His experience includes representing a wide range of clients, handling several contract and employment disputes and litigating in state and federal trial and appellate courts, state and federal administrative agencies, arbitration panels and the U.S. Supreme Court.

David Cohen L'81 was appointed to the regional board of directors for the United Way of Greater Philadelphia and Southern New Jersey. Cohen is senior executive vice president of the Comcast Corporation and is the company's chief diversity officer.

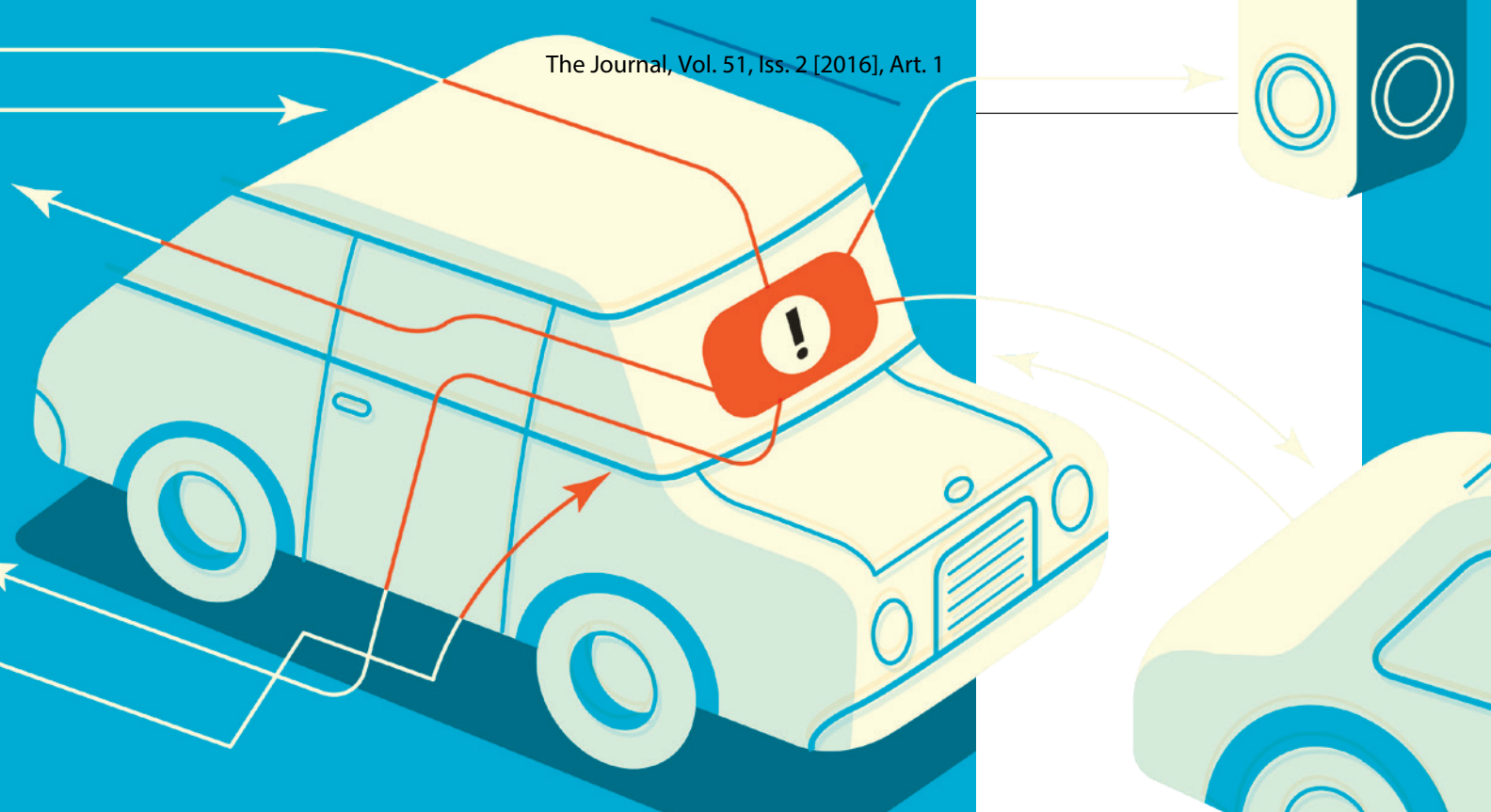


ILLUSTRATION: HARRY CAMPBELL

A Solution to the Epidemic of Distracted Driving

Several years ago, **Ted Chen W'87, L'91** and his buddy Mike Demele both had sons approaching driving age. The Silicon Valley dads had been contemplating a side project in app development, when they had a eureka moment: to create an app to reduce cell phone distracted driving. In 2013 the pair founded LifeSaver. Shortly thereafter, Chen and Demele left their full-time jobs to focus on LifeSaver and haven't looked back since.

"It's been a wild ride," Chen said. "LifeSaver is such a uniquely fulfilling opportunity, allowing us to focus our energies on a mission that not only presents an interesting business challenge, but is also deeply rooted in a problem that's very personally relevant for us, our families and our society."

The LifeSaver solution hinges on accountability: The user typically agrees to use the app (free for iOS and Android) with the knowledge that another party (parents or employers, for example) can view his or her data regarding app usage and compliance through a dashboard, which can be accessed by mobile device or desktop.

The app, which uses GPS technology and other location services on the phone to detect driving, blocks a driver's screen access to their phone while the car is in motion, but it allows for a user to unlock the phone for an emergency or if the user is a passenger. In those cases, actions to unlock the phone are recorded (time and location), so that this information can be used by the family member or employer to keep the driver honest.

Chen said distracted driving has become a new American epidemic. "One in four collisions is being caused by cell-phone related driving, according to the National Safety Council," he said. "This is a recent phenomenon that's getting worse every day. In 10 short years, our addiction to smartphones has become the number one problem on our roadways—we need to find a simple and effective way to curb this epidemic."

LifeSaver has garnered the attention of many parents and driver-safety organizations like Mothers Against Drunk Driving. The solution has been validated by millions of miles of consumer driving and endorsed by national safe-driving advocates like Jacy Good from Hang Up and Drive, Chen said. Chen has even spoken with the California legislature about requiring drivers cited for distracted driving to use a product that prevents distracted driving and confirms the driver's usage.

LifeSaver could be a boon for the auto insurance industry, which is experiencing a huge increase in frequency and severity of auto claims due to cell phone-related crashes. Chen said it is costing those insurers more than \$30 billion annually. Moreover, he said, companies in general and especially those with fleets are looking for ways to increase their employees' safety behind the wheel and also protect their company from the potential liability arising from employee crashes caused by cell phone distracted driving. Not surprisingly, LifeSaver is garnering a lot of interest from fleets looking to protect themselves from this issue. Chen plans to further monetize through insurance partnerships and fleet licenses.

Yvonne Cort L'81 spoke in May at a Nassau County Bar Association Tax Committee meeting about IRS issues, including collection and handling a federal tax lien. Cort is a partner at Capell Barnett Matalon and Schoenfeld, LLP, where she focuses on resolving federal and New York State tax controversies.

Robert Silverman L'81 was named in the 2017 edition of *The Best Lawyers in America* for his work in real estate law. He is a member of Cozen O'Connor's real estate practice group.

Amy Goldstein L'82 was sworn in as president of the New Jersey State Chapter of the American Academy of Matrimonial Lawyers (AAML) in June. The AAML is a national non-profit that encourages the study, improves the practice, elevates the standards and advances the cause of matrimonial law so that the welfare of the family and society is protected. Goldstein has been a fellow of the AAML since 1995.

Steven Howard L'82, PAR'10 joined Norton Rose Fulbright's New York office as a partner. He had previously been a senior partner at Gladstone Associates, LLC. Howard has more than three decades of experience advising international and domestic investment funds and advisers. He is also an art law expert and serves as a director of The Dedalus Foundation.

Don Mares L'82 was named deputy mayor of Denver, Colo. He was previously appointed to the mayor's cabinet to run Denver Human Services, which is one of the city's largest agencies.

Maida Milone C'76, L'82, PAR'92 has been named the executive director of Pennsylvanians for Modern Courts, the statewide nonprofit that works to ensure fair and impartial courts for all Pennsylvanians. She

has taken the place of Lynn Marks L'79, who stepped down from the position. Milone was previously the vice president of business development and strategic planning at Devereux Foundation.

Carol Matthey G'83, L'83 received the 2016 Federal Communications Bar Association Excellence in Government Service award, given annually to recognize individuals with a long-term career in the federal government in the field of communications who are dedicated to the pursuit of excellence in government service. She is deputy bureau chief at the Federal Communications Commission and focuses on expanding access in areas of the country lacking broadband service.

Scott Friedman GL'84, the chairman and CEO of Lippes Mathias Wexler Friedman, LLP, was appointed by N.Y. Gov. Andrew Cuomo to a six-year term on the Council for the State University of New York at Buffalo. The council is the main oversight and advisory group to UB. Friedman, a lifelong Buffalo resident, is also a general partner at a firm supporting early-stage local companies so that they stay in Western New York, and he is a co-founder and volunteer executive-in-residence of the family business initiative in UB's Center for Entrepreneurial Leadership. He founded Next Gen Advisors, LLC, a consulting firm that helps family-owned businesses.

Geralyn Humphrey L'84 joined Ferro Labella & Zucker, LLC as counsel in Hackensack, N.J. She was previously a senior real estate attorney with Ehrlich, Petriello, Gudín & Plaza, PC in Newark, N.J. In her new role, she represents clients in business and real estate transactions, including business structuring, mergers and acquisitions, commercial loans and other financing and investment transactions, and the purchase, sale, financing and leasing of commercial and multi-family real estate.

John Grady L'85 joined DLA Piper's finance practice in Philadelphia as a partner. He was most recently the senior vice president and chief regulatory officer of Aratec Corporation, the holding company for Cetera Financial Group.

Sarah Kelly GED'79, L'85 was named in the 2017 edition of *The Best Lawyers in America* for her work in management and employment law and labor and employment litigation. She is of counsel at Cozen O'Connor.

Steven Zalesin L'85 was named *The American Lawyer's* "Litigator of the Week" in March after securing a federal jury verdict for The Coca-Cola Company in a landmark advertising dispute over juice labeling brought by POM Wonderful. He is a partner at Patterson Belknap Webb & Tyler in New York and has extensive experience in intellectual property, false advertising and complex litigation matters.

Stewart Harris L'86, a law professor and host of a nationally syndicated radio show, gave an address in September to a meeting of the State of Franklin Chapter of the Sons of the American Revolution and the Hawkins County Bar Association. He created the public radio show, "Your Weekly Constitutional," in 2011, which is produced by an NPR affiliate in Johnson City, Tenn. After teaching law for 15 years at the Appalachian School of Law, he became a constitutional law professor this year at the Duncan School of Law at Lincoln Memorial University.

Karen McDonald Henning L'86 received the 2016 James T. Barnes, Sr. Memorial Faculty Scholar Award at the University of Detroit Mercy School of Law. The award recognizes a faculty member's outstanding scholarship, teaching excellence and public service. She joined the law school in 2007 and teaches

applied legal theory and analysis, advanced advocacy, federal jurisdiction and a judicial clerkship seminar. A prolific scholar, she has written about prosecutorial immunity and has co-authored the text, *Criminal Pretrial Advocacy*, among other works.

Kenneth Trujillo L'86 joined Chamberlain Hrdlicka's Philadelphia office as a shareholder. He will focus on leading that office to expand into a multi-disciplinary practice with a concentration on sophisticated specialty litigation. He was previously a litigation services partner at Schnader Harrison Segal & Lewis, LLP. Trujillo served as co-chair of the 2016 Democratic National Convention's host committee in Philadelphia, and a few months before the convention, was elected to the Board of Directors of WHYY, greater Philadelphia's leading public media provider.

Randall Pattee L'87 joined Fox Rothschild, LLP as a partner in the firm's Minneapolis office. He was previously a partner at Lindquist & Vennum, LLP. He has a national practice and focuses on product liability defense and business and commercial disputes.

Jay Rand L'87, PAR'17 became a partner and co-chair of Frankfurt Kurnit Klein & Selz, PC's Corporate & Finance Group. He has extensive experience advising on entity formation, corporate governance, venture capital and other types of financing, and his practice focuses on clients in digital media, FinTech, software, health and life sciences and consumer goods and technologies. Rand teaches a course in high-growth entrepreneurship as an adjunct faculty member at Columbia Law School, and he frequently speaks and writes about issues critical to emerging companies, entrepreneurs and investors.

Patricia Smink Rogowski L'87 was selected as a fellow of the American Bar Foundation, a national research institute for the empirical study of law. Only one percent of U.S. attorneys are admitted to the program, and selection requires nomination and recommendation by the Foundation's national fellows and recommendations from lawyers in the state where the nominee practices. Smink Rogowski is a partner at the Wilmington, Del., office of Panitch Schwarze Belisario & Nadel, LLP and has about 30 years' experience in patent, trademark and copyright prosecution and counseling in intellectual property litigation in federal district courts and in appeals to the Court of Appeals for the Federal Circuit.

Ferrier Stillman L'87, co-chair of Tydings & Rosenberg, LLP's health-care group and a family law attorney, was named a 2016 "Leadership in Law" recipient by Maryland's *The Daily Record*. The award was created in 2000 to recognize Maryland legal professionals who are dedicated to their profession and communities. Stillman represents clients in complex domestic relations cases in addition to senior housing and long-term care facilities and other health care providers and professionals before state and federal regulatory agencies, as well as in commercial transactions and litigation.

Michael Esser GL'88 joined Latham & Watkins, LLP's Dusseldorf office as a partner in the firm's antitrust and competition practice. He was previously at Freshfields Bruckhaus Deringer in Cologne and has more than 20 years' experience advising German and international companies. His specialty is Phase-II merger cases, domestic and international cartel proceedings and global investigations, and he is also an expert in the technology, media and telecom (TMT) sector.

Marc Ginsky L'88 was appointed the executive vice president and chief operating officer of the Cystic Fibrosis Foundation. He was previously the vice president and general manager of the market access services division at Covance, a contract research organization.

Ernesto Lanza L'88 joined the Washington, D.C., office of Clark Hill in August as senior counsel, moving from the law firm of Greenberg Traurig, where he was a shareholder. He joined the firm's banking and finance practice and focuses on public finance matters related to securities law, disclosure, trading and market structure issues.

Ellen Rosenberg L'88 joined Amicus Therapeutics as general counsel and corporate secretary. She was previously senior vice president and associate general counsel at Shire Pharmaceuticals. She has legal experience in the biopharmaceutical and medical device industry including mergers and acquisitions, product launches, risk management, and compliance matters.

Stella Tsai L'88 was confirmed by the Pennsylvania State Senate to serve as a judge on the Court of Common Pleas in Philadelphia. She took the bench in September and will serve on an interim basis until January 2018. Tsai will have the chance to stand for election in 2017 for a full term. She is a partner at Archer & Greiner's Philadelphia office, where she focuses on business litigation and represents individuals, small businesses, and multi-national businesses in transactional, regulatory and litigation matters, including trial and appellate work. She is a member of the firm's diversity committee and is the firm's representative to the Philadelphia Diversity Law Group's Board of Directors.

Lisa Whitcomb Clark L'89, a partner at Duane Morris, was elected to the board of directors for The Public Interest Law Center, a Philadelphia nonprofit firm that helps vulnerable populations access basic resources.

Charles Marion C'86, W'86, L'89 was named president of the Chestnut Hill Community Fund, which raises money to support the Chestnut Hill Community Association and other community nonprofits. He is a partner in the commercial litigation and intellectual property litigation practice groups at Pepper Hamilton, LLP in Philadelphia.

Arthur Solmssen, Jr. L'89 became the head of the Crosby Family Office and the Crosby Company of New Hampshire. Those entities were created by the Johnson family, which owns several businesses and assets, including 49 percent of mutual fund company Fidelity. Solmssen is coordinating the Johnson family's interests, including investments in a global financial services business, a trust company, venture capital, private equity, real estate, public securities, charitable organizations and art and antiquities. He was previously a longtime partner at Dechert.

Susan Spaeth L'89, managing partner of Kilpatrick Townsend & Stockton, was named one of the Most Influential Women in Business by the *San Francisco Business Times*. The publication chose about 150 women from several industries based on their contributions to the Bay Area's economic wealth, growth and civic core. Spaeth focuses on intellectual property and complex/technical litigation, particularly patent litigation, licensing and counseling. She has represented biotechnology, medical device and high technology companies

in various federal district courts, the United States International Trade Commission and European patent litigation.

Jennifer Evans Stacey L'89 was appointed vice president, general counsel, corporate secretary and head of government relations at The Wistar Institute, an international biomedical research organization. She was most recently senior vice president, general counsel, human resources and secretary at Antares Pharma, Inc. In her new role, she oversees contracts, employee affairs, technology transfer and the intellectual property licensing process; assists with regulatory affairs and compliance; manages litigation matters; and provides legal counsel. She also manages governance issues related to the board of trustees.

Janet Weiss C'86, L'89 joined the finance and restructuring group as a partner at Dorsey & Whitney, LLP's New York office. She was previously a partner at Gibson, Dunn & Crutcher, LLP's business restructuring and reorganization practice group.



Marc Klein L'91 was named in the 2017 edition of *The Best Lawyers in America* for his management work in employment law. He is a partner in the Dallas office of Thompson & Knight LLP.

Andrew Africk L'92, WG'92 was appointed to the board of directors for RPX Corporation, a patent risk management and discovery management solutions provider. He founded the private investment company, Searay Capital, LLC, in 2013, and is a director of SunCoke Energy, Inc.

Allison Amadia L'92 joined the electronic cash transaction company PayNearMe as general counsel. She was most recently executive vice president, general counsel, chief compliance officer and corporate secretary for Extreme Networks, Inc.

Matthew Biben L'92, a litigation partner at Debevoise & Plimpton LLP, was appointed in July by Chief Judge Janet DiFiore to the New York State Commission on Judicial Nomination, which screens candidates for vacancies on the Court of Appeals.

Eric Marandett L'92 was named an "IP Star" by *Managing Intellectual Property (MIP)*. He co-chairs Choate, Hall & Stewart, LLP's intellectual property litigation group in Boston.

David Richter ENG'87, W'87, L'92 was named a fellow of the Chartered Institute of Building. He is the president and chief executive officer of Hill International, a global firm that manages construction risk. Richter is a fellow and past board member of the Construction Management Association of America. He is also a member of the World Presidents' Organization, the Construction Industry Round Table and the American Society of Civil Engineers.

David Schwartz L'92 was appointed as general counsel and executive vice president of Hudson's Bay Company at the end of September. In that role, he will lead the company's global legal organization, and he will also be a part of the company's executive leadership team and serve as corporate secretary to its board of directors. He had been at Toys "R" Us for the past 15 years, where he served as general counsel for more than a decade.

Christopher Smith C'87, L'92, PAR'17, a trial and appellate lawyer and partner at Smith Anderson in Raleigh, N.C., was selected for inclusion in the 2017 edition of *The Best Lawyers in America* for his work in commercial and environmental litigation.

Steven Spielvogel C'89, L'92 was named a *Super Lawyer* in New York City for business litigation. He has been selected a Super Lawyer 2010–2011 and 2013–2016.

Carrie Cohen L'93 joined Morrison & Foerster as a partner. She was previously a federal prosecutor in Manhattan, a post she held for almost nine years. In her new role, she is joining the Securities Litigation, Enforcement and White-Collar Criminal Defense (SLEW) and commercial litigation and trials practice groups.

Anthony Gay L'94 was promoted to vice president of governmental and external affairs at Peco Energy Co. He had previously been associate general counsel at the company.

Donna Gitter L'94, a law professor at Baruch College, City University of New York, was awarded a Fulbright-SyCip Distinguished Lecturing Award for travel to the Philippines during the 2016–2017 academic year. She is lecturing to audiences at major universities, professional organizations, nongovernmental organizations and government agencies in Metro Manila, Luzon and Visayas. She recently presented her article, “Informed Consent and Privacy of Non-identified Biospecimens and Estimated Data: Lessons from Iceland and the United States in an Era of Computational Genomics,” at two conferences: the Second International Conference on Big Data, Small Data, Linked Data and Open Data, sponsored by the The International Academy, Research and Industry Association (IARIA)

in Lisbon, Portugal; and the conference on Big Data, Health Law and Bioethics at the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics at Harvard Law School.

Steven Abrams L'95 joined the Philadelphia office of Hogan Lovells as a corporate life sciences partner. He focuses on life sciences capital markets, mergers and acquisitions and corporate governance. He was previously a partner at Pepper Hamilton and was co-chair of the firm's life sciences practice and corporate and securities practice groups.

John Duke L'95 joined the Philadelphia office of Hogan Lovells as a corporate life sciences partner. His expertise is in corporate, capital markets and mergers and acquisitions in consumer products, food and beverage, financial technology and manufacturing industries. He previously practiced at Pepper Hamilton, where he was co-chair of the firm's food and beverage practice and of the commercial department.

Matthew Daniels G'96, L'96 was appointed as an endowed chair of Law & Human Rights at the Institute of World Politics, a graduate school of international affairs in Washington, D.C. He welcomes alumni or students interested in studying or interning at the school to contact him. Daniels has also operated a network of five academic centers focused on human rights education at higher education institutions in the U.S., U.K. and South Korea. Daniels is also the founder of the Center for Human Rights and International Affairs at the Institute of World Politics. In addition, he is the founder and co-director of the Center for Law and Digital Culture at Brunel Law School in London and is an adjunct law professor at Handong International Law School in Pohang, South Korea.

Jack Garfinkle L'96 was elected to the board of the Walnut Street Theatre in Philadelphia. He is the associate general counsel of Exelon Corp.

Beth Heleman L'96 was promoted to senior trial attorney at the U.S. Department of Labor in Washington, D.C., after working there for two years as a trial attorney. She defends the Department in labor and employment law matters and Freedom of Information Act (FOIA) and Privacy Act cases. She also advises the Department's management on a wide range of employee and labor relations matters, FOIA, Privacy Act, and third party subpoena requests.

Farah Jimenez C'90, L'96 was named president and CEO of the Philadelphia Education Fund, an independent nonprofit that champions public education in the city. She is also a Philadelphia School Reform Commission member.

Tanya Forsheit L'97 joined Frankfurt Kurnit Klein & Selz, PC's Los Angeles office as partner and co-chair of the firm's privacy and data security group. She was previously a partner at BakerHostetler. She will also be a partner in Frankfurt Kurnit's technology and digital media, advertising, and litigation groups. Forsheit represents multi-national and emerging companies in the media, entertainment, consumer products, healthcare, technology and professional services industries.

Priscilla (“Sally”) Mattison L'97, of counsel to Bernard M. Resnick, Esq., PC, co-authored an article, “Modern Methods of Monetization for Record Producers.” It was published in the International Association of Entertainment Lawyers 2016 book, *The Monetization of the Global Music Business—from Creators to Major Industry*. She discussed the article on a panel at the 50th annual MIDEM convention in Cannes, France, in June.



ILLUSTRATION: ALEX NABAUM

‘A Ha Moment’ Led Whitmore to Rare Books

It’s hard for **Dan Whitmore L’08** to pick his favorite sale as a rare books dealer.

But when pressed, he’ll tell you about his biggest transaction—copy number six of one hundred signed copies of James Joyce’s *Ulysses*, which netted \$125,000—or the sale of a signed, first edition in in the publisher’s vellum presentation binding, of Oscar Wilde’s *The Importance of Being Earnest* (one of twelve such copies). Whitmore sold it for \$55,000.

He and his wife, Darinka, sell rare books through their website, Whitmore Rare Books, at book fairs around the country, and they have recently opened a gallery and office in Old Town, Pasadena.

He sources books from private collections, other dealers and auctions; and sometimes just folks walking in the door. And the people who buy his books are just as varied: Some are collectors, some are simply book enthusiasts, some are like the guy who bought *Ulysses*, who happens to be an executive at a mid-sized company.

Whitmore began collecting rare books as a hobby his first year in law school.

“It turned into a passion for me,” he said. “Any time I was in a new city or visiting someplace, I had to figure out where the bookstores were.”

After graduating from Penn Law, he did corporate transactional work for Big Law in Los Angeles for a year. It was there that Whitmore said he had an epiphany when he realized there wasn’t anyone at the firm whose career he hoped to have one day.

“I kind of had this ‘aha moment’ where I said, this isn’t the right direction. No matter what I do, I’m not ending up where I’d like to be.”

He left his job, got married and turned to his passion for books. At the start of 2010, he and his wife opened an online rare books business out of their Los Angeles-area home. They became members of the Antiquarian Booksellers’ Association of America, which, Whitmore estimated, consists of about 400 dealers and includes most of the country’s serious rare booksellers.

Whitmore has had about 300 books in his inventory for the past few years, and that’s a number he’d like to eventually see at 500 to 700.

“The type of book I’m after is not easy to find, and it’s often quite expensive when I do find it,” he said.

He’s drawn to the twentieth-century classics, like *The Great Gatsby*, *The Catcher in the Rye* and *Gone with the Wind*, as well as early luminaries like Shakespeare, Dante and Chaucer.

His career change also meant he had to give up becoming a collector—but he’s okay with that.

“I wanted to have this beautiful library when I was at home when I was this successful lawyer guy,” Whitmore said. “The dream has been realized, although certainly not in the manner I was expecting.”

Michael Gold L'98 was named vice president of Washington, D.C., operations at Space Systems Loral, a provider of commercial satellites. He was previously the director of D.C. operations and business growth at Bigelow Aerospace. In his new role, he will expand the company's presence in Washington to aid its growing business with the U.S. government.

Craig Hymowitz L'98 received his certification as an anti-money laundering specialist. He serves as of counsel in Rumberger, Kirk & Caldwell's banking law and securities and financial services litigation groups. Credentials as a Certified Anti-Money Laundering Specialist (CAMS) are recognized as a serious commitment to protecting financial systems.

Gabrielle "Gaby" Bailey L'99 was named by *Private Asset Management* magazine as one of the "50 Most Influential Women in Private Wealth." She serves as the chief fiduciary officer for Atlantic Trust. At Atlantic Trust, she oversees the firm's fiduciary activities, is the head of the Trust Committee, and leads the growth of the firm's Delaware offering by providing highly-customized fiduciary and custody services for trusts administered under Delaware law. Bailey is also a member of the firm's wealth strategies group, assisting individuals with wealth planning and fiduciary administration matters as well as participating in the creation and implementation of firm-wide wealth strategies initiatives.

Kristen Campana L'99 joined international law firm Proskauer's New York office as a partner in its multi-tranche finance group. She was previously a partner at Bracewell & Giuliani. Campana represents a range of alternative lenders in domestic and cross-border financings

across the capital structure and has deep bankruptcy and workout experience for distressed investors.



Brian Hirsch G'97, L'00 joined Glenmark Pharmaceuticals' Mahwah, N.J., office as the company's vice president of global intellectual property and legal head of North America. He was previously the head of U.S. intellectual property litigation at Sandoz Pharmaceuticals.

Andrew Morton L'00 signed on to represent Caitlyn Jenner and the Jenner/Kardashian family, as they each start foundations. He has also signed an appearance contract with their television show, "Keeping Up with the Kardashians", which will focus on the family's charitable work next season.

Louis Virelli III GR'97, L'00 has authored a book, *Disqualifying the High Court*, which covers the controversial topic of judicial recusal in the U.S. Supreme Court and separation of powers. A professor at Stetson University College of Law, he teaches administrative law, civil procedure, constitutional law and the federal courts.

Edo Banach L'01 joined the Baltimore-based Gallagher Evelius & Jones, LLP as a partner in the firm's health law group. He was previously the deputy director of the Medicare-Medicaid Coordination Office of the Centers for Medicare & Medicaid Services. In his new role, he represents healthcare providers and agencies and organizations that serve the healthcare industry.

Patricia Montes de Oca L'01 joined Kelley Kronenberg's Miami office as an attorney. She was previously the owner and manager of her own law firm for five years. In her new role, she focuses on first party insurance defense, property and casualty claims and complex commercial litigation disputes.

Jannie Lau L'02 was elected to the Pennsylvania Academy of the Fine Arts' board of trustees. She is executive vice president, general counsel and secretary at InterDigital.

Anuj Gupta G'03, L'03 was appointed to the Free Library of Philadelphia board of trustees. He is general manager of Reading Terminal Market.

Adam Singer L'03 formed the Law Office of Adam G. Singer, PLLC, a consumer and commercial litigation firm. The consumer practice focuses on litigating credit report errors and consumer class actions, and the commercial practice provides tailored legal counsel to individuals as well as small and medium-sized businesses.

Kate Heptig L'04 joined Rivkin Radler's corporate practice group as a partner in the Uniondale, N.Y. office. She was previously counsel at Farrell Fritzwhich. In her new role, she will focus on transactional work including tax, corporate, partnership, executive compensation and employee benefit matters.

Alva Mather L'04 joined Pepper Hamilton as a partner in Philadelphia. She previously chaired the alcoholic beverage practice group as a litigator and first-chair trial attorney at Griesing Law.

Kathy Stroker L'04 became the acting general counsel of the Peace Corps last spring. She was previously an attorney with the United States Agency for International Development (USAID).

Alastair Agcaoili L'05 was chosen as one of six 2016 Supreme Court Fellows with the National Association of Attorneys General in Washington, D.C. The fellowship program selects a small number of attorneys each year from state Attorney Generals' Offices around the country and immerses them in the world of state practice before the U.S. Supreme Court. Agcaoili was nominated to the fellowship by the California Attorney General's Office, where he has served as a Deputy Attorney General since 2014. His fellowship began in September.

Craig Gargano L'05 was promoted from associate attorney to counsel at Parker McCay in Mount Laurel, N.J. He serves as bond counsel and underwriter's counsel for the issuance of tax-exempt and taxable municipal debt, in order to facilitate a range of public projects and programs for local, state and bi-state issuers. He has been a member of the firm's public finance group since 2008.

Moira Gillis Watson L'05 joined Hall Estill's Oklahoma City office as special counsel. In 2015, she received her doctorate from the law faculty at the University of Oxford (Brasenose College) and in the same year joined the University of Oklahoma's College of Law faculty, where she teaches secured transactions and corporate finance.

Derek Dostal L'06 was elected a partner at Davis Polk & Wardwell, LLP's New York office. He practices in the firm's corporate department in the capital markets group in New York and has experience in public and private capital markets transactions, in advising public American companies and in equity derivatives.

Kartick Maheshwari GL'06 was promoted to partner at Khaitan & Co. He was previously an associate partner with the firm in Mumbai, India.

Xudong Ni GL'06 was re-elected as co-managing partner at East & Concord Partners' Shanghai office. The firm is a full-services business Chinese law firm. He will also continue to serve as co-chair of the firm's corporate practice group.

Steve Park L'06 was named partner at Ballard Spahr, LLP, where he is a member of the firm's public finance department in Philadelphia. He advises issuers, underwriters, borrowers and purchasers on the structuring, issuance, offering, placement, re-marketing, and restructuring of tax-exempt and taxable municipal securities and other debt instruments and derivatives.

Sophia Tawil L'06 was appointed general counsel, chief compliance officer and corporate secretary of the Providence Service Corporation, which is a holding company whose subsidiaries provide healthcare and workforce development services. She was previously a senior attorney and corporate attorney at Cravath, Swaine & Moore, LLP.

Uri Herzberg L'07 became a partner at Debevoise & Plimpton's New York office in July. He joined the firm in 2007 and is a member of the corporate department and the private equity and mergers and acquisitions groups.

Leonardo Corrêa LLM'08 won the 2016 Latin American Counsel Award for best individual in-house litigation counsel in Latin America. He is a legal manager with Merck Group in São Paulo Brazil.

Ama Karikari-Yawson WG'08, L'08 made a big life change in August 2015 by leaving her job as a corporate attorney at Citigroup Inc., to become a full-time author, storyteller and educator. She performs her best-selling fable, *Sunne's Gift*, at colleges, school assemblies, and corporations. She also teaches career planning, bullying prevention and college essay writing and conducts cultural sensitivity, diversity, and harassment training sessions. She invites you to reach out to her at milestalespublishing@gmail.com.

Doron Kenter L'08 joined Robins Kaplan, LLP's restructuring and business bankruptcy group as counsel. He was previously at Weil, Gotshal & Manges, LLP, where he focused on bankruptcy, out-of-court restructuring and the rights of debtors and creditors. He is an active member of the American Bankruptcy Institute.

Andrew Rusczek GR'08, L'08 was named in the 2017 edition of *The Best Lawyers in America* for his work in health care law. He is a partner in the Verrill Dana office in Boston.

Tyler Shewey L'08 was named Citizen of the Year by the Berryessa Citizens Advisory Council. He was honored for his involvement with Special Olympics, the San Jose Silicon Valley Chamber of Commerce and serving on the Berryessa Citizens Advisory Council for the past decade. He is an associate at Berliner Cohen, LLP in San Jose.

Eric Wolfish L'09 joined the Office of the General Counsel for the U.S. Department of Health & Human Services in Philadelphia. He was previously an associate at Pepper Hamilton, LLP. ♥

2016

IN MEMORIAM



Judge Shapiro,
a Barrier
Breaker and
Mentor to a
Generation
of Women,
Dies at 87

The Hon. Norma Shapiro L'51, the first woman appointed to the U.S. District Court for the Eastern District of Pennsylvania, died July 22. She was 87.

"The term 'trailblazer' is frequently overused, but there's no question that Judge Shapiro was a trailblazer in many ways," said Robert Heim W'64, L'72.

He worked with her at Dechert, Price & Rhoads, where she became the firm's first female hire, and eventually, first female partner. She was also the first woman to clerk for a Pennsylvania Supreme Court Judge and to serve as a member, and later, chairwoman, of the Philadelphia Bar Association's board of governors. In 1993, she was the first recipient of the Philadelphia Bar Association's Sandra Day O'Connor award, which recognizes female lawyers who use their positions to help other female lawyers.

"She spent an enormous amount of time mentoring younger lawyers," said Penn Law Professor Stephen Burbank, who knew her well. "She was a constant source of inspiration to me."

A Philadelphia native, Judge Shapiro left Cheltenham High School early—she successfully argued that if boys were allowed to leave early for college before serving in the military, girls should get the same privilege. In 1948, she earned her degree with honors in political theory at the University of Michigan.

Of about 300 students at Penn Law, Judge Shapiro was one of nine women, she recounted in an archived oral history. The beginning wasn't easy. "I was accused of taking bread from the mouths of the babies of the married veterans. It was absurd," she said in the 2000 account.

But things improved. "It was the most intellectually stimulating time of my life," she said. "I loved law school and the first year was sensational."

She married Bernard Shapiro C'49, M'51, INT'55 before her second year at Penn Law. That school year, she was elected to the *University of Pennsylvania Law Review* and was an assistant legal writing instructor. She graduated third in her class in 1951.

Back then, faculty selected students for clerkship interviews, and an apparent fight about choosing her because she was a woman ensued. The argument, she recalled, resulted in a professor leaving for another law school.

Shortly after, she became the first female law clerk for the Pennsylvania Supreme Court under Chief Justice Horace Stern. She remained close friends with his family for the rest of her life, spanning four generations. Justice Stern's granddaughter, Joan Goodman HOM'88, called her fiercely loyal.

"She was this brilliant woman who had all these 'first' accomplishments, and then she was this warm-hearted, caring person with such an extensive Rolodex of friends," she said, noting that Judge Shapiro was no pushover. "She wasn't all lovey-dovey. She was very feisty."

Upon joining Dechert, Judge Shapiro focused on securities litigation for two and a half years until becoming pregnant with her first son. She left Dechert in 1958 and, after having two more sons, returned in 1967. In 1971, she lectured at Penn Law about women in the law, and in 1973, she became the firm's first female partner and specialized in class action.

In August 1978, President Jimmy Carter appointed her the first female judge on the U.S. District Court for the Eastern District of Pennsylvania. She took senior status in 1998 but continued serving until her death.

During her career on the bench, she presided over a contentious 18-year-long case about prison overcrowding in Philadelphia that resulted in a mechanism for bypassing the bail process and releasing people charged with non-violent crimes. Other notable cases included one that resulted in the closure of Holmesburg Prison and the construction of a new courthouse and the Curran-Fromhold Correctional Facility; the development of a framework for future policies surrounding incarceration planning and implementation processes; and a diversionary program for the mentally ill and drug and alcohol abusers.

David Richman L'69, who served as lead counsel for the plaintiff in the prison overcrowding case, said while studies showed the rate of recidivism was the same whether bail was skipped or not, Judge Shapiro was still widely criticized for her ruling.

"She was publicly vilified," Richman said. "I thought the DA and the press were terribly irresponsible and unfair. I think it was difficult, but she always maintained a judicious demeanor."

In another significant case, Judge Shapiro put Chester Housing Authority in receivership in 1993. Derelict buildings were knocked down and rebuilt, creating a public housing project that was safer and more sanitary.

The judge remained devoted to Penn Law School, serving as an adjunct professor and on the board of overseers. She also played a significant role in the creation of the Owen J. Roberts Memorial Lecture in Constitutional Law. In 2010, Penn Law School accorded Judge Shapiro its highest honor, presenting her with the James Wilson Award.

Judge Shapiro was active in several Jewish and civic organizations and also served on the Lower Merion School Board. Judge Shapiro held several leadership positions with the American Bar Association and won many notable accolades, both locally and nationally.

She was preceded in death by her husband, Bernard. Judge Shapiro is survived by her sons Finley, Neil and Aaron Shapiro M'87, and seven grandchildren.

1940s

John Wood Jr. L'40, a Bucks County lawyer, died April 5 at the age of 100.

Born in Langhorne Manor, Mr. Wood graduated from George School in 1933 and Swarthmore College in 1937. After earning his JD at Penn Law, he helped refugees escaping the Spanish Franco regime to southern France in conjunction with the American Friends Service Committee. A devout Quaker, Mr. Wood returned to the United States to perform alternative service as a conscientious objector.

He was active in the Society of Friends and served on many committees and held several leadership positions, including clerk of the Middletown Monthly Meeting.

In 1942, he married Jean Robertson Brown, who died in 2011.

He began his career working for the City of Philadelphia, the War Labor Relations Board and the firm that is now Duane Morris LLP. In 1953, he started his own practice in Langhorne, which eventually became Wood & Floge.

Mr. Wood served as president of the Bucks County Bar Association in 1967, was a Kiwanis member and a board member of Jeanes Hospital and Friends Fiduciary Corp.

He continued serving clients at his law firm into his early 90s. He loved spending summers on Long Beach Island, N.J. and winters in Highland Park, Fla. He is remembered for his kindness, generosity and zest for life.

Mr. Wood is survived by daughter Elizabeth, sons John and Roger, daughter Susan, seven grandchildren, six great-grandchildren, a sister and a niece.

John "Jack" Holton, Jr. L'41, a World War II veteran and longtime New London, N.H., attorney, died Aug. 8 at the age of 100.

Mr. Holton grew up in the Chestnut Hill area of Philadelphia and graduated from Chestnut Hill Academy in 1934, where he was a four-sport varsity athlete. He played varsity baseball at Princeton University, from which he graduated in 1938.

After graduating from Penn Law, Mr. Holton started his own law practice but resigned to enlist in the U.S. Navy after the Pearl Harbor attacks. He was assigned to Naval Intelligence, volunteered for sea duty, and as an executive officer was part of the Normandy invasion. He was on active duty until 1945, when he retired as a lieutenant commander. He was in the U.S. Naval Reserve until 1955.

Mr. Holton then returned to the practice of law in Philadelphia before moving to New London, N.H., in 1973, where he continued his practice until recently. He was a member of the American, New Hampshire, New London, Philadelphia and Pennsylvania bar associations. He was also a member of the Lake Sunapee Yacht Club, Coral Beach Club, Philadelphia Cricket Club, Racquet Club of Philadelphia, and American Legion Post 40. He was a previous commander of the Military Order of World Wars.

Mr. Holton loved creating elaborate garden designs and playing squash, softball, baseball and tennis (he was ranked in the Seniors U.S.T.A. tournaments).

He is preceded in death by his son, John III, and is survived by his wife of 39 years, Michele; daughter Alexandra; stepsons Charles and Christopher; and grandchildren Ian, Emery, Charles and Molly.

Miriam Nitzberg Silverberg CW'38, L'41, a longtime attorney with the Social Security Administration, died March 10. She was 98.

Mrs. Silverberg was one of four women in her graduating class at Penn Law. During World War II, she worked for the War Department, Quartermaster Corps. She later began a long career with the Social Security Administration.

Mrs. Silverberg is predeceased by her husband, Edwyn Silverberg W'35, L'41, and is survived by her children Bruce and Susan; grandchildren Sarah, Deborah, Bill and A.J.; and great-grandchildren Leila, Jackson, Oden and Emmie.

Sidney Apfelbaum L'47, a civic leader, attorney and World War II veteran, died Aug. 25. He was 95.

Mr. Apfelbaum graduated at the top of his class at Bucknell University in 1942. His graduation from Penn Law was delayed because of his four-and-a-half years of active combat military service with the 69th Infantry Division in World War II. He was involved in Operation Overcast and Operation Paperclip, and in 1946 he transported about 200 German scientists defecting to the United States, one of whom invented the Saturn V space rocket.

Upon returning home, Mr. Apfelbaum was admitted to the Pennsylvania Bar in 1949 and began his own law practice. His son Jeffrey joined his firm in 1977, and his son Michael followed in 1985 to create Apfelbaum, Apfelbaum & Apfelbaum in Sunbury, Pa., where they served a number of high-profile clients in the area.

Mr. Apfelbaum was also an assistant district attorney in Northumberland County as well as a solicitor for Sunbury, the Shikellamy and Upper Augusta school districts and Rockefeller Township.

Sidney Apfelbaum L'47

Was involved in Operation Overcast and Operation Paperclip, and in 1946 he transported about 200 German scientists defecting to the United States, one of whom invented the Saturn V space rocket

He helped create the Charles B. Degenstein Foundation in 1994, which has been integral in establishing libraries and art centers.

Mr. Apfelbaum was a previous president of the Sunbury Rotary Club, the Pennsylvania Chamber of Commerce and Youth & Community Center, and the Susquehanna Council, Boy Scouts of America.

After his son Michael died and the family firm was dissolved at the end of 2015, he became of counsel to Apfelbaum Kula, PC, where he practiced with his granddaughter Brianna and her husband, Michael Kula.

Mr. Apfelbaum is preceded in death by his son Michael and daughter-in-law, Christina. He is survived by his wife of 67 years, Carole; sons Harry, Jeffrey and David; grandchildren Benjamin, Amy, Marc, Aaron, Brianna, Leah and JonSidney; and four great-grandchildren.

Robert Hess L'48, who had a nearly seven-decade law career in Pennsylvania, died April 21. He was 93.

Born in Philadelphia, Mr. Hess served as a master sergeant in the Signal Corps during World War II and later graduated from Ursinus College and Penn Law.

After passing the bar in 1948, Mr. Hess began working for two law partners in Philadelphia. The firm eventually moved to Huntingdon Valley, Pa., and became Howland, Hess, Guinan, Torpey, Cassidy & O'Connell LLP. Mr. Hess focused his practice on preparing wills, settling estates and setting up trusts. He particularly liked helping elderly people figure out end-of-life plans, and upon moving to a retirement community in Langhorne much later, he became the unofficial pro bono legal counsel there.

Mr. Hess was an active community volunteer, serving on the boards of directors for what

is today Aria Health, the Aria Health Foundation and the Wesley Enhanced Foundation. He was also a member and past president of the Frankford Lions Club, Jerusalem Masonic Lodge, the Scottish Rite and LuLu Temple. His sense of service continued into his final days, when he sorted and delivered 40 newspapers by walker to the apartment-bound residents in his building.

He loved golfing, cooking and spending time with his wife of 69 years, Alberta Davis Hess, at Walt Disney World.

Mr. Hess is preceded in death by two grandsons and is survived by his wife; children Robert Jr., Bruce, Mark and Susan; seven grandchildren and five great-grandchildren.

Kimber Evans Vought L'48, who worked as a Philadelphia lawyer for almost 40 years, died April 5. He was 94.

Mr. Vought grew up in Folcroft, Pa. He was a graduate of George Washington University. While in college, he served as a U.S. Marine in the 2nd Division in the Pacific Theatre during World War II. He graduated from Penn Law after the war and clerked for a Pennsylvania Supreme Court justice.

After working as a special assistant district attorney in Philadelphia, Mr. Vought had a 36-year law career doing a range of civil trial work at Schnader, Harrison, Segal & Lewis.

When he lived in Springfield, Pa., in the 1950s, he was a township commissioner, and upon retiring to Rehoboth Beach in the 1980s, was elected mayor.

Mr. Vought, a member of The Union League in Philadelphia, was also a Mason and is remembered for his superb storytelling. He loved golf, reading and traveling.

He is survived by his wife, E. Lee Vought, and his son, Kimber Allan Vought.

1950s

The Hon. Paul Jaffe L'50, PAR'81, a Philadelphia attorney who served two years as a Philadelphia Common Pleas Court judge, died July 22. He was 88.

Judge Jaffe graduated from Dickinson College, and after graduating from Penn Law, worked as an associate at Wolf, Block, Schorr & Solis-Cohen from 1950 to 1958. In 1959, he and Leon Mesirov started the law firm Mesirov Gelman Jaffe Cramer & Jamieson, which grew from a firm of two to 125 with locations in Cherry Hill, Tampa and Philadelphia. Judge Jaffe was the firm's managing partner for 35 years.

His expertise was in mergers and acquisitions, real estate and corporate law. He represented parking lot operators in Philadelphia, New York, New Jersey and Seattle. In 1991, then-Mayor Ed Rendell named him vice chairman of the

Philadelphia Parking Authority. In that role, Judge Jaffe worked to upgrade parking meters to take credit cards and privatized some of the authority's lots for efficiency. He served on the board until 1996, when he was appointed to the Common Pleas Court, where he heard civil and criminal cases until 1998.

He then returned to his firm, which merged with Schnader Harrison Segal & Lewis in 2000. At that time, he became senior counsel to the firm.

Judge Jaffe served on the board of the American Jewish Committee from 1990 until his death. He was also a board member and president of Moss Rehabilitation Hospital and a board member of Jefferson Health System. From 1973 to 1976, he led the Reform Congregation Keneseth Israel and was named honorary president.

He is preceded in death by his first wife, Joan Feldgoise. He is survived by his wife, Susan Oppenheim Jaffe c'w'64, sons Marc, Richard c'81 and Peter; stepchildren Sharon

and Bruce; five grandchildren; five step-grandchildren; and a brother.

Sanford "Sandy" Finder L'51, who was a Washington County, Pa., lawyer for more than 50 years, died May 4. He was 88.

Mr. Finder grew up in Brooklyn, where he met his wife, Saranne "Sorky" Weiner. The two married in 1948.

After graduating from Penn Law, Mr. Finder moved to Washington County, Pa., and interned at his father-in-law's law firm. He continued to litigate a variety of civil and criminal cases in Washington County for the next five decades. Mr. Finder gained a reputation for sparing a number of clients from the death penalty.

Mr. Finder was remembered for his quick wit and sense of humor, particularly for his affinity to write legal-themed musical parodies for bar association dinners. He loved playing tennis and also developed an enthusiasm for the University of Pittsburgh football team, so much so that he founded the Washington County chapter of the former Golden Panthers booster club.

Upon his retirement, he moved to South Carolina in 2002, where he served as a contract arbitrator for Financial Industry Regulatory Authority, taught at Furman University and occasionally led services at Temple B'Nai Israel in Anderson, S.C.

Mr. Finder is preceded in death by his wife of 64 years and two brothers. He is survived by children Chuck, Alan and Andrea; a brother; six grandsons; and two great-granddaughters.

Charles "Charlie" Herr L'51, a longtime Lancaster, Pa., attorney, died May 15. He was 90.

Mr. Herr was born in Lancaster, served in the U.S. Army and graduated from Franklin & Marshall College. After graduating from Penn

Sanford "Sandy" Finder L'51

Remembered for his quick wit and sense of humor, particularly for his affinity to write legal-themed musical parodies for bar association dinners

Law, he went on to practice law in Lancaster for more than 50 years. He retired from Gray Patterson and had also worked at the Appel Herr & Appel law firm.

He enjoyed carpentry, photography, sailing and fishing.

Mr. Herr is survived by his wife, Kathleen "Kathy" Whitney; daughter Julie Ann Herr; step-daughter Julie Ann Whitney; brothers Eric and Larry; and sister Margaret.

Joseph Ewing Jr. L'53, a longtime Philadelphia attorney and Willistown Township leader, died April 8. He was 90.

Born in Valley Forge, Pa., Mr. Ewing attended Princeton University. He served in the U.S. Marine Corps at the end of World War II in Okinawa, Japan.

In 1951, Mr. Ewing married Margaret Converse Howe, and upon graduating from Penn Law, began a 46-year law career at Philadelphia's Saul, Ewing, Remick & Saul. He focused on health law, eminent domain, railroad law, law on oil and gas production, arbitration and municipal zoning.

He was a founding member of Waynesborough Country Club in 1965, and he served on the planning commission, zoning board and as a supervisor of Willistown Township for 22 years. Mr. Ewing volunteered on several boards, including those of Bryn Mawr Hospital, the Philadelphia United Fund, Pickering Hunt and many others.

He loved playing tennis, sailing, skiing, gardening and fox hunting, and he was a Penn Relay officiator. At 75, Mr. Ewing became SCUBA-certified and dove until the age of 87. He also enjoyed reading, puzzles and model railroads.

He is survived by his wife, Margaret, daughters Margaret Ewing Lloyd, Anne Ashton Ewing and Elizabeth Ewing Peifer; seven grandchildren; two great-grandchildren, a sister; two brothers; and 18 nieces and nephews.

Peter Liacouras L'56

Credited with transforming Temple University from a commuter school to a larger, more diverse and respected university

George Bernstein W'53, L'56, a business executive who led the expansion of a large Philadelphia accounting firm in the 1980s, died Aug. 21. He was 84.

Born in Philadelphia, Mr. Bernstein attended Central High School and upon graduating from Wharton and Penn Law, served in the U.S. Army. He later joined the accounting firm Laventhol Kreckstein Griffith, which became Laventhol & Horwath in 1967.

Mr. Bernstein headed the firm's management consulting division for many years before serving as its CEO from 1980 to 1990. In that time, he led mergers with 65 other mid-sized accounting firms and made Laventhol the seventh-largest public accounting firm in the nation. Besieged by hostile litigation and a recession in the commercial real estate industry, however, the firm filed for bankruptcy in 1990. Mr. Bernstein went on to serve as chief operating officer for the law firm Dilworth, Paxson, Kalish & Kauffman; as chief financial officer of

the executive search firm Howard Fischer Associates; and as president of GLB Consulting, a management consulting firm he operated out of his home.

He served on the boards of Dorman Products Inc., the Albert Einstein Medical Center and the Mann Center for Performing Arts. He was also a member and former president of the Locust Club.

Mr. Bernstein loved classical music, fine art, theater, travel, golfing and skiing.

He is survived by his wife of 62 years, Phyllis; children Harris and Lisa; and two granddaughters.

Peter Liacouras L'56, who was the seventh president of Temple University and is credited with transforming it from a commuter school to a larger, more diverse and respected university, died May 12. He was 85.

Dr. Liacouras was born in Philadelphia to Greek immigrant parents who ran a grocery store in South Philadelphia. Three childhood

Isabelle Johnston, an 'Indispensable' Assistant to Penn Law Deans, dies at 79

Isabelle Johnston, who served with uncommon grace as an assistant to six deans at Penn Law School, died in June at the age of 79.

Johnston worked at Penn Law for 36 years, starting in 1968, before copy machines and computers. Her tools were kindness and solicitude.

When Johnston retired in 2004, then-dean Michael A. Fitts conveyed how significant she had been to the Law School's progress. By then, there was e-mail. "Isabelle's work in this office has been, in a word, indispensable. Her intelligence, intuition, judgment, and commitment to excellence underpin much of the work that is accomplished here," Fitts noted in a schoolwide message. "I, for one, simply could not have done my job without her."

Other deans felt the same way. In an interview following the announcement of her retirement, Colin S. Diver described her in glowing terms, saying that "nothing was too difficult or too easy, too mundane or too challenging" for Johnston. He went on to recall how her boundless compassion saved him on the day that he learned of his mother's death.

"I put down the phone and cried like a baby," Diver said. "In fifteen minutes, Isabelle had managed to console me, make travel arrangements for us (he and his wife) to get to Boston, made a checklist of things for me to do, canceled my appointments for a week, notified friends, family, and colleagues, and generally put me back together and got me functioning again."

Louis H. Pollak, who died in 2012, also made known his affection for her when she retired. "Of Isabelle's many talents, those that are paramount are her humanity, her insight, her clear-eyed understanding of people's strengths and weaknesses, her unfailing ability to draw the best out of everyone, her wise humor, and the unfailing honesty and decency with which she lives every aspect of her own life and which she expects in others."

Born in Philadelphia, Johnston was a graduate of West Catholic Girls High School. Shortly after, she entered the Congregation of the Sisters, Servants of the Immaculate Heart of Mary. She left the order to care for her ailing mother, and found a new home at Penn Law School, working as a secretary to Professor Bernard Wolfman, who kept her on when he became dean. Five more deans followed his lead.

Johnston was preceded in death by her parents and three brothers, Joseph, John, and Robert. She is survived by her sister and brother-in-law, Catherine and Thomas Lavan; lifelong friends Gloria Watts and Susie Satterfield; and sisters-in-law Maureen, Judy, and Mary Johnston; 13 nieces and nephews, and their families.

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experiences in particular shaped his attitude in seeking social justice: He and his sister, returning to elementary school after a summer in the sun, were mistakenly directed to the black children's school. Another time, he stuck up for a Jewish family when the neighborhood held a march against them. And he was horrified during a senior class trip when fellow black students weren't allowed to stay in the same hotels.

He graduated from Drexel University. In addition to his JD from Penn Law, Dr. Liacouras also earned his master's in law and diplomacy from the Fletcher School of Law and Diplomacy at Tufts University and earned a master of laws at Harvard Law School, where he was a Sterling Fellow.

He served as an American specialist for the Department of State in India, was a public defender and also a special assistant district attorney in Philadelphia. A law professor at Temple University, he later served as Temple Law School's dean for eight years before becoming president of the University.

In 1970, he was in charge of the Liacouras Committee, which studied why black people were not gaining admission to the Pennsylvania Bar. Its findings cleared a way for more black lawyers to enter the bar. He was instrumental in integrating Temple Law, recruiting 10 African American students including Carly Singley, who served as the school's dean from 1983 to 1987. He also recruited Molefi Asante to begin a PhD program in the African American studies department, which was a national first.

As Temple's president from 1982 to 2000, Dr. Liacouras overhauled the school's curriculum, built up the physical campus and, and oversaw Temple's rise as a college basketball power. Because of his efforts, the school's staff and student body grew by 200 percent. Among his other achievements,

he commissioned art students to create the school's iconic "T" logo.

Dr. Liacouras was a Temple fan until the end and only stopped attending basketball games in the last year.

He is survived by his wife, Ann; children Greg, Lisa, Stephen and James; and three grandchildren.

William Barnes L'57, a Philadelphia lawyer and engineer, died Aug. 11. He was 88.

Mr. Barnes played football all through college at Drexel University, where he studied civil engineering.

His first job was with the Tennessee Valley Authority, where he built dams and power plants as a project engineer in eastern Tennessee and Kentucky. Mr. Barnes was part of the Army National Guard, and served in the Korean War as an engineering officer.

He attended Penn Law after the war, and upon graduation, joined Schnader Harrison Segal & Lewis in Philadelphia. He became a partner at the firm in 1968 and was a member of its litigation services department and the construction litigation group. He also worked with administrative agencies and in transportation and family law; his clients included the Yellow Cab Co. and United Parcel Service. Mr. Barnes retired in 1993, but continued to work almost daily until recently.

Active in his community, he was a former president of the Lawyers' Club of Philadelphia, a founding member of the Roxborough YMCA and a 25-year board member of Roxborough Memorial Hospital. He also served as the head layperson at Wissahickon Presbyterian Church, was a 50-year Union League of Philadelphia member, and was involved with the Palestine-Roxborough Lodge of the Masons.

He is survived by his wife of 65 years, Marie Louise; sons William, Jr., and Jonathan; daughter Elizabeth; and 10 grandchildren.

The Hon. Gerald Garson C'54, L'57 died Feb. 6.

Judge Garson, a former New York State Supreme Court Justice, was "immensely proud of his education and his classmates," wrote his wife, the Hon. Robin Garson. "Gerry was a lawyer's lawyer and maintained a keen legal mind to the end."

Herbert Pressman L'57, a Philadelphia lawyer for more than 50 years, died Feb. 25. He was 86.

Mr. Pressman grew up in the Strawberry Mansion neighborhood of Philadelphia and graduated from Temple University after studying accounting. He then served in the Air Force as a First Lieutenant in the Auditor General's Office during the Korean War. After being honorably discharged, he attended Penn Law on the GI bill.

From 1958 to 1968, Mr. Pressman, also a CPA, taught accounting at Temple's Evening School of Business. He and his wife of 59 years, Barbara Wapner Pressman, opened a joint law practice in Center City Philadelphia in 1973, where they worked for more than 40 years. Mr. Pressman, who focused on real estate law, retired in 2014 at age 84.

In addition to his wife, Mr. Pressman is survived by daughter Cynthia Schwartz; sons Richard, Craig "Chip" and Andrew "Drew"; and nine grandchildren: Noga, Sasha, Yael, Robert, Ana, Mika, Cole, Lily and Ella.

Thomas Ringe Jr. L'57, a former Navy pilot, lawyer and businessman, died April 9. He was 88.

Born in Philadelphia, Mr. Ringe graduated from Episcopal Academy and Dartmouth College. He became a Navy fighter pilot during the Korean War and was certified to land airplanes on aircraft carriers. In 1953, his unit was deployed to attack North Korea from the decks of the aircraft carrier USS Antietam. He was the proud designer of his unit's signature patch, which

portrayed a serpent and an upside-down top hat.

He married his wife of 59 years, Cynthia Steward, in 1956, and after graduating from Penn Law, became an associate at Morgan, Lewis & Bockius in Philadelphia. Two years later, he formed the firm Ringe, Peet & Mason, where he practiced general corporate law.

In the mid-1970s, Mr. Ringe co-founded Meditel Inc., which used computer technology in medical diagnoses. He left the company before it was sold and continued practicing law part-time until his retirement in the early 2000s.

He managed the Tennis Farm Inc., a tennis-instruction nonprofit in Berwyn, Pa., his wife started in 1973. Mr. Ringe also coached the Radnor High School girls' tennis team to several championships, and he himself won many squash championships at the Philadelphia Cricket Club. He loved high school sports and cheering on the Eagles, Flyers and Phillies.

Mr. Ringe was survived by his wife, Cynthia; children Thomas III, Kirven, Katherine and Elizabeth; eight grandchildren; and a brother.

Alexander DiSanti L'59, who had a five-decade law career in Delaware County, died April 22. He was 81.

Mr. DiSanti was valedictorian in both his West Catholic Prep and St. Joseph's University graduating classes, and he received full scholarships to St. Joseph's and Penn Law.

He clerked for the Pennsylvania Supreme Court after graduating from Penn Law in 1959 and then served as counsel to a special committee — headed by Penn Law's then-Dean Jefferson Fordham — investigating and giving recommendations on the operation of Philadelphia city government. In 1961, he entered private practice in Delaware County and focused on litigation, appellate practice

and estate planning and administration. He retired in 2013.

Mr. DiSanti was president of the Delaware County Bar Association and representative of the association on the House of Delegates of the Pennsylvania Bar Association for two decades. He also served on the advisory committee for paralegal studies at Delaware County Community College for 15 years. Mr. DiSanti was president of the Delaware County Friendly Sons of St. Patrick and a member of the Optimist and Toastmasters clubs.

Mr. DiSanti is preceded in death by his son, Stephen. He is survived by his children Alexander, Lynne and Sybil; grandchildren Alexandra, Nicholas and Thomas; and several relatives.

Robert Kleckner, Jr. L'59, a distinguished Wall Street lawyer, died June 14. He was 84.

Mr. Kleckner graduated from Yale College in 1954, was in ROTC and served for two years in Korea. During his career he worked at Sullivan & Cromwell, Goldman Sachs and Johnson & Higgins.

He had a passion for Russian history and language, and he was a member of the University and Union Clubs.

Mr. Kleckner is survived by his wife, Carol; children Tony and Susan; and four grandchildren.

Allan Ratner L'59, a Pennsylvania intellectual property attorney, died Dec. 19, 2015. He was 82.

After graduating from Rensselaer Polytechnic Institute in 1954, Mr. Ratner served in the U.S. Army Signal Engineering Laboratories. Two years later, he enrolled in Penn Law, where he met his wife of 55 years, Nancy Paclin Ratner ED'61, who was a Penn undergraduate.

Mr. Ratner worked at many patent law firms after graduating from Penn Law in 1959, and in 1981, co-founded the intellectual property

law firm RatnerPrestia, which today has four offices. He also wrote and co-authored several treatise chapters and co-wrote an amici brief filed in the U.S. Supreme Court case *Parker v. Flook*.

He served as president of the Philadelphia IP Law Association from 1993 to 1994 and was chair of committees of the American IP Law Association and the American Bar Association in the mid-1990s.

Mr. Ratner spent the last 10 years of his life with Nancy at their homes in Wynnewood, Pa., and the Berkshires, Mass., and visiting family in Brooklyn, N.Y., and the San Francisco Bay Area.

He is survived by his wife; daughters Amy, Robin and Jody; and grandchildren Olivia, Caleb, Amicie, Shay and Perry.



Benjamin Achenbach L'61 died in December. He was 82. Mr. Achenbach had been an attorney at Ross Marsh & Foster in Washington, D.C., and most recently resided in Suffolk County, N.Y.

Lewis Becker L'61, who taught law at Villanova University for more than 40 years, died June 12. He was 78.

Professor Becker grew up in Feltonville in Philadelphia and was a graduate of Temple University. After graduating from Penn Law, he married his wife of 51 years, Marilyn, in 1964.

From 1965 to 1968, he worked as an associate attorney at MacCoy, Evans & Lewis in Philadelphia, and from 1968 to 1972, he worked as an attorney at Davis & Cox in New York City.

Professor Becker joined Villanova's faculty in 1972. His focus family law and ethics, he contributed to numerous books on

the subjects of child support and alimony, premarital and marital contracts, distribution of marital assets and cohabitation agreements. His articles were cited by the Supreme Courts of Arizona, Connecticut, North Dakota, Pennsylvania and Wisconsin. Professor Becker was a member of the American Bar Association Family Law Section, where he held various leadership positions. He retired in 2011 as an emeritus professor but continued to teach.

Professor Becker loved music and was an active member of the Open Circle music group at the Mermaid Inn in Chestnut Hill. He also collected folk music and folklore books—his collection was featured in 2006 at a Villanova exhibition called “A Celebration of Traditional Music of Ireland and Elsewhere in Print.” Professor Becker recently donated many of his rare collectibles to the Haverford College Library.

He is survived by his wife, Marilyn; children Eve and Joshua; and grandchildren Hannah, Sasha, Sophie and Aaron.

Harry Pinto, Jr. L'64, a longtime attorney in Mendham, N.J., died June 13. He was 76.

Mr. Pinto, a native of Morristown, N.J., earned his AB from Princeton University in 1961.

After graduating from Penn Law, he began practicing law in Morristown in 1965 and continued to do so for many years with a number of partners.

He moved to Mendham, N.J. in 1968 and was a longtime member and previous president of the Rotary Club of the Mendhams. He was an avid gardener, loved the New York Yankees and history, along with wine, food and travel.

Mr. Pinto is preceded in death by his wife of 35 years, Adrienne, who died about four weeks prior. He is survived by children Joe and Stephanie and siblings Judith and Richard.

Robert Blank L'65, PAR '98, '01, '03

Former director of several publicly held corporations, in addition to the privately held International Herald Tribune, which is now the International New York Times

Robert Blank L'65, PAR '98, '01, '03, who had a 45-year career as a senior partner at Whitcom Partners, died April 30.

Born in Philadelphia, he graduated from Cornell University in 1962. After graduating from Penn Law, he was an Assistant U.S. Attorney in Philadelphia and Washington, D.C., from 1965 to 1968. For the next three years, he worked in the mergers and acquisitions department of Goldman Sachs and then joined Whitcom, which owns and operates newspapers, magazines, TV and radio stations and cable systems.

He was a director of Toll Brothers, Inc., and a former director of several publicly held corporations, in addition to the privately held International Herald Tribune, which is now the International New York Times.

Mr. Blank was an emeritus trustee of Penn, the Wharton School Board of Overseers, Penn Law's Board of Overseers and a trustee of Penn Medicine. He was also a recipient of Penn Law's Distinguished Service Award and Alumni Award of Merit.

Mr. Blank is survived by his wife of 42 years, Nancy; children Wendy C'98, Samuel C'01 and Matt C'03, L'o8, WG'o8; and grandchildren Grace, Charles, Cecily, Katherine, Eli, Lila and Noah.

Franklin David Grabill L'67, a public interest attorney and advocate for the poor and homeless, died June 11. He was 74.

Mr. Grabill was born in Cleveland, Ohio, and graduated from Yale University. After graduating from Penn Law, he moved to Southern California to work with Native Americans and the United Farm Workers union. He then opened a Venice law practice for low-income clients.

In 1974, he and his first wife purchased a 100-acre farm in West Virginia. As a resident of that state, he helped miners with black lung conditions and worked with West Virginia's first women's clinic to overturn its ban on abortion.

In 1981, he moved to Santa Rosa, California to join California Rural Legal Assistance, which provided services to Central Valley farmers;

he was later named directing attorney of the Santa Rosa office. In the mid-1990s, he went into private practice, focusing on tenants' rights and unfair evictions. In that capacity Mr. Grabill became the lead lawyer for Housing Advocacy Group, whose work resulted in rezoned land for 3,000 units of affordable housing and the creation of 80 beds for the homeless.

Most recently, Mr. Grabill successfully fought for rent stabilization and just-cause eviction rules in Santa Rosa. He was recognized last year by the Sonoma County Bar Association for a career of distinction.

Mr. Grabill is survived by his wife, Dorothy; children Holly, Megan and Christopher; and five grandchildren.

The Hon. Gregory Pechukas L'69, the longtime director of the central staff for the Louisiana Supreme Court, died July 21. He was 71.

Judge Pechukas was raised in the Northeast and graduated from Yale University in 1966. After graduating from Penn Law, he moved to New Orleans where he worked for the city's Legal Aid Clinic and then entered private practice. He moved on to the Louisiana Supreme Court, where he served for 37 years and was affectionately known as the court's "Justice Per Curiam."

He received the New Orleans Innocence Project's highest award in May for his strategic direction of the Supreme Court to prevent regressive decisions. He was carried from his sickbed to the event, where he gave a strong speech to a standing ovation.

He loved Wagner, bicycle racing, running marathons, climbing mountains — including Wyoming's Teton and his 14-foot rock wall in his dining room — and walking his many St. Bernard and German Shepherd dogs uptown over the years.

He is survived by his son, Zachary Crawford-Pechukas, who has worked as an investigator for the

Professor Gerald “Jerry” McAlinn L’79

While at Cambridge, he represented the university in its annual boxing match against Oxford University

Innocence Project for the past several years and recently entered law school at Washington and Lee. He is also survived by his brother Phillip, a nephew and three nieces.



Ned Levine L’71, who served at the Defender Association of Philadelphia for more than 30 years, died April 19. He was 68.

Mr. Levine grew up on Long Island in New York. He met his wife, Marian, at college, where they attended what was then the State University of New York at Binghamton.

They married in 1969, and after graduating from Penn Law, Mr. Levine clerked for a year under Judge Paul Chalfin at the Court of Common Pleas in Philadelphia, after which he began his 34-year career at the Defender Association of Philadelphia, where he was the longtime chief of the mental health unit. Mr. Levine was passionate about serving his clients and committed to helping the vulnerable. He also served on a mental health commission for former Pennsylvania Gov. Dick Thornburgh.

Mr. Levine enjoyed teaching in Jewish education, something he did for several years at the then-Solomon Schechter Day School, where he served two years as president, and at the Jewish Federation of Greater Philadelphia, where he was a co-chair of the Jewish Education Committee.

He retired in 2007, and as a lover of the fine arts, particularly classical opera and music, he became a docent at the Pennsylvania Academy of the Fine Arts.

He is survived by his wife, Marian; children Jonathan and Ely; siblings Sheila, Robert and Cheryl; and grandchildren Leora, Shulamit, Ariella and Daniel.

Professor Gerald “Jerry” McAlinn L’79, who was instrumental in building the law program at Keio University in Japan, died May 2. He was 64.

Professor McAlinn was a graduate of Temple University. After graduating from Penn Law, he received an LLM from Trinity College, Cambridge University as a Gowen Fellow. While at Cambridge, he represented the university in its annual boxing match against Oxford University. The 1980 *Penn Law Journal* summer edition reported that 35 seconds into the match, his knockout left hook, which lifted his larger

counterpart six inches into the air, was “a weapon that earned Jerry the appellation ‘pocket battleship’ from the *London Times*.”

After receiving his LLM, he returned to Philadelphia to clerk for the Hon. Leon Higginbotham, Jr., of the U.S. Court of Appeals for the Third Circuit. He worked for Gibson, Dunn & Crutcher and Anderson, Mori & Rabinowitz; as counsel to Ushijima & Partners; as in-house counsel with Arco Chemical Asia Pacific; as director and counsel at Nippon Motorola; and as an arbitrator in resolving international disputes for companies. He also served three terms as the governor of the Tokyo American Club.

Professor McAlinn joined the Keio University Law School faculty upon its founding in 2004, and had since overseen its English language curriculum. He taught several courses and recruited Tokyo’s top practitioners as adjunct professors. He taught and was a visiting research scholar at several other schools in Japan and abroad. Professor McAlinn also wrote and co-authored several academic works, including two casebooks published by Carolina Academic Press.

He is survived by his wife, Sachiko, son Kenichiro and daughter Miki.



Carl Buchholz L'92, a Philadelphia lawyer, civic leader and developer of the U.S. Department of Homeland Security, died May 23. He was 51.

A Philadelphia native, Mr. Buchholz graduated from the University of Virginia. He met his wife, Karen Dougherty Buchholz G'97, when both worked for U.S. Sen. John Heinz. They married in 1991.

After graduating from Penn Law, Mr. Buchholz clerked for U.S. District Judge Anita Brody, and in 1993, he became an associate at Blank Rome. He became a partner in 2000. That same year, he was a member of the Bush-Cheney team that litigated the Florida vote recount. A year later, President Bush appointed him to work in the White House as his special assistant for homeland security. Mr. Buchholz worked with former Gov. Tom Ridge to create the administration's response to terrorism. Mr. Buchholz co-chaired the team that developed the U.S. Department of Homeland Security.

In 2004, he served as Pennsylvania general counsel to the Bush reelection campaign, and co-chaired the transition team for Pennsylvania Attorney General Tom Corbett.

After returning to Blank Rome, Mr. Buchholz was elected managing partner and CEO of the firm in 2006. During his tenure, the firm saw great expansion. He joined DLA Piper in 2012, and at the time of his death, was managing partner of the firm's Philadelphia office.

Mr. Buchholz was a five-year member of Drexel University's board of trustees and a past board chairman of the United Way of Greater Philadelphia and Southern New Jersey. He was named the organization's volunteer of the year in 2011. Mr. Buchholz was also active

in the Greater Philadelphia Chamber of Commerce, the University of Virginia Jefferson Scholars Committee, the Committee of Seventy, Visit Philadelphia and the Museum of the American Revolution.

Mr. Buchholz is survived by his wife, Karen Buchholz G'97; son Alex; daughter Julia; and a brother and sister.

John Tobin W'87, L'92, an attorney and software company president, died July 6. He was 50.

Mr. Tobin grew up in the Boston suburbs and earned his bachelor's degree in economics from Wharton School in 1987. After graduating from Penn Law, he worked as a corporate and entertainment lawyer in Los Angeles where he focused on legal matters surrounding movies, TV, music transactions and licensing agreements.

Mr. Tobin returned to Philadelphia in the mid-1990s and worked at Pepper Hamilton, LLP and Wolf, Block Schorr & Solis-Cohen, LLP, where he specialized in corporate transactions and intellectual property. In 2000, he joined Astea International Inc., a Horsham software services company, where he was president, general counsel and secretary. In 2012, he was appointed to the firm's board of directors and was in charge of the company's general management, handling legal affairs and running development initiatives.

He loved reading, traveling, local theater and music, and he was a regular attendee of the South by Southwest (SXSW) film and music festival in Austin, Texas.

Mr. Tobin is survived by his mother, Corinne; brother, Ed; sister, Amy; a niece; and nephews. ♥

Carl Buchholz L'92

A member of the Bush-Cheney team that litigated the Florida vote recount, and later appointed to work in the White House as President Bush's special assistant for homeland security

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