

# LAW QUADRANGLE NOTES

50.1 • FALL • 2007



**SPECIAL FEATURE:** • *A tradition of excellence: Branch Rickey, '11 and Jared Genser, '01*

**ARTICLES:** • *Insider trading rules can affect attractiveness of country's stock markets* – Laura N. Beny  
• *Criminal justice and the 1967 Detroit 'riot'* – Yale Kamisar

**BRIEFS:** • *New Environmental Law and Policy Program*

**M** Michigan Law  
UNIVERSITY OF MICHIGAN LAW SCHOOL

The University of Michigan Law School  
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FALL 2007

On the cover: Vibrant autumn color enhances the setting for reading on the Law Quadrangle. Cover photo by Philip Dattilo.

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[ o p e n i n g ]

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**Place:** [www.law.umich.edu](http://www.law.umich.edu)—Same address, but with major interior and exterior improvements. You'll hardly know the place.

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*Drop by soon and come back often.*

## A message from Dean Caminker

On June 6 of this year, Professor Rich Friedman and I were honored to speak at the National Baseball Hall of Fame in Cooperstown, New York, as part of a symposium on baseball's legendary Branch Rickey. Rickey, you may know, was the Brooklyn Dodgers' president, general manager, and part-owner—and the man responsible for signing Jackie Robinson, who broke the modern game's color barrier in 1947. What you may not know is that Branch Rickey earned his J.D. at Michigan Law in 1911. Elsewhere in this issue (see story on page 8) Professor Friedman provides detail about Rickey's academic and athletic career here at the Law School and U-M, and his essay makes for fascinating reading.

My remarks at Cooperstown—an edited version of which follows—focused more on Rickey's attitudes toward race, attitudes that informed his decision to sign Jackie Robinson but were established long before. In researching those remarks, it was impossible to refrain from drawing parallels between then and now. For us at Michigan Law, race is a particularly timely topic since we've recently modified our admissions policy to comply with passage of the Michigan Civil Rights Initiative. The newly amended Michigan Constitution prohibits state and local government from discriminating against or granting preferential treatment to any individual or group based on race, sex, color, ethnicity, or national origin in the areas of public employment, public contracting, and public education.

Our challenge today is to act in full compliance with the law—as we do—yet strive for the kind of diversity in its broadest sense that we believe is essential to educating the next generation of lawyers and shaping the leaders who will in turn shape society. So how can we find ways, within the letter and spirit of the law, to encourage minorities to attend this great law school? And recognizing the dangers of a segregated society, how can we continue to work toward integrating our spaces for work, study, and even play without taking race into account?

It's clear there are no easy answers today, nor were there for Branch Rickey, but I find his humanity, intelligence, and courage inspiring. I hope something in this excerpt speaks similarly to you.

*Evan Caminker*



*Excerpted from Dean Caminker's address at Cooperstown:*

Of the University of Michigan Law School's many outstanding students—including three Supreme Court Justices and lawyers such as Clarence Darrow—perhaps none had a greater impact on American society, and the law, than Branch Rickey. In large part, Rickey's contributions to civil rights and social change are reflective of an institutional tradition and ethos that are at the core of Michigan Law. This tradition began within the first decade of the Law School's existence, when Gabriel Hargo, an African American, graduated from

the Law School in 1870, becoming only the second African American to graduate from any law school in the country.

While most elite law schools remained all-white, Michigan Law continued to enroll minority students all through its early decades. One in particular, Moses Fleetwood Walker, deserves special mention because he, not Jackie Robinson, was the first African American to become a major league baseball player. Walker attended Michigan Law in 1881-82 and played for Michigan's varsity baseball team before heading into organized baseball prior to

graduation. He joined the Toledo Blue Stockings in 1883 when that team was part of the Northwest League. In 1884, the Blue Stockings joined the American Association, considered by baseball historians to be the first "major league."

When Walker ended his career in 1889, he was the last black player in the league. By that time, the league's directors had agreed not to offer any new contracts to African Americans. This agreement established the color line that was not broken for 58 years, until Branch Rickey brought Jackie Robinson

to the Dodgers. So Michigan Law produced both the first and last black ballplayer in the 1880s and the baseball executive who ended racial exclusion in the 1940s.

From early on, Rickey, who had several African American classmates while in Law School, saw integration as the key to reducing animosity between the races and breaking down barriers for African Americans. In the mid-1950s, he gave a TV interview in which he said: “The greatest challenge to our country today, since the Civil War, is civil rights. It takes time to break down prejudice [and] discrimination. That’s what we don’t like. It’s the long delay. A hundred years is too long to give a man full rights on paper and not to give it to him in reality. That’s not characteristic of the work of a democracy. . . .”

Right around that time, in 1957, Rickey gave a speech in Atlanta that rhetorically foreshadowed Martin Luther King Jr.’s famous “I Have a Dream” speech. In it Rickey said: “America is more interested in the grace of a man’s swing, in the dexterity of his cutting a base, and his speed afoot, in his scientific body control, in his excellence as a competitor on the field. America, wide and broad, and in Atlanta, and in Georgia, will become instantly more interested in those marvelous, beautiful qualities than they are in the pigmentation of a man’s skin, or, indeed, in the last syllable of his name. Men are coming to be regarded as of value based upon

their merits, and God will hasten the day, when governors of our states will become sufficiently educated that they will respond to those views.”

Rickey’s views and actions also foreshadow the most recent of Michigan Law’s interventions in the project of racial integration. As you are probably aware, Michigan Law was recently sued over its affirmative action program in admissions. We at Michigan care first and foremost about our applicants’ academic credentials, but we also care about enrolling a student body that is diverse across a wide range of characteristics, including undergraduate major, work experience, leadership and entrepreneurial skills, geography, socioeconomic status, and also race. The Supreme Court of the United States held that our affirmative action program was fair and legal, fully consistent with the U.S. Constitution.

Indeed, Justice O’Connor’s opinion for the Court used language that sounds as though it could have been written by Branch Rickey. The Court said that diversity “promotes cross-racial understanding, helps to break down racial stereotypes, and enables [students] to better understand persons of different races. These benefits are important and laudable. . . .” The Supreme Court also noted that “diminishing the force of [racial] stereotypes is both a crucial part of the Law School’s mission, and one that it cannot accomplish with only token numbers of minority students. Just as growing up in a particular region or having particular professional experi-

ences is likely to affect an individual’s views, so too is one’s own, unique experience of being a racial minority in a society, like our own, in which race unfortunately still matters.” The Court concluded that: “Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.”

Of course, affirmative action remains a very controversial concept, including among our alumni, and many people who support the goal of racially integrating higher education wish there were a race-blind way to do it. I have no idea what Branch Rickey’s view of affirmative action would be. But I am confident he would applaud the goal of making sure that whites and blacks can study and work together, as well as play sports together, so they can, in his words, become interested in their mutual “marvelous, beautiful qualities” rather than their “pigmentation of . . . skin.”

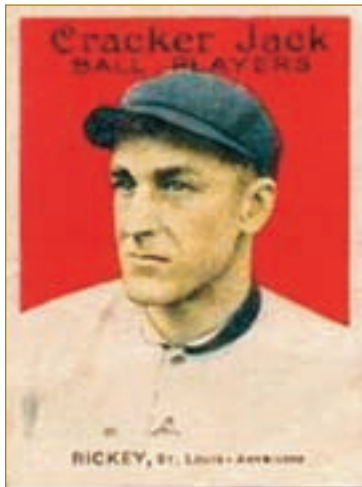
In conclusion, let me end where I began: of all the many outstanding graduates of the Law School over the past 150 years, I think Branch Rickey had a greater impact on American society than any other. And he did it by contributing to a project in which Michigan Law has long been engaged—the project of racial equality. He is deservedly celebrated, and I am honored by this opportunity to acknowledge his contributions to baseball, to the University of Michigan, and to the nation.

# LAW QUADRANGLE

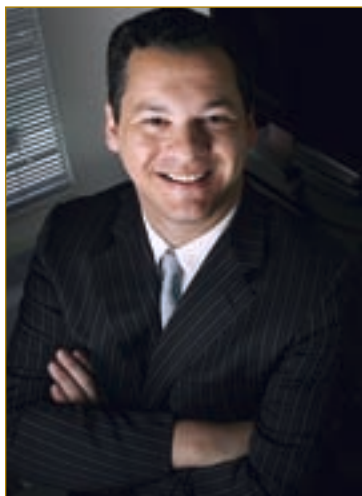
FALL 2007

## Groundbreaking grads

*Ninety years apart, Michigan Law graduates Branch Rickey, '11, and Jared Genser, '01, show that freeing major league baseball from segregation and prisoners of conscience from oppressive regimes' prison cells have more in common than you may think.*



*Branch Rickey, '11*  
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*Jared Genser, '01*  
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## A MESSAGE FROM THE DEAN

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## SPECIAL FEATURE

Branch Rickey, '11, and Jared Genser, '01, may be 90 years apart in their graduation dates, but they are arm in arm as examples of the quality of students and graduates who pass through Michigan Law.

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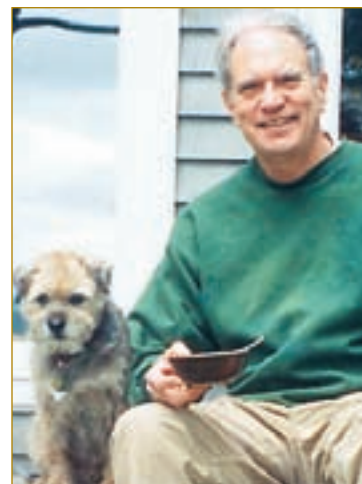
- **Insider trading rules can affect attractiveness of country’s stock markets** – P. 73  
—Laura N. Beny  
Essay based on testimony the author delivered to the U.S. Senate Judiciary Committee on September 26, 2006.
- **Criminal justice and the 1967 Detroit ‘riot’** – P. 76  
—Yale Kamisar  
Excerpted from a report by Professor Emeritus Yale Kamisar filed with the *National Advisory Commission on Civil Disorders* (the Kerner Commission) regarding the disorders that took place in Detroit July 23-28, 1967.

## Clearing the air



*David Uhlmann used to prosecute environmental villains. Now he’s building Michigan Law’s new Environmental Law and Policy Program into a magnet for law students who want to keep a touch of green about them. — Page 52*

## The professor and his colleague



*Little did Professor Joseph Vining expect that his alert border collie Puck would become his co-teacher as he brought his legal lessons home. — Page 64*



### A tradition of excellence

As the following pages show, Branch Rickey, '11, and Jared Genser, '01, may be 90 years apart in their graduation dates, but they are arm in arm as examples of the quality of students and graduates who pass through Michigan Law. Rickey integrated major league baseball when he brought Jackie Robinson to the Brooklyn Dodgers in 1947. Genser, founder of Freedom Now and a practicing attorney in Washington, D.C., is an internationally known champion of human rights who has won freedom for half a dozen prisoners of conscience in countries as different as China, Vietnam, Pakistan, and Myanmar.

Both reflect fulfillment of the promise of each year's new class of incoming students. For nearly 150 years, Michigan Law annually has enrolled young people who are among the world's best and brightest. And each year the Law School graduates a class equipped with the skills to move and shake their world, as Rickey did and Genser is doing. Each entering class brings with it the diversity, excitement, and promise that accompany unlimited potential. This year's incoming class continues the tradition:

Six entering students have had Fulbright fellowships, seven served in the Peace Corps, five in Americorps, and 12 in Teach for America. One entering student grew up in a Kansas town with a population of 50, one is a physicist who worked at the Hubble Space Telescope Science Institute, and one helped map the mysteries of DNA.

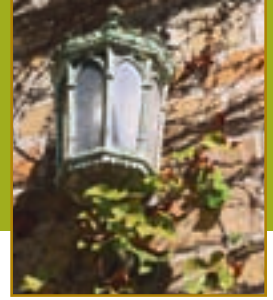
The former general manager of the Detroit Symphony is in this class, as are the former head researcher at MSNBC and a former screenwriter for New Line Cinema. One new law student was a U.S. Marine sniper, and one was the U-M football team's long snapper.

On the international scene, one was a staff writer for the *Moscow Times*, one worked with the UN in Peru and another worked with the international section of the U.S. Department of Justice's criminal division.

Several have started or operated businesses or nonprofits.

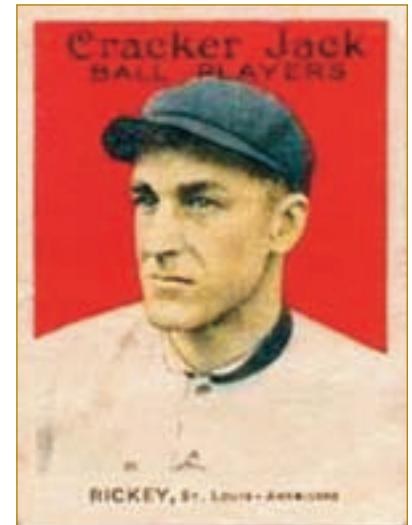
The tradition is in good hands.





## 8 Branch Rickey, '11

- Branch Rickey, '11, may be best known as the Brooklyn Dodgers manager who brought Jackie Robinson into big league baseball in 1947, thus integrating a major American institution seven years prior to *Brown v. Board of Education*. But he also was an exceptional student at Michigan Law, where he illustrated the energy and enthusiasm that later characterized his professional life.



*Branch Rickey, '11*  
**PAGE 8**

## 14 Jared Genser, '01

- Human rights champion Jared Genser, '01, using tactics he initiated while a student at Michigan Law, is challenging two of the most repressive regimes on earth: Burma (Myanmar) and North Korea. He brings an impressive record to the task. He's already won freedom for half a dozen political prisoners around the world since his first success just prior to graduation.



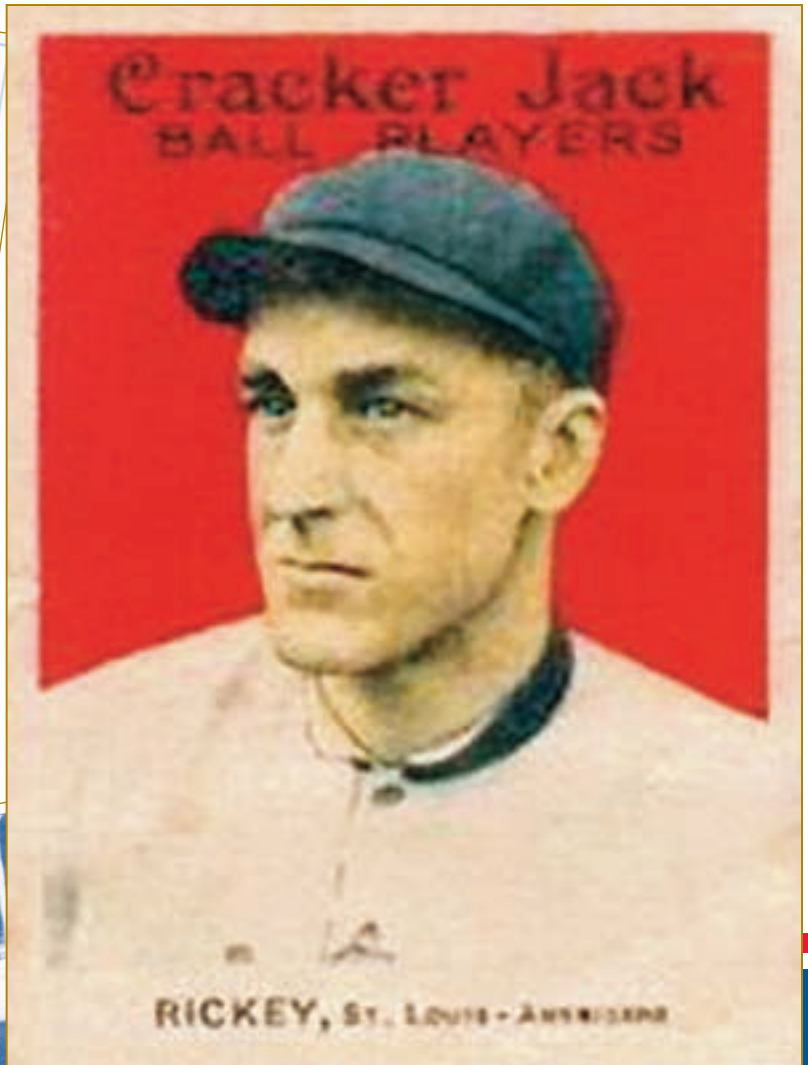
*Jared Genser, '01*  
**PAGE 14**

# Branch Rickey, '11 | *much more than pioneering baseball leader*

By Richard D. Friedman



Photo of the 1913 team taken on South Ferry Field. Coach Branch Rickey stands third from the left, back row. George Sisler is fifth from the left. (Courtesy of the Bentley Historical Library.)



1911 MICHIGANESIAN



**Varsity Base Ball Team 1910**

|                |          |                 |                  |
|----------------|----------|-----------------|------------------|
| BRANCH RICKEY  | Coach    | STUDENT MANAGER | STUDENT DIRECTOR |
| H. I. HARRIS   | Captain  |                 |                  |
| C. W. ESTERMAN | Manager  |                 |                  |
| P. G. BARTLEME | Director |                 |                  |

|                  |            |                |                            |
|------------------|------------|----------------|----------------------------|
| C. ESTERMAN      | Catcher    | E. D. MITCHELL | Center Field               |
| JOHN WALSH       | Catcher    | W. WATSON      | Right Field                |
| H. K. SMITH      | Pitcher    | NORMAN HILL    | First Base (Captain-elect) |
| A. J. VANDERBILT | Pitcher    | JAMES CALDWELL | Second Base                |
| H. H. CAMPBELL   | Pitcher    | S. H. DRAKE    | Second Base                |
| GUSTAV HAYS      | Left Field | L. W. MARSH    | Short Stop                 |
|                  | T. LORIMER |                | Third Base                 |

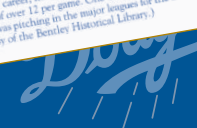
  

**GAMES AND SCORES**

|                   |                      |   |                     |
|-------------------|----------------------|---|---------------------|
| April 9—Michigan  | 19—Ohio Southern     | 1 | At Ada, Ohio        |
| April 11—Michigan | 8—Central University | 1 | At Ada, Ohio        |
| April 11—Michigan | 4—Taborville         | 8 | At Danville, Ky.    |
| April 11—Michigan | 3—Taborville         | 8 | At Knoxville, Tenn. |
| April 11—Michigan | 8—Castle Heights     | 1 | At Knoxville, Tenn. |
| April 11—Michigan | 0—Vanderbilt         | 3 | At Castle Heights   |
| April 11—Michigan | —Vanderbilt          | 1 | At Nashville        |
| April 11—Michigan | —Notre Dame          | 4 | (Rain)              |
| April 21—Michigan | 2—Case               | 0 | At New              |
| April 27—Michigan | 2—Alma               | 0 | At New              |
| April 27—Michigan | 2—Western Reserve    | 0 | At New              |
| April 28—Michigan | 2—Ohio Wesleyan      | 0 | At New              |
| May 4—Michigan    | 10—Ohio              | 0 | At A. C.            |
| May 7—Michigan    | 2—A. C.              | 0 | At A. C.            |
| May 11—Michigan   | 2—Dorwin             | 0 | At A. C.            |
| May 12—Michigan   | 1—Syracuse           | 0 | At A. C.            |
| May 12—Michigan   | 1—Syracuse           | 0 | At A. C.            |
| May 14—Michigan   | 1—Syracuse           | 0 | At A. C.            |
| May 14—Michigan   | 2—Ohio Wesleyan      | 0 | At A. C.            |
| May 14—Michigan   | 1—Case               | 0 | At A. C.            |
| May 14—Michigan   | 0—Western Reserve    | 0 | At A. C.            |
| May 14—Michigan   | 0—Syracuse           | 0 | At A. C.            |
| May 20—Michigan   | 0—Cortel             | 0 | At A. C.            |
| May 20—Michigan   | 0—West Virginia (ex) | 0 | At A. C.            |
| June 1—Michigan   | 6—Notre Dame         | 0 | At A. C.            |
| June 1—Michigan   | 3—Notre Dame         | 0 | At A. C.            |



Arguably the greatest player to have participated in baseball at Michigan, George Sisler earned three varsity letters in the sport (1913-1915). Sisler first came to the attention of Coach Branch Rickey in 1912, when as a pitcher for the freshman team he tossed a one-hitter against the varsity while striking out 20. Playing three positions at various times during his first year, Sisler finished with a .484 batting average, while in 1915, he batted .430. His offensive statistics included 10 home runs and 48 stolen bases. Many of Sisler's statistics were included along with those of more recent players in the 1913 yearbook. Sisler might have made his mark as a pitcher if not for chronic problems with a sore arm. Sisler compiled a record of 20-3. In 1899, Sisler struck out 264 batters, an average of over 12 per game. One week after graduating with a degree in mechanical engineering, Sisler was pitching in the major leagues for the St. Louis Browns. (Courtesy of the Bentley Historical Library.)





**Branch Rickey** is best known as the president and general manager of the Brooklyn Dodgers who brought Jackie Robinson into big league baseball in 1947, thus integrating a major American institution seven years before *Brown v. Board of Education*. Even apart from this heroic step, Rickey would probably be known as the most significant baseball executive ever, primarily for his work with the Dodgers and, earlier, the St. Louis Cardinals; the modern farm system and extensive spring training facilities are chief among his many innovations. Less well known is the fact that Rickey was a 1911 graduate of the University of Michigan Law School. This essay is drawn from a presentation the author made at a symposium on Rickey held at the Baseball Hall of Fame in Cooperstown, New York, on June 6, 2007. Dean Evan H. Caminker also discussed Rickey at the same program; Caminker's excerpted remarks appear in this issue in the Dean's Message that begins on page 2.



### Michigan Law helps integrate major league baseball—twice

Michigan Law was a significant player in the racial integration of major league baseball—both times, according to Dean Evan H. Caminker.

Law student Moses Fleetwood Walker, who attended Michigan Law in 1881-82, was the first African American player to have a career in major league baseball, but by the time he ended his career in 1889 the league's directors had agreed to offer no more contracts to black players, Caminker told the Baseball and American Culture conference last June at the Baseball Hall of Fame in Cooperstown, New York. Major league baseball would not have a black player again until 1947, when Michigan Law graduate and baseball executive Branch Rickey, '11, signed Jackie Robinson to the Brooklyn Dodgers.

"So that's quite a coincidence—University of Michigan law students bracketed the era of Jim Crow in major league baseball," Caminker said. "Our School produced the first and last African American ballplayer in the 1880s, then produced the baseball executive who brought about the end of racial exclusion in the 1940s."

Caminker discusses Rickey's role in his Dean's Message, which begins on page 2 and includes excerpts from the dean's talk at Cooperstown.



## Rickey enters the law 'department'

When Branch Rickey arrived in Ann Arbor in 1909 to begin his legal studies, William W. Cook of the class of 1882 had not yet made the huge gift that financed the magnificent set of buildings that the Law School still occupies. The School was then housed in a single building along State Street, northwest of the main university quadrangle; in what must be a rare anomaly in university development, the space occupied by a large building a century ago is now a grassy plot.

The School—then technically referred to as a department—was much more closely integrated with the rest of the university than it is now. Most law students did not have an undergraduate degree, and they were treated on a par with undergraduates in other fields. They appeared in the university yearbook alongside students of literature and engineering, and some of them participated in varsity sports. The School was in the midst of a significant transition, however. It was beginning to institute more demanding admissions standards, and beginning with the class graduating in 1910 it instituted a new degree, the J.D., to go along with the traditional LL.B. The J.D. was reserved for students who had already received a bachelor's degree in another field from a reputable college or university, or who were simultaneously working towards one from the University of Michigan, and who performed to a high standard in three quarters of their classes.

The dean, Harry B. Hutchins, would soon take over as University President upon the retirement of the venerable James B. Angell. The small law faculty was composed entirely of white males. But not so the student body. At least as a matter of theory, the Law School had always

been integrated racially, and it had been open to women for several decades. And in fact among Rickey's more than 200 classmates were at least two women and at least three African-Americans—not, to be sure, what would later be called a "critical mass," but a genuine presence nonetheless. (One of those three black classmates, Austin T. Walden, became the most renowned civil rights lawyer of Georgia in the first half of the 20th century; while Branch Rickey was integrating baseball,

Walden was working effectively to realize blacks' right to vote in Atlanta, and so was of crucial importance in making that city the first major one in the South in which blacks gained political power.)

—Richard D. Friedman



When Wesley Branch Rickey of Lucasville, Ohio, applied to the University of Michigan Law School in 1909, the application process was very simple and informal. It is amusing to think of the personal statement he might have written if instead he had to deal with today's much more imposing online application form:

*I have a combination of credentials that I suspect will make me unique not only in this year's entering class, but among all the students you have ever admitted or ever will admit. I have not only one but two college degrees, both a B.A. and a B.Litt. from Ohio Wesleyan University. What is more, I have done a good deal of teaching, at both the preparatory and college levels, and among the wide variety of college courses I have taught has been a series in law, for when my law teacher at Ohio Wesleyan died, I took over the courses. I have read law on my own and have done extra class work in law at the Ohio State University—but of course I know that to be the kind of lawyer I want to be I must attend a stronger institution than that. I was an athlete in college. While still working towards my degrees, I began my coaching career, in baseball, football, and basketball, and I have served as athletic director both at Ohio Wesleyan and at Allegheny College. I have been a temperance and political campaigner. As administrator of our YMCA I have hosted speakers including Jane Addams, Jacob Riis, and Booker T. Washington. And for parts of four summers, I have had a job that would be the envy of just about any boy in America—I have been a big-league baseball player.*

Rickey's admission was not in doubt, but his ability to attend law school was; he was recovering from tuberculosis at a sanitarium in upstate New York. Discharged with a warning that his health was still vulnerable, Rickey arrived alone in Ann Arbor in the fall of 1909. His wife stayed for several months with family in Ohio.

Because Rickey had already studied some law, he hoped to be granted advanced standing. The matter was left to be determined later. Evidently, the school administration concluded that Rickey had most, but not all, of the credits necessary for him to begin as a second-year student, and so he took the full 30-credit second-year curriculum, supplemented by nine first-year credits, in contracts and torts. At some point the matter was resolved satisfactorily, and Rickey was admitted into the class of 1911, allowing him to graduate in just two years.

Rickey was indeed a very capable student. To qualify for the J.D., a newly instituted degree more rigorous than the traditional LL.B., a student had to earn “+” marks in three-quarters of his classes. In Rickey’s first semester, though still feeling affected by his illness—he reported to his wife that he was exhausted after attending a U of M football game—he received a “+” mark for 13 of his 15 second-year credits. (The “make-up” first-year courses appear not to have been graded). And yet, he was not happy with himself or with his situation, and what others might regard as a most unusual record of varied accomplishments he now experienced as a sense of drift that plagued his stern conscience. In a remarkable letter to his parents of January 13, 1910, he wrote:

*Yes I’m tired and sick of college. I’ve been around one too long & I want to get out and do some one thing and bend every effort—I may fizzle about for a while but if I get a good grip on some one thing—and have a purpose—well I guess I’ll do my best not to make God as ashamed of me as he has been these last few years.*

Almost as an afterthought, though, the end of the letter revealed news that suggested that perhaps Rickey had found the one path that would offer his life’s mission:

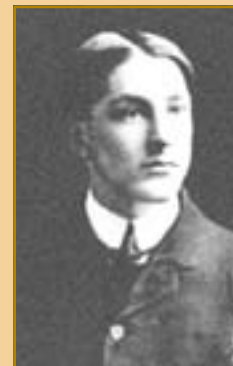
*I have secured the position of Baseball coach here—thanks to many good friends. It was really their victory for the odds were against me & I counted for very little. My greatest joy is not the paltry job or its incidents but the fact of being known by men of such standing and character that their commendation places me above the pull and push of the other fellow. It shall ever be my steadfast purpose to keep, increase and yet merit the esteem those men have expressed for me. No more time or space.*

—Love to all Branch



## If Rickey were applying today . . .

Young Branch Rickey didn’t have to write essays as part of his admissions application in 1909. But if he applied today he would have to think hard in choosing which optional essays to write. For fear of over-eagerness—and Rickey



was certainly eager—we limit students to two.

Rickey might have chosen to write in response to the request to “[d]escribe a failure or setback” in his life and state how he overcame it.

Even then he would have had a choice. He could have explained how when he first came to college his Latin was not up to the expected level, and how by hard work he had excelled. Perhaps better, he

might have described how, to his bitter disappointment, he had lost his eligibility for college sports as a result of a misunderstanding involving a short stint with a semi-pro baseball team, and how the shutting of one door opened the door to becoming a coach and then athletic director at an extraordinarily early age.

But a more gripping story would have been how he was even then confronting and beating a life-threatening illness, tuberculosis, with treatments at the Trudeau Sanatorium at Saranac Lake, New York.

And if Rickey had not yet caught the attention of the dean of admissions, he could have done so with the optional essay describing a personal experience “that speaks to the problems and possibilities of diversity in an educational or work setting.” He might have written something like this:

*When I coached the Ohio Wesleyan baseball team, we had a colored member of the team named Charles Thomas. At one point, the University of Kentucky refused to play us if Thomas played; I insisted vigorously that we would play with him or not at all, and the Kentuckians relented. Once, when we checked into a hotel in South Bend, Indiana, the hotel clerk would not let Thomas check in because he was black. I arranged for Thomas to share my room. When I came up to the room, he was tearing at his skin, saying he wished it was white. Confronted with such a blatant display of prejudice and the harmful consequences of it, I was reminded of the reaction of my great hero Abraham Lincoln when as a very young man he witnessed a slave auction: “[I]f ever I get a chance to hit that thing, I’ll hit it hard!” I felt the same way.*

—Richard D. Friedman

## If Rickey were my student . . .

I think that if Rickey were my student in modern times, I might have kept him in law, at least for a while. (And what kind of accomplishment would that have been?) Here is an excerpt from the recommendation letter I imagine myself writing for him (with just a little benefit of hindsight):

*"Branch writes clearly and powerfully, and with great authority; he will draft excellent judicial opinions. He has been a highly capable student, who has earned a good, strong GPA. But his grades do not begin to tell the story. Rarely if ever have I met a student with such energy and intensity. When I take into account that he has done so well despite recovering from a life-threatening and exhausting illness, despite taking an overload in courses, and despite the rigorous demands of a highly visible and time- and energy-consuming part-time job, I find the whole picture quite astonishing.*

*Branch is a young man of unusually strong commitments and sound fundamental values. He is fiercely ambitious to achieve something notable. Whether that happens in the realm of law or outside it, I am confident Branch will make his mark, and the world will be a better place for it.*

— Richard D. Friedman



Distressing as part of that letter may have been, in at least two respects Rickey's reporting was accurate. The pay was rather paltry—\$700 for the season, but with the University holding an option to deduct up to \$100 from that amount to pay one or more assistant coaches; Rickey had gotten a better deal coaching at the much smaller Allegheny College. And it does appear that many friends had written in support of Rickey, though he did not mention to his parents that he had carefully orchestrated the campaign—which seems to have been persistent enough that the athletic director, Phil Bartelme, concluded that the only way to stop the flood of letters was to hire the young man behind them.

There was one other aspect of the incident that Rickey did not report. The consent of the law school was essential to the deal. The story has often been told that the dean and Rickey had a long meeting at the end of which the dean agreed contingent on a promise by Rickey that he would be in class and prepared every day. Even while throwing himself with characteristic vigor into his new job, and carrying an overload of courses, Rickey performed creditably, with 11 "+" credits and four "-" credits. He was not invited by the faculty to join the *Law Review* for the following year, at least not formally; though his grades were good enough that they might have made him a marginal candidate, it may well be that the time burdens of the coaching job rendered the question moot.

The Michigan baseball team had an excellent record under Rickey's predecessor, Lewis "Sport" McAllister, but it had lost several key players, not only to graduation but also to charges of professionalism, the same factor that prematurely ended Rickey's own college playing career. Rickey's style was didactic—he limited scrimmage time and held evening lectures on the finer points of the game—but bolstered by his energy, enthusiasm, and deep knowledge it yielded favorable results. The team ended the season with a record of 17 wins and 8 losses—not outstanding for a Michigan team but very satisfactory given the low expectations for the season. In the University yearbook, the team manager wrote about Rickey:

*He was the hardest worker on the squad, kept everybody working to correct this or that mistake, and taught the game from beginning to end. He had the "pep" and the head for the team, and without him there would have been no season to write up.*

Clearly his superiors were pleased; in June, Rickey signed a contract to coach again in the 1911 season, this time for \$1000.

Rickey and his wife spent the summer between his law school years in the Rockies, where he felt deeply refreshed by the mountain air. Returning to school for the fall semester, and without the distraction of his coaching job, Rickey earned 15 "+" credits and only one "-". In the



spring, while coaching once again, the numbers were 13 and 3. One of the minus credits was for Practice Court; by now, there must have been some wiggle room in his deal with the dean, because the times for baseball practice and Practice Court were in direct conflict. Rickey easily satisfied the requirements for the J.D.

Meanwhile, the baseball team, beset with injuries, turned in a disappointing record of 16 wins, 10 losses, and one tie. But early in the season, Rickey was signed to contracts for the 1912 and 1913 seasons, with his salary rising to a relatively munificent \$1200, plus \$300 for expenses, for the latter one. He had not yet committed to baseball, though. He went back west, to Boise, Idaho, hanging up a shingle with two college classmates, but they had very few clients.

Rickey returned with relief to Ann Arbor for the 1912 season. When practice began, George Sisler, a freshman engineering student from Ohio, turned out. Rickey said that the practice was for upperclassmen, but some of the returning players told him to take a look. Rickey complied. The great sportswriter Jim Murray said many years later that Rickey could spot talent from the window of a moving train, and that was true in this case—though in Rickey’s own account it took no special skill for him to realize, after a minute watching Sisler pitch to the upperclassmen, that he was a rare talent. Freshmen were not eligible to play on the varsity, which nearly duplicated the prior year’s performance with a 15-10-2 record. Rickey returned to the west for the winter and then to Ann Arbor for the 1913 season, the last of his contract. A sore arm limited Sisler’s pitching time, but it turned out that he could also hit, and the team posted the best record of Rickey’s tenure, 22 and 5.

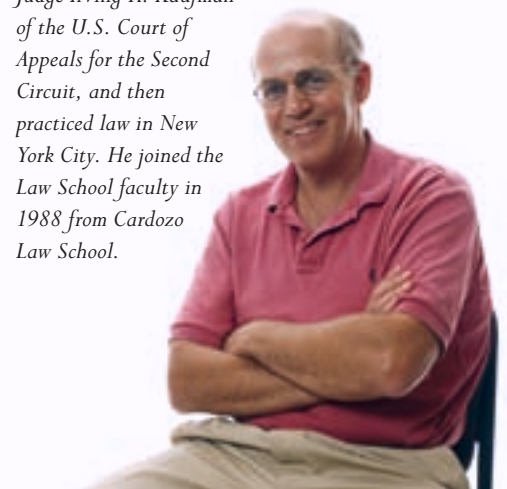
As Rickey’s last season with the team ended, the *Michigan Daily* paid him a warm tribute:

*[H]e leaves with a sterling record behind him, and a host of friends to remember him. . . . Above all he taught clean ball, gentlemanly tactics, and clean living. . . . A gentleman, a true sportsman, and a man, he will long be remembered by those who love and help Michigan athletics.*

Rickey immediately took up a new job, in the front office of one of his old teams, the St. Louis Browns. He remained active in major league baseball for half a century, most successfully and significantly with the St. Louis Cardinals and the Brooklyn Dodgers. The Idaho bar was, no doubt, the long-term loser, for he never returned to the practice of law.



*Richard D. Friedman, the Ralph W. Aigler Professor of Law, is an expert on evidence and Supreme Court history. He is the general editor of The New Wigmore, a multi-volume treatise on evidence. His textbook, The Elements of Evidence, is now in its third edition, and he has written many law review articles and essays. In Crawford v. Washington, 541 U.S. 36 (2004), the Supreme Court radically transformed the law in this area by adopting a “testimonial” approach, which Professor Friedman had long advocated; he now maintains the Confrontation Blog (<http://confrontationright.blogspot.com/>), to comment on related issues and developments, and he successfully argued a follow-up case, Hammon v. Indiana, in the Supreme Court. Professor Friedman earned a B.A. and a J.D. from Harvard, where he was an editor of the Harvard Law Review, and a D.Phil. in modern history from Oxford University. He clerked for Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit, and then practiced law in New York City. He joined the Law School faculty in 1988 from Cardozo Law School.*



Jared Genser, '01:

# Freedom Now

Human rights champion Jared Genser, '01, is challenging two of the most repressive regimes on earth: Burma (Myanmar) and North Korea. Either alone is a daunting task; together they are monumental.

Yet the relentless Genser, 35, if anyone, is up to the task. An associate in the government affairs group of DLA Piper in Washington, D.C., and founder of the nonprofit NGO Freedom Now ([www.freedom-now.org](http://www.freedom-now.org)), a volunteer organization that works to free political prisoners, Genser already has a finely honed tactical arsenal and an impressive track record. He and Freedom Now (U.S. Department of Commerce attorney and fellow Michigan Law graduate Glenn Kaminsky, '00, sits on the seven-member board) already have won release for a half dozen political prisoners around the world (see page 15). And since 2003, when Genser joined DLA Piper, he has been strongly backed by the firm on a number of resource-intensive global pro bono projects.

No less a human rights worker than Nobel Peace Prize winner and South African anti-apartheid leader Archbishop Desmond M. Tutu nominated Genser for the ABA's prestigious International Human Rights Award this year. "Working on behalf of both individuals and the oppressed peoples of entire nations, providing both direct representation and large-scale advocacy, Jared's work is truly exceptional," Tutu wrote. "He is an exemplar of outstanding public service. It is not an exaggeration to say that his pro bono work to win people their most basic human rights is having an impact that is both historic and truly global in scale."



Though Genser didn't win, he may well someday soon. This year's prize went to a Russian human rights lawyer, Elena Ezhova, whose well-deserved victory for her work with the Russian Justice Initiative, an organization providing legal assistance to victims of grave human rights abuse in Chechnya, signaled Russian President Vladimir Putin that his country's human rights score is being tallied around the world.

Genser's extensive involvement in pro bono activities is highly complementary with his thriving private practice that focuses on public international law and human rights. For example, he represents a group of Lebanese Americans advocating for greater U.S. support to secure the fragile democracy in Lebanon; an NGO that seeks greater

U.S. funding for the Global Fund to Fight AIDS, Tuberculosis, and Malaria; an oil company seeking to ensure it complies with international human rights, labor rights, and environmental rights standards in a project in Asia; and an African country facing substantial economic and political challenges.

In 2005 he led a pro bono team of 10 DLA Piper lawyers commissioned by Tutu and former Czech Republic President Václav Havel to produce the report "A Threat to the Peace: A Call for the UN Security Council to Act in Burma." The exhaustive report detailed how Burma's military junta has not only refused to honor its 1990 election results for 17 years, but also has burned down more than 3,000 villages in an ethnic





cleansing campaign, used more than 800,000 people in forced labor, caused an outflow of more than one million refugees into neighboring countries, and created a terrible internal humanitarian situation. The report argued that the external impact of this situation outside Burma was so severe that it constituted a threat to regional peace and security, thereby placing the situation within the jurisdiction of the UN Security Council.

Shortly after the report's release, a *Washington Post* editorial endorsed the report and its recommendations stating "[a] humanitarian and human rights catastrophe; a threat to neighboring countries; a proposed peaceful and multilateral response. What objection could there be?" A year later, after a tremendous global lobbying campaign, Burma was formally voted onto the UN Security Council's formal agenda for the first time. Progress in the Security Council remains slow, however, as China and Russia issued a double veto of a resolution on Burma seeking national reconciliation in the country this past January.

Last year, Genser was asked to represent the world's only imprisoned Nobel Peace Prize Laureate, Aung San Suu Kyi of Burma. Her National League for Democracy and its allies won more than 80 percent of the vote in Burma's 1990 parliamentary elections. Burma's military junta, however, has refused to recognize that vote. Instead of being president of her country, Suu Kyi has been held under house arrest for more than 12 of the past 17 years, and continuously since 2003.

Early this year, Genser worked closely with former Norwegian Prime Minister Kjell Magne Bondevik, founder and president of the Oslo Center for Peace and Human Rights, to gather 59 former heads of state from Asia, Africa, Europe, and North and South America on to a single letter to the Burmese junta urging Suu Kyi's release. Among the signatories were former U.S. presidents Jimmy Carter, William J. Clinton, and George H.W. Bush, the Czech Republic's Havel, former British prime ministers John Major and Margaret Thatcher, former Canadian Prime Minister Brian Mulroney, and former Polish President Lech Walesa.

Suu Kyi, whom supporters affectionately call the Lady, was supposed to have her house arrest expire on May 27. But Burma's rulers instead extended it for another year. Genser and Freedom Now volunteer attorney Meghan Barron fired back immediately, urging in the June 2-3 edition of the *International Herald Tribune* that "we must persist. The injustice of the Lady's ongoing detention and the suffering of her people remains a stain on our collective conscience."

## Freedom won for prisoners of conscience

Genser and Freedom Now have established an impressive record of winning freedom for prisoners of conscience around the world. The tally of those freed so far:

- **2000:** British national James Mawdsley freed from Burma, where he was sentenced to 17 years in solitary confinement for distributing democratic materials. Genser did the work that led to Mawdsley's release while still a law student and he formed Freedom Now in 2001, shortly after his graduation.
- **2002:** Ayub Masih, a Pakistani Christian who was sentenced to death for blasphemy for allegedly saying that Christianity was "correct" and suggesting that a Muslim neighbor should read Salman Rushdie's *Satanic Verses*. Freedom Now won his case at the UN Working Group on Arbitrary Detention and a group of 12 U.S. Senators privately wrote to Pakistani President Pervez Musharraf urging the case be resolved. Masih's conviction was reversed by the Supreme Court of Pakistan and Freedom Now helped get him to the United States where he has since been granted political asylum.
- **2003:** Scholar and democracy advocate Saad Eddin Ibrahim, who had been twice sentenced to seven years in prison in Egypt for criticizing his government, registering people to vote, and supporting the rights of Egyptian minorities.
- **2005:** Democracy activist Nguyen Dan Que after Vietnam sentenced him to 30 months imprisonment for "abusing democratic rights to jeopardize the interests of the state" after he sent an e-mail to his brother that criticized Vietnam for its lack of independent news media.
- **2006:** Physician Pham Hong Son, sentenced to 13 years for "undermining national unity" in Vietnam after he translated the article "What is Democracy?" from the U.S. Embassy in Vietnam's Web site and distributed it to friends.
- **2007:** Chinese democracy activist Yang Jianli was released last April after spending five years in prison. One of those who fled China after the Tiananmen Square protests in 1989, Yang earned two doctorates in the United States (he and Genser worked together in 1997 to organize a protest against the visit of then Chinese President Jiang Zemin to Harvard). He returned to China in 2002 to observe labor unrest and was arrested soon afterwards and charged with being a spy for Taiwan and illegal entry. Genser's five-year effort on his behalf began shortly after Yang's arrest. Although Chinese authorities freed Yang last spring, they withheld permission to leave China for several months. He finally arrived in the United States in August.



Genser, Yang Jianli, and Yang's family.

## Master tactician

Jared Genser knows well the tactic of combining international law with the use of world media to spread your message and having internationally renowned leaders weigh in on your behalf. You might even say he perfected it.

Take the successful Yang Jianli case, for example. Genser and Freedom Now unleashed a barrage of legal, political, and public relations advocacy, the likes of which is seldom seen: Genser filed and won a case before the UN Working Group on Arbitrary Detention on Yang's behalf, published op-ed articles in newspapers in many countries, lectured about Yang's captivity, and organized protests in front of Chinese embassies around the world.

Working closely with Yang's wife, he persuaded 56 members of Congress to co-sponsor a resolution calling for Yang's release, which the U.S. House of Representatives adopted unanimously. A similar resolution in the U.S. Senate followed. Genser organized letters that went out from Congress to President Bush and American and Chinese officials. One letter to Chinese President Hu Jintao was signed by 40 independent, Democratic, and Republican U.S. Senators, including fellow Michigan Law grad Ken Salazar, '81, Joe Lieberman, Barack Obama, Arlen Specter, Charles Schumer, John McCain, Paul Sarbanes, Patrick Leahy, Barbara Boxer, Carl Levin, Hillary Rodham Clinton, Dianne Feinstein, and Elizabeth Dole.

Another letter, signed by an overwhelming 119 House members, went to President Bush urging he raise the case in an upcoming summit with President Hu Jintao, which he subsequently did. And Michigan Law graduate and U.S. Ambassador to China Clark Randt, '75, raised the issue at least 60 times with Chinese officials in Beijing.

China ultimately blinked. Although Yang could have faced a death sentence or life in prison upon conviction, China ultimately gave him the minimum five-year sentence. This is the best Yang could have hoped for given that the conviction rate for "political" crimes is virtually 100 percent in China.

Noting that "going up against China on a dissident case is one of the toughest of challenges in our world today," Nobel Prize winner Desmond M. Tutu credited Genser's "tireless and persistent advocacy" in winning Yang's freedom.



*Genser speaks with first-year Michigan Law students after his Service Day talk here in August.*

In beginning that op-ed piece, Genser and Barron also exhibited the lawyer's high art of humanizing their client: "Halfway around the world, a 61-year-old woman sits alone in her home, as she has for years. The telephone is forever silent, because the line is disconnected. The doorbell never rings, because visitors are forbidden. There is no mail, there is no news."

"For Aung San Suu Kyi, the democratically elected leader of Burma and Nobel Peace Prize laureate, there is almost complete isolation.

"For more than 11 of the past 17 years, the military dictatorship that rules Myanmar, also known as Burma, has held Suu Kyi under house arrest. The generals initially claimed the seclusion was for her own protection.

"Now they assert that this pacifist and devout Buddhist is a 'threat to national peace and tranquility.' When her dying husband requested entry to Myanmar to see her one last time, even that request was denied."

Even as Genser has pursued a single-minded campaign against the brutal military dictatorship in Burma, a passion that was initially ignited while a law student, he has also recently turned his attention towards addressing the terrible suffering of the people of North Korea.

In 2006, Genser led the still larger DLA Piper team commissioned by Havel, Bondevik, and Nobel Peace Prize Laureate and Holocaust survivor Elie Wiesel that produced the report "Failure to Protect: A Call for the UN Security Council to Act in North Korea."

In this initiative, Genser and his team are trying to persuade the international community to focus equal attention on the suffering of the North Korean people as it has on the isolationist communist country's nuclear weapons goals. "Failure to Protect" details North Korea's refusal to abide by the new international law doctrine of the "responsibility to protect," which Genser explains places on all countries "an obligation to protect their own citizens from genocide, crimes against humanity, war crimes, and ethnic cleansing." And, he continues, "if they cannot or will not do so, then the UN has a responsibility to get involved up through and including Security Council action."

"Failure to Protect" was released in October 2006 in the United Kingdom to widespread attention. "Starting the week was an op-ed from the co-commissioners printed in the *New York Times* and then reprinted in the *International Herald Tribune*," Genser wrote supporters the following month. "The impact was phenomenal. Both Debra Liang-Fenton (of the U.S. Committee for Human Rights in North Korea) and I heard from countless people around the world offering their positive views of the initiative."



Genser and James Mawdsley, for whom he won freedom in 2000 while still a law student.

Bondevik, Genser, and Liang-Fenton participated in an event at the House of Lords to publicize the report and did a number of interviews with the BBC, AP, AFP, Reuters, and UPI reported on the document's release and content. Genser and Liang-Fenton then headed to Asia, where they presented the report to the Foreign Correspondents Club of Japan in Tokyo. They then moved on to Seoul, South Korea, where they held a forum for NGOs, held a press conference at the Seoul Foreign Correspondents Club, and presented the report at Yonsei University. In November 2006, Genser appeared on a panel with Havel, Wiesel, and Bondevik together at the UN in New York to promote action on the report. Genser's article "Stop Pyongyang's Autogenocide" appeared in the November 2006 issue of *Far Eastern Economic Review*.

"The Failure to Protect" is "a damning new report" that says that "200,000 political prisoners are subjected to brutal work regimes, starvation-level rations, and torture or execution for perceived infractions," an *International Herald Tribune* editorial stated. "Family members of alleged dissidents or political opponents are thrust into the North Korean gulag on the premise of guilt by association. According to the report, 400,000 people have perished in the gulag over the past 30 years."

"For more than a decade, human rights concerns have been relegated to a second-class status for fear of driving North Korea from the nuclear talks," Genser told UPI. "Now that its government has gone ahead with a nuclear test anyway, it is time to have a parallel-track strategy for alleviating the suffering of the North Korean people through Security Council action."

Many observers fear, however, that South Korean Ban Ki Moon's election as UN secretary-general will slow further progress because of South Korea's reluctance to confront North Korea. Genser acknowledges the potential impediment, but feels that the international community's opposition to North Korean human rights violations has gained an unstoppable momentum. Success is just a matter of time.

And his next project? He can cite cases of human rights abuses and political imprisonments in many countries. He leaves the obvious unsaid: He'll be fighting the good fight on behalf of one or more of them.



## 'One person can make a difference'

Jared Genser, '01, who will be teaching at Michigan Law this winter, answers queries about why he works to win freedom for prisoners of conscience and the impact of such efforts.

**Q: Why do you do this work, so much of which is pro bono and on your own time?**

**A:** Simply put, it is the right thing to do. I feel really blessed to have been able to get a top-notch legal education and have found through experience that one person can make a difference. I find prisoner work highly compelling. I have always gotten back much more than I give in terms of personal satisfaction. Even years of work can become instantaneously worthwhile, [like it was in August in the Li Yang case] to be at the airport to see a family that had been separated reunited.

**Q: There are many prisoners of conscience around the world. How do you decide whose case to take?**

**A:** Freedom Now applies a basic set of selection criteria to each case. These include how compelling the case is from a factual perspective; the challenge of going up against a country detaining a person; how many others are already involved (e.g., we prefer to get involved in cases where we take a leading role); and how representative a case is of a broader set of abuses in a country.

**Q: Does your work on behalf of one political prisoner help other political prisoners?**

**A:** I think it does in several ways. First, the more cases we do, the greater experience base we have from which to draw prospective approaches to new cases. Second, our networks are ever growing, and the more work we do, the easier it is to leverage those contacts to secure support from government, the UN, other NGOs, and media. And lastly, by helping prisoners whose cases are indicative of a broader set of abuses, we have found a trickle down effect. For example, when Ayub Masih, who had a death sentence for blasphemy, was released from Pakistan, the Supreme Court of Pakistan identified numerous procedural flaws in his arrest, trial, and conviction. This ultimately led to a substantial revision of how the blasphemy laws were to be applied in future cases. While ultimately the blasphemy laws themselves need to be abolished, this was an important step forward to curb wrongful accusations, arrests, trials, and convictions.

**Q: What prisoner of conscience will you be working with next?**

**A:** Right now, we are focusing our efforts on two difficult cases: Aung San Suu Kyi, the world's only imprisoned Nobel Peace Prize Laureate who remains under house arrest in Burma, and Oscar Elias Biscet, who has a 25-year sentence in Cuba. (President Bush awarded Biscet the Presidential Medal of Freedom this fall.) We are actually focusing some of our other energies on securing financial assistance for Freedom Now so we are able to hire our first staff person this year.

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## Beijing recognizes assistance from Ronald J. Allen, '73

Ronald J. Allen, '73, was one of his more promising students, so Yale Kamisar enthusiastically hired him as a research assistant. It was a prophetic move on the part of Kamisar, whose current emeritus status has done nothing to diminish his pride in former students' accomplishments.

So it was with obvious satisfaction that Kamisar called to let *Law Quadrangle Notes* know that Allen has become the first American lawyer and only the fourth American to be designated a Yangtze River Scholar by the Ministry of Education of the People's Republic of China. The previous three American winners of the award, the highest academic honor given by the People's Republic of China, have been Nobel Prize winners in economics.

Allen is the John Henry Wigmore Professor of Law at Northwestern University, where he has taught since 1984. He was a visiting professor at Michigan Law in summer 1982, and also has taught at the University of Nebraska, the State University of New York at Buffalo, and Duke University.

Author of a dozen books and some 100 journal articles, Allen is known worldwide as an authority on evidence, procedure, and constitutional law. For many years he has hosted and supervised Chinese law professors and students in their study and research at Northwestern and his research has been instrumental in legal system reform in China. He is the inaugural Fellow of the Procedural Law Research Center and chair of the Foreign Board of Advisors of the Evidence Law and Forensic Sciences Institute of China University of Political Science and Law in Beijing. He also is advising the institute's writers on a universal evidence code for the People's Republic.

Established in 1999, the Yangtze River Scholar Program secures the assistance of distinguished scholars and scientists like Allen and helps to ensure that China's top scientists, scholars, and researchers maintain their residency in China.



Ronald J. Allen, '73

## Edelman's SportsJudge.com nears first anniversary

Fantasy sports always have been a very real part of life for Marc Edelman, '03—he was a fantasy sports reporter for Rotowire.com as well as a national semi-finalist in the Sports Law Moot Court while studying at Michigan Law—so it's only fitting that soon he will celebrate the first anniversary of SportsJudge.com, his Web-based fantasy sports dispute resolution service.

For years, Edelman had been receiving growing numbers of requests from doctors, bankers, and business people for help in solving their fantasy sports disputes. In response, last January he launched SportsJudge.com as “a Web site devoted entirely to resolving fantasy sports disputes by using legal reasoning.”

Edelman's SportsJudge.com offers a range of services, from resolution of a single dispute to a package that covers dispute resolution through the length of your fantasy sport's full season. He'll even develop a league constitution for you or run your entire draft.

“The SportsJudge venture has been very successful on many different levels,” according to Edelman. During this year's baseball season, for example, SportsJudge.com resolved a variety of disputes, including many involving

trades and/or major fantasy leagues in New York, Atlanta, and San Francisco. And although the thunks of footballers' shoulder pads haven't gone silent yet, the 2007 pigskin season promises to be equally successful.

The service also has been featured in *The Wall Street Journal*, *Chicago Tribune*, *Jacksonville Times-Union*, *Kansas City Star*, and *New York Daily News*, and *Sporting News* named SportsJudge.com one of “7 things to make you an instant expert in sports.”

“The opportunity to build relationships with high-end fantasy sports owners adds another exciting element to my career,” says Edelman, who practices law as an associate in the Sports & Entertainment Practice Group of New York City-based Dewey Ballantine LLP. Edelman also teaches law at New York City schools such as Seton Hall University, Manhattanville College, Baruch College, and the Metropolitan College of New York. Two years ago he presented a lecture to Michigan Law faculty on “The Future of Single Entity Sports.”



Marc Edelman, '03

“Having done a small amount of fantasy-sports dispute resolution even before the launch of SportsJudge.com, I have seen first-hand how unresolved fantasy disputes can tear friendships apart,” Edelman explains. “Like any arbitrator, my goal is to resolve disagreements fairly, and to keep relationships together.”



## Janet K. Welch, '88, Michigan State Bar's first woman executive director

Janet K. Welch, '88, has turned her analytical and organizational skills to guiding the Michigan State Bar as the 38,000-member organization's first woman executive director. Colleagues and observers expect that the nonpartisan and level-headed approach to thorny issues that she honed during a decade of service to the Michigan state legislature will serve her in good stead as she navigates the variety of issues and opinions that are part of daily life for Michigan Bar staffers and members alike.

"A unified bar is best served by an executive director who can instill trust across the political spectrum by virtue of his or her skills, fairness, balance, integrity, knowledge, and reputation," Welch told writer Naseem Stecker for a cover profile in the June 2007 issue of *Michigan Bar Journal*. "Personal agendas are simply not part of the picture in how the State Bar operates. My job is to see that the Bar achieves its strategic goals as efficiently and cost-effectively as possible."

Fellow Michigan Law graduate and Michigan State Bar President Kimberly

Cahill, '85, notes in the *Journal* profile that "Janet's combination of experience with the Supreme Court, the Michigan legislature, and the State Bar could not be surpassed. Add to that her intelligence, wonderful contemplative demeanor, and ability to include all points of view in decision making, and you have an executive director with unlimited potential."

"Welch joined the State Bar as general counsel over six years ago," writes profile author Stecker. "When Executive Director John Berry left to take up a post with the Florida Bar, she was appointed interim executive director while a nationwide search was launched for a new leader. During this time, events conspired to pose a series of challenges to her judgment and abilities. Organizational restructuring, Supreme Court controversy, a media fuss over the confidentiality of records, and a plan to tax legal services took up much of her attention. She responded well—so well that she was the obvious choice for the job."

For the complete profile, go to [www.michbar.org/journal/pdf/pdf4article1169.pdf](http://www.michbar.org/journal/pdf/pdf4article1169.pdf).

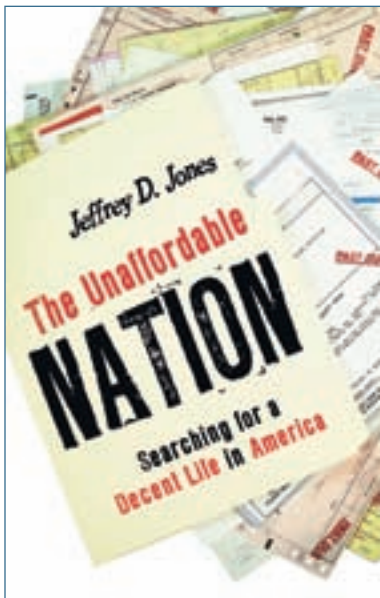


*Michigan State Bar Executive Director Janet K. Welch, '88, was the subject of the cover story in the Michigan Bar Journal in June.*

## Jeffrey D. Jones, '04: U.S. becoming an unaffordable nation

We are awaking from “The American Dream”—owning a home and car, paying for college, living decently on what we earn—to a world of inadequate wages, soaring healthcare prices, escalating tuition, and other economic facts of life that are morphing the dream into an elusive, too often out-of-reach fantasy.

So says Lewis & Clark Law School Assistant Professor Jeffrey Jones, '04, in his newly published book *The Unaffordable Nation: Searching for a Decent Life in America* (Prometheus Books, 2007).



“Often when Americans complain about unaffordability it is not taken seriously,” explains Jones. “We assume that people who struggle economically must not be working hard or have made other bad choices, such as drugs or gambling or just wasting money. Certainly, such people exist. However, there are also many Americans who are doing everything right—who have taken education, who work hard each day and take pride in their labor, and who are personally and financially responsible—yet who simply are failing while doing their economic best. In their gut, every American knows that there is something fundamentally wrong with the inability to afford basic things like healthcare, home ownership, or caring for an aging relative even though one is working full-time, but no one has fully explained what that is. *The Unaffordable Nation* revisits what might be called the ‘American morality of labor’ in order to show that the inability to afford a decent life with reasonable labor is an unequivocal injustice.”

Says his publisher: “Transcending ordinary politics, Jones addresses every member of the American community, not as liberal or conservative or as Democrat or Republican, but in the most basic and equal of terms: in their capacities as working persons dependent upon their occupations, their employers, and the government regulation of both to earn a decent living. He uncovers the profound moral consensus among Americans from every walk of life regarding the entitlements that should follow from individual hard work.”



Jeffrey D. Jones, '04

Jones comes to this issue from both academic and legal practice perspectives. As a law professor, he teaches Property, The Concept of Property, and a Disability Law seminar, and his research interests focus on employment law, jurisprudence, and government ethics. Before joining the Lewis & Clark faculty this year, he practiced with Davis Wright Tremaine and then for Barran Liebman LLP, where he remains Of Counsel in employment law matters.

Prior to studying at Michigan Law, Jones taught philosophy at the University of Massachusetts-Boston, where he specialized in the philosophy of law, and was a postdoctoral scholar at Boston University's Institute on Race and Social Division and a scholar-in-residence at Boston University's School of Law. He earned his B.A., M.A., and Ph.D. in philosophy at the University of Wisconsin-Madison.

## Gillian L. Thomas, '96: Tradition should not limit women's workplaces

Gillian L. Thomas, '96, always has advocated for women's equality under the law and in the workplace. As a law student, she squeezed out time both to work as a contributing editor to the *Michigan Journal of Race and Law* and to teach a University of Michigan undergraduate course called Women and the Law.

Now she has become senior staff attorney with Washington D.C.-based Legal Momentum, where she is part of the pioneer advocacy organization's Equality Works Program, which focuses on expanding women's participation in high-paying but nontraditional employment in fields like firefighting and construction. The recent Oscar-nominated movie *North Country*, which told the story of women taking on work in the Minnesota mining pits, portrayed some of the difficulties women have found in entering work fields that previously had been nearly universally reserved for men.

"Women in nontraditional jobs face overwhelming obstacles of sex discrimination and sexual harassment. Yet because such jobs offer unparalleled economic opportunities, it is especially critical that they be welcoming environments for women," says Thomas, who is applying her skills on the Equality Works Program's active litigation docket.



Gillian L. Thomas, '96

Legal Momentum is happy to use Thomas' experience, according to Vice President/Legal Director Jennifer K. Brown, who praised Thomas' "years of accomplishment in the legal profession and her outstanding contributions to Legal Momentum's work."

Prior to joining Legal Momentum, Thomas practiced with Vladeck, Waldman, Elias & Englehard in New York City and Willig, Williams & Davidson in Philadelphia, where she represented workers in employment discrimination cases. Also in Philadelphia, she practiced with Schnader Harrison Segal & Lewis, where she concentrated on commercial litigation.

After earning her J.D., Thomas clerked for U.S. District Judge John T. Nixon in Nashville, Tennessee. Before entering Michigan Law, she worked for a National Public Radio-affiliated station in San Francisco and a women's health organization in Washington, D.C. She earned her B.A. in history from Yale University.

## Miriam Defensor Santiago, LL.M. '75, S.J.D. '76, nominated to UN court

Philippines President Gloria Macapagal Arroyo has nominated Philippines Senator Miriam Defensor Santiago, LL.M. '75, S.J.D. '76, to an upcoming vacancy on the International Court of Justice (ICJ), the United Nations' principal court.

If Santiago is elected to the 15-member court, she will be the second member of the Michigan Law family to serve. Affiliated Overseas Faculty member Bruno Simma, of Germany, currently holds one of the ICJ's five Western European seats.

Arroyo introduced Santiago at the 40th ministerial meeting of the Association of Southeast Asian Nations in Manila last July as "Senator Miriam Defensor Santiago, chairwoman of the Committee on Foreign Relations and our Philippine nominee to the International Court of Justice."

Santiago, a longtime political ally of Arroyo, was a legal officer for the UN High Commissioner for Refugees in Geneva from 1979-80 and worked as a legal consultant to the Philippine Embassy in Washington in 1982. If chosen for the court, she said, she would leave the senate without difficulty.

The court, which hears legal disputes submitted by UN member states, will have a vacant post to be filled by an Asian country when Jordan's term is completed in 2009.

For more on the ICJ, go to [www.icj-cij.org](http://www.icj-cij.org).



## Graduates in Europe named to prestigious positions

Two graduates who earned advanced degrees at Michigan Law and live in Europe have been named to high-level posts in Europe:

- The European Commission (EC) has named **Katarína Mathernová, LL.M. '89**, deputy director-general of the Directorate General for Regional Policy (DG REGIO), where she oversees three policy directorates and coordinates relations with the commission's other directorates-general and authorities in the member states and regions; and
- **Zdenek Kuhn, LL.M. '02, S.J.D. '06**, has been appointed as a justice on the European Court of Human Rights.

Mathernová joined the EC in 2005, and most recently was a director in charge of the largest geographic directorate, where she oversaw implementation of the European Regional Development Fund and the Cohesion Fund and managed an annual budget of more than €13 billion.

In her new post, Mathernová promotes the EC's cohesion policy to improve infrastructure, encourage innovation and entrepreneurship, and create more and better jobs through investment in human capital. She ensures that policy develops on the basis of sound economic analysis and evaluation, addresses the challenges of the future, and is guided by the priorities identified in the 2000 Lisbon Agenda for European Union development.

Before joining the EC, Mathernová was a senior private development

specialist at the World Bank. A native of Slovakia, from 1999-2002 she was chief institutional and policy coordinator in the office of the Slovak Deputy Prime Minister, where she focused on macro-economic stabilization, strategies for business restructuring and privatization, anti-corruption strategies, and improvement of the investment climate. She also has worked at international law firms in Europe and the United States and in the legal department of the World Bank in Washington, D.C.

Kuhn's appointment makes him perhaps the youngest person on the European Court of Human Rights, which has one justice from each member state of the Council of Europe. Kuhn's appointment is ad hoc for several rent control cases pending against the Czech Republic because a permanent Czech judge resigned from the case. His temporary appointment at such a young age signals that he is highly regarded in Czech Republic government and legal circles.

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## Students vote Michigan Law grads top professors — again

Students again have named two Michigan Law graduates Professors of the Year at Wayne State University Law School in Detroit. Professor Janet E. Findlater, '74, was voted the favorite teacher of first-year students and Professor David A. Moran, '91, was selected by advanced students.

Wayne State law students have held Findlater and Moran in high esteem for many years. Findlater has been named Professor of the Year 16 times, more than any other faculty member. Moran has been voted the honor nine times, including once when he was an adjunct professor.

Findlater teaches Contracts, Criminal Law, Family Violence, and Domestic Violence and the Law. She joined the Wayne State Law School faculty in 1976.

Moran, who also is associate dean at the school, is especially popular for his criminal procedure classes. He also has taught at Michigan Law as a visiting professor.



*Janet E. Findlater, '74*



*David A. Moran, '91*

# COMMENCEMENT





David L. Westin, '77, had no illusions when he gave the first commencement address of his life at Senior Day ceremonies at Hill Auditorium in May.

"Exactly 30 years ago, I sat where you're sitting today," he said. "Seymour Hersh was our commencement speaker that year. He had received the Pulitzer Prize for his *New York Times* series on the My Lai massacre in Vietnam. Though I know that he spoke that day, I frankly don't remember a single thing that he said. I'm painfully aware of that as I stand here before you today.

"What can I possibly tell you that will stick with you?"

If his words don't stick, his example might, for his career certainly conveys a message about where a Michigan Law degree can lead. Prior to becoming president of ABC News in 1997, he clerked for U.S. Supreme Court Justice Lewis

Powell; was a partner in Wilmer, Cutler & Pickering; served as vice president and general counsel of Capital Cities/ABC, and served for three years as president of the ABC Television Network.

In short, his vita confirms what Dean Evan Caminker had told graduates earlier in the program. Having acquired the basics necessary to become any kind of lawyer, Caminker said, also meant "You now have the most

important intellectual tools and mental proclivities to excel outside the legal profession, perhaps in politics or in business. You have developed here a natural proclivity for addressing complex problems by dissecting, understanding, reframing, and resolving them. This is truly the common denominator for success across a wide spectrum of challenging and fulfilling professional opportunities."

Westin's comments illustrated how those challenges and opportunities are just beginning when classes end. "You know a great deal," he said, "and what you don't know, you're going to have to learn for yourselves. But if I can't teach you much today, I can tell you a few stories about things I learned after I left Michigan—things that I never would have anticipated when I sat where you're sitting today."

The first lesson, both chronologically and in importance, came when he clerked for Justice Powell. Westin had dropped everything to handle an emergency stay application from a death row inmate. Powell's policy was to grant such a stay on first request but to deny it if it were coming back from a state court. Having misread the documents, Westin believed this was the inmate's second application and, thus, recommended denial, an error he didn't discover until he looked at the papers again while taking them to the clerk's office.

"Please understand how awful I felt," Westin said. "I not only had made a big mistake, but I now had to go back up to Justice Powell and tell him that I'd led him to deny an application for a stay of a death sentence that he should have granted."

Powell gently interrupted his youthful aide's apology. "David," he said, "we have a long year ahead of us. You're going to make some mistakes, and I'm going to make some mistakes. But together we'll help each other correct them, and we'll do just fine."

Working with Tom Murphy, co-founder of Capital Cities, in assessing a startup company investment taught Westin that "there are many things that are outside our control, no matter how hard we try, no matter how good we are. You can do a lot of harm trying to fix something that can't be fixed, or isn't even that broken."

The knowledge gleaned from Murphy stood Westin in good stead when fellow Michigan Law alum Bob Woodruff, '87, (whose wife, Lee, spoke at Michigan Law on October 13 for the reunion of the classes of 1982, '87, '92, '97, and '02) was severely injured by a bomb blast in Iraq just weeks after becoming the ABC Evening News anchor. Woodruff undeniably needed "fixing," but how much and for how long were questions that went unanswered for an agonizingly long time.

"As you know, ultimately Bob came through it in miraculous ways," said Westin, "but we couldn't know that as we began the journey. The simple but difficult truth was that we had to wait and watch before we could act."

Incorrectly projecting the result of the 2000 Presidential election twice in the same night was another hard lesson. "It was not a happy occasion—particularly for me, because I knew how close we'd come to not making the second wrong projection," Westin said. "But there was so much competitive pressure for a quick answer that we lost our collective patience. And in the end, we lost some of our credibility along with it."





**Photo captions:**

1. Dean Evan H. Caminker discusses the "State of the Law School."

2. Robert A. Sullivan Professor of Law James J. White, '62, billed as speaking on "something provocative," outlines his thoughts on using the government taxing power to reduce obesity. In a separate presentation to his own class of 1962, White also outlined the stellar academic and other credentials of incoming students and discussed the potential impact of passage last year of a state constitutional amendment that forbids higher education institutions from using race as a factor in admissions decisions.

3. Sally Katzen, '67, who held a number of positions in the Clinton administration, including that of deputy director for management of the Office of Management and Budget, reports to graduates that the rule of law in the United States is "alive but not well." Citing post-9/11 government actions like warrantless surveillance and indefinite detentions, she noted that "When there is war, the rule of law may be one of the first casualties. At times of war and national security crises, the law will be bent, but how far can it be bent before it is broken?"

4. In a special presentation sponsored by the class of 1957, Professor Emeritus and comparative law pioneer scholar Eric Stein, '42, speaks on "Reminiscences of the Old and New Worlds," recalling through his personal experiences the development and growing attractiveness of the European Community. Following Stein's talk, fellow Professor Emeritus Whitmore Gray, '57, spoke on "Personal Observations of the Globalization of Law Practice."

5. Jean and Fred Fraley, '57, stroll the Law Quadrangle.

6. Sandra Bulger, '84, Harold Bulger, '81, and Susan Esserman, '77, chat following the Cavædium Society breakfast.



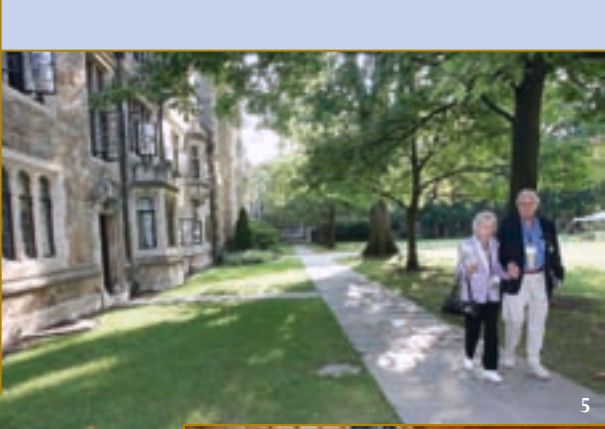
The take-home point from all these unfortunate circumstances was that Westin's Michigan Law experience prepared him to learn from them. "It all goes back to what Dean Ted St. Antoine, '54, told us that first morning as we sat in Rackham Auditorium for orientation," he said, "that they'd teach us how to 'think like lawyers.' At the time, and for many years after, I thought this meant reading the cases carefully and understanding precedent and making responsible and persuasive arguments to judges. And it did mean all of that. But it also meant a great deal more. It meant thinking clearly. It meant asking the right questions. It meant listening when others are talking and not just talking ourselves. And it meant trying to make sense out of what doesn't always seem sensible on its face.

"The good news is that you already know how to do all of that. Now comes the exciting part of putting it to good use."

Other speakers included:

- U-M Regent Julia Donovan Darlow, the first woman elected to serve as president of the State Bar of Michigan, who noted that "after 150 years, this law school continues to seek and cherish the richest diversity and highest standards."
- Adam David Dubinsky, '07, elected by his fellow graduating students to address them, whose funny, free-wheeling comments segued nicely into a parable from the famed comic strip "Calvin and Hobbes," in which the two debate the relative merits of staying inside to study or going outside to play. "We did both," Dubinsky concluded.
- Law School Student Senate President Grace M. Lee, '07, who said the "best analogy" for the Law School experience is "the epic drama of Gilligan's Island," except that "it's harder than making radios out of coconuts." More seriously and, "most importantly," she said, "we made it through Law School because we looked out for each other. Kind, compassionate and funny—this is the class of 2007. I feel lucky to have known you."

—Jeff Mortimer



# Reunion-*ing*

## Recalling. Re-acquainting. Re-charging.

Reunions are these things and more, as anyone who has studied here, left, and come back knows. Graduates from the classes of 1952, '57, '62, '67, '72, and '77 who returned for the September 7-9 reunion weekend could take in a wealth of activities ranging from easygoing social times like the pre-football game tailgate lunch in the Law Quadrangle and separate class dinners on Friday and Saturday evenings, to serious discussion of the vitality of the rule of law, curtailed civil rights in times of conflict, or the process, impact, and pervasiveness of globalization. Coming up to date on Law School activities—past, present, and future—was easy via Dean Evan H. Caminker’s “State of the Law School” address and followup Question-Answer session. Here in pictures is a sampling of a terrific weekend.



7. Every reunion goer passes through registration in Hutchins Hall, marked by balloons and helpful Michigan Law staffers.

8. Intense listeners tune in to the remarks of former Office of Management and Budget deputy director Sally Katzen, '67.

9. The talk by former Office of Management and Budget deputy director Sally Katzen, '67, draws a response from the Hon. Livingstone Johnson, '57, of the Court of Common Pleas, Pittsburgh, Pennsylvania.

10. What would a reunion be without a tailgate lunch?

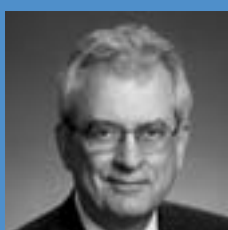
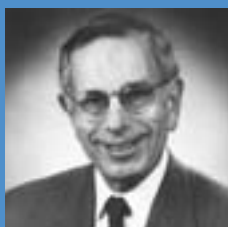
11. Jim Cohen, '67, and Professor Emeritus Whitmore Gray, '57, share a light moment.

12. Professor Emeritus Yale Kamisar comments during the class of 1967's program on habeas corpus in times of security crisis that he presented with Assistant Professor Eve Brensike Primus, '01, left, his former student.

13. Retired U.S. Bankruptcy Court Judge William Clark, '52, of Dayton, Ohio, shares a laugh with law students during the “Meet the Judges” reception held prior to formal reunion activities.



## CLASSNOTES



From top: William F. Welch, '48; Cyril Moscow, '57; William B. Dunn, '64

### 1948

**William F. Welch** was awarded an honorary Doctor of Laws degree at DePauw University's 168th annual commencement on May 20, 2007. He is of counsel with Bingham McHale in Indianapolis, is a former president of both the Seventh Circuit Bar Association and Lawyers Club of Indianapolis, and is a member and fellow of the American, Indiana, and Indianapolis Bar Associations.

### 1952

#### 55th Reunion *The class of 1952 reunion was September 7-9*

Thanks to the following volunteers:

**Co-chairs:** Burton L. Ansell; Warren G. Elliott; Kiehner Johnson; Wallace D. Riley

**Committee:** Thomas D. Allen; W. H. (Bert) Bates; Frances Eve Bilmes; Robert P. Duff; Bristol E. Hunter; James A. Kendall; John H. Kunkle Jr.; Patrick J. Ledwidge; William J. Marcoux; John R. Milligan; John H. Mitchell; Donald A. Odell; Martin C. Oetting; Kenneth O. Shively; Ralph Sosin

### 1956

Judge **Donald R. Ford** recently retired after serving on the bench for more than 35 years—the longest tenure in Trumbull County, Ohio, history. He was also the first judge from Trumbull County to be elected to three tiers of the Ohio judiciary and to have served by assignment on the Supreme Court of Ohio. He recently joined his son in the Warren, Ohio, law firm of Ford & Ford.

### 1957

#### 50th Reunion *The class of 1957 reunion was September 7-9*

Thanks to the following volunteers:

**Chair:** Robert S. Rosenfeld  
**Committee:** Lee N. Abrams; David F. Breck; Sidney C. Kleinman; Robert L. Knauss; Frederick Mahan; David H. Marlin; George E. Montgomery; Robert S. Tancer; Jules M. Perlberg (In Memoriam)

**Cyril Moscow** of Detroit-based Honigman Miller Schwartz and Cohn LLP was recognized by *Chambers USA, America's Leading Lawyers for Business 2007* as a "Senior Statesman." *Chambers* defines "Senior Statesmen" as "those distinguished older partners—often name partners—who are admired throughout the profession and who are still, in their senior years, the principal point of contact with major clients."

### 1958

**Eugene G. Wanger**, an attorney in Lansing, Michigan, has been included in *Who's Who in America*, the leading biographical reference of the highest achievers and contributors from across the country.

### 1961

**Richard W. Odgers** was recently honored by the Legal Aid Association of California with its 2007 Award of Merit in the Board Member Category.

### 1960

**Boris Kozolchyk**, LL.M. (S.J.D. '66) hosted high officials of the government of Honduras on May 3 for an all-day working meeting at the National Law Center for Inter-American Free Trade in Arizona. Kozolchyk is founder/director of the center.

### 1962

#### 45th Reunion *The class of 1962 Reunion was September 7-9*

Thanks to the following volunteers:

**Co-chair:** Thomas P. Scholler  
**Co-chair fundraising:** Roger B. Harris  
**Committee:** Charles E. Blank; Robert M. Bordeau; Peter D. Byrnes\*; Thomas D. Heekin; Warren M. Laddon; John M. Niehuss; Garo A. Partoyan; Henry J. Price; L. William Schmidt Jr.; Stuart D. Shanor; Thomas C. Shearer; Robert B. Wessling; James J. White; John A. Wise  
\*Deceased

### 1964

**William B. Dunn**, '64, a member of Detroit-based Clark Hill PLC and chair of his firm's Real Estate Practice Group, has been appointed chair of the State Bar of Michigan's Professional Ethics Committee for a three-year term.

**James M. Wilsman** has joined Bonezzi Switzer Murphy Polito & Hupp Co. LPA as of counsel and will continue his practice as James M. Wilsman Co. LPA of Cleveland specializing in the area of domestic relations.

## 1965

**Justin C. Ravitz** has joined Bloomfield Hills-based Hertz Schram PC as of counsel. His 13-year judicial career on the Recorder's Court Bench (1973-1986) provides him with experience to serve as a facilitator, mediator, and arbitrator on complex cases.

**Louis A. Smith** of Srneys, P.C., Traverse City, Michigan, has been re-appointed to a five-year term on the State Board of Law Examiners.

## 1966

**I. William Cohen**, a partner with the Detroit office of Pepper Hamilton LLP, has been elected vice president of the American College of Bankruptcy.

## 1967

### 40th Reunion

#### *The class of 1967 reunion was September 7-9*

Thanks to the following volunteers:

**Co-chair:** Christopher B. Cohen

**Co-chair fundraising:** Charles V. Thornton III

**Committee:** Michael J. Davis; Anthony A. Derezhinski; Sally Katzen Dyk; Samuel J. Goodman; Edward W. Harris III; Jeffrey G. Heuer; Charles K. Marquis; Michael F. McCarthy; Matthew P. McCauley; Richard D. McLellan; J. Thomas Mullen; William C. Pelster; Eric P. Reif; John A. Sebert Jr.; Joseph R. Seiger; Gerald D. Skoning; Thomas E. Swaney

Michigan "Super Lawyer" **Peter L. Dunlap**, is president of the Michigan Defense Trial Counsel for 2007-08. He is a shareholder in the Lansing-based firm Fraser Trebillock Davis & Dunlap, where he specializes in alternative dispute resolution, client representation in appellate law, arbitration, legal malpractice defense, and mediation.

*From top: Louis A. Smith, '65; I. William Cohen, '66; Peter L. Dunlap, '67*



## A look at Russia's legal System

When Stephen Hrones, '68, taught law in Russia last spring, he found that most of his students "would prefer a return of communism when Russia had 'respect' in the world" and that "individual rights had shockingly little interest for the majority."

"Only one girl raised her hand when I asked what right they now had that they didn't under communism," he related. On the flipside, "those content with the end of communism believe [the new system] will eventually lead to a better standard of living."

Hrones, a criminal law specialist with Hrones, Garrity & Hedges LLP in Boston, was a visiting professor last spring at Southern Federal University (formerly Rostov State University) in Rostov, Russia. He gave some 16 hours of lectures over a two-week period to the full class of first- through fourth-year students plus six special lectures to the criminal law classes. Students' questions usually drifted into political issues: What is your position on the Iraq war? Do you support the death penalty? Were Armenians victims of genocide?

Bribery and political influence wielding are widespread, Hrones learned, and the legal system lacks procedural and other safeguards characteristic of the American system. "To Americans the most striking and shocking difference between the Russian system and our own is the prosecutor's right to appeal a not guilty verdict," he wrote. "The appellate court can send the case back down for a new trial. The murder case I observed was a 'retrial' after a not-guilty verdict."

"The defense counsel cannot interview state witnesses before trial," Hrones continued. "Nor can he go to the scene of the crime. They only receive the pre-trial statement taken by the prosecutor before trial after the witness testifies on direct and before cross-examination. The defendant in custody must sit in a secure box during the jury trial. The judge decides after the witness testifies if his testimony is sufficiently inconsistent with his pre-trial statement that the pre-trial statement should come in as substantial evidence."





From top: Lee Hornberger, '68; Donald P. Ubell, '69; Robert D. Kaplow, '71

## 1968

Arbitrator and mediator **Lee Hornberger**, of Traverse City, Michigan, has been elected president of the Grand Traverse-Leelanau-Antrim Bar Association.

Criminal law specialist **Stephen Hrones**, of Hrones, Garrity & Hedges LLP in Boston, was a visiting professor last spring at Southern Federal University (formerly Rostov State University) in Rostov, Russia, where he presented some 16 hours of lectures over a two-week period. (See story on page 29.)

**Ronald Ludwig** of San Francisco is a co-editor of *Employee Stock Ownership Plans: ESOP Planning, Financing, Implementation, Law and Taxation*, which was recently published by The Beyster Institute at the Rady School of Management, University of California, San Diego.

## 1969

**John McGonagle**, managing partner of The Helicon Group, of Blandon, Pennsylvania, is this year's recipient of the Society of Competitive Intelligence Professionals' Meritorious Award. The award is the society's highest honor and recognizes an individual who has made significant and meritorious contributions to the CI profession.

**Donald P. Ubell**, a partner in the Charlotte, North Carolina, office of Parker Poe Adams & Bernstein LLP, has been highlighted as a leader in banking and finance in *Chambers USA 2007: America's Leading Lawyers for Business*.

## 1970

**Richard J. Erickson** has been selected for induction into the National Society of the Sons of the American Revolution based upon patriotic service of Captain William Sumpter (1731-1820), a lineal ancestor who commanded a company of Burke County North Carolina troops in the war for independence.

## 1971

**Geoffrey I. Gifford** has been awarded the Leonard M. Ring Lifetime Achievement Award by the Illinois Trial Lawyers Association. This award is given to someone who has devoted a substantial part of his life and practice to ITLA and has gone above and beyond what is required.

**Robert D. Kaplow**, an attorney with Maddin, Hauser, Wartell, Roth & Heller PC of Southfield, Michigan, has become a community partner of the Southeast Michigan Program LEAVE A LEGACY®. Through the partnership, he maintains his commitment to the community by supporting and promoting the need for employees and citizens to leave a charitable bequest in their wills or estate plans.

**William C. McNeill III**, managing attorney with the Legal Aid Association-Employment Law Center in San Francisco, has won the 2007 Kutak-Dodds Prize given by the National Legal Aid and Defender Association to a lawyer who has "contributed in a significant way to the enhancement of human dignity and quality of life of those persons unable to afford legal counsel."

**Robert A. Stein**, of Robert Stein & Associates PLLC, Concord, New Hampshire, has received the Honorable Prentice H. Marshall Faculty Award for Development of Innovative Teaching Methods from the National Institute for Trial Advocacy. The award is named for the late Judge Prentice H. Marshall, one of the original teachers at the National Institute for Trial Advocacy National Session held in Boulder, Colorado. Marshall pioneered efforts to support pro bono advocacy, teaching at major law firms, and teaching by the judiciary. The Marshall Award recognizes Stein's commitment to NITA and the standards set by Marshall.



From top: John D. Trezise, '71; Jeffrey J. Greenbaum, '72; Michael D. Mulcahy, '72

**John D. Trezise** has retired from the U.S. Department of the Interior, where he had been Director of Budget since 1998. During his 35-year career with the department, he held many legal and administrative positions, including assistant solicitor for administrative law and director of construction management.

## 1972

### 35th Reunion

**The class of 1972 reunion was September 7-9**

Thanks to the following volunteers:  
**Co-chairs fundraising:** Leonard J. Baxt; Paul L. Lee

**Chair participation:** Barbara Rom  
**Committee:** Michael L. Hardy; Robert E. Kass; William Frederick Martson Jr.; Patrick Foy Murray; Timothy A. Nelsen; Robert T. Pickett Jr.; Kim L. Swanson; Larry J. Titley; Winship A. Todd Jr.; Mark A. Vander Laan

## ABA recognizes Michigan Law graduates' pro bono work

Robert E. Borton, '72, a shareholder at Heller Ehrman LLP based in the firm's San Francisco office, has received the 2007 Pro Bono Publico Award from the American Bar Association (ABA).

Law firm Derfner, Altman & Wilborn, of Charleston, South Carolina, also won the award, the ABA citing the work of partner D. Peters Wilborn, '92, as a significant part of the firm's "exemplary" collective talents and dedication.

The award, presented by the ABA's Standing Committee on Pro Bono and Public Service, honors lawyers, law firms, government attorney offices, corporate law departments, and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to the nation's poor and disadvantaged. Three attorneys and two law firms won the award this year.

Borton, a member of Heller Ehrman's litigation department, is the past chair of his firm's Pro Bono Committee and a member of the San Francisco Lawyers' Committee for Civil Rights. He serves on the board of the San Francisco Legal Aid Society and is a past member of the boards of the Bar Association of San Francisco and of Legal Services for Prisoners With Children.

The recipient of numerous awards for his pro bono and public service work, Borton was recognized by the San Francisco Bar Association as an Outstanding Volunteer in Public Services in 1997, 2002, 2004, and 2006.

Derfner, Altman & Wilborn "is exemplary in its dedication to pro bono, especially in the area of civil rights," the ABA said, noting that Wilborn was one of two attorneys at the firm who won a pro bono award from the South Carolina Bar Association this year.

"He gives generously of his time to local legal aid groups, informing consumers of their rights and training other lawyers to be consumer advocates," the ABA said of Wilborn.

"Two of his cases that received local and national coverage include his representation of low income citizens of a community known as Remley's Point and his assistance in the fight to eliminate blatant racial discrimination by the city and some of its businesses towards African American riders during 'Black Biker Week'."

**Robert E. Borton**, a shareholder with the San Francisco office of Heller Ehrman LLP, has received the American Bar Association's 2007 Pro Bono Publico Award, the ABA's highest honor for a commitment to pro bono service. Borton has committed his career to making a meaningful impact through pro bono service. (See story on this page.)

Firm member **Jeffrey J. Greenbaum** of Sills Cummis Epstein & Gross PC in Newark, New Jersey, who chairs the firm's Class Actions Practice Group, has been sworn in as president of the Association of the Federal Bar of New Jersey.

**Robert E. Hirshon** has joined Stoel Rives LLP as the Portland, Oregon, firm's chief operating officer. He brings to them a combination of law firm managerial experience, strategic thinking, and community service.

**Michael D. Mulcahy**, a managing member of Dawda, Mann, Mulcahy & Sadler PLC of Bloomfield Hills, Michigan, has again been recognized for his legal expertise in the area of real estate in the 2007 edition of *Chambers USA, America's Leading Lawyers for Business*. He specializes in a broad range of business, finance, and real estate transactions.



Robert E. Borton, '72





From top: William J. Richards, '72; James Wenstrom, '72; James R. Peterson, '76; Sumner C. Rosenberg, '76; Michael C. Cook, '77;

**William J. Richards** has been appointed judge of the 46th District Court in Southfield, Michigan, by Governor Jennifer Granholm.

**James Wenstrom** of Clark Hill's Grand Rapids, Michigan, office, has been appointed to the American Board of Trial Advocates. He has litigated matters in state and federal courts for more than 30 years.

## 1974

Pitney Bowes Inc. Senior Vice President and General Counsel **Michelle Coleman Mayes** has received the Burton Awards' "Legends in Law" award.

**Michael C. Haines** of Mika Meyers Beckett & Jones PLC in Grand Rapids, Michigan, was re-elected to the board of directors of the Michigan Oil & Gas Producers Education Foundation. He concentrates his practice in natural resources, oil and gas, and public utility and business law.

**David S. Keast** has recently joined Plunkett & Cooney in its real estate and commercial banking practice in Bloomfield Hills, Michigan.

The Chartered Institute of Arbitrators has elected **James David Wangelin**, Chicago office managing partner with

Sedgwick, Detert, Moran & Arnold LLP, to Fellowship, which entitles him to use the letters FCI Arb, signifying his qualifications to the international legal community.

## 1975

**Timothy P. O'Neill** was recently named to *Chicago Lawyer* magazine's list of "10 of the Best Law Professors in Illinois." He is in his 25th year of teaching at The John Marshall Law School in Chicago.

## 1976

**James R. Peterson** has been promoted to secretary of National Fuel Gas Supply Corporation, the pipeline and storage segment of National Fuel Gas Company, Horizon Energy Development Inc. and Horizon Energy Holdings Inc. Peterson continues to serve as general counsel for Supply Corporation and assistant secretary of National Fuel Gas Company.

**Sumner C. Rosenberg** of Needle & Rosenberg PC in Atlanta has been recognized as one of the "Georgia Super Lawyers" for the fourth year in a row.

## 1977

### 30th Reunion

**The class of 1977 reunion was September 7-9**

Thanks to the following volunteers:

**Chair:** Michael A. Marrero

**Committee:** Alexander R.

Domanskis; Fred Christian Fathe; Samuel T. Field; Rebecca Ann Freligh; James L. Hiller; James Stuart Hogg; Bruce C. Johnson; Harold L. Kennedy III; Gary A. Nিকেle; Mark H. Penskar; Charles G. Schott III; James R. Spaanstra; George A. Vinyard

**Michael C. Cook** has been named the 2007 Outstanding Community Leader by the Association of Fundraising Professionals, which represents 27,000 members in chapters in North America and China. Cook is president and CEO of Chicago's Howard Brown, which promotes the provision of health care and wellness programs for gay, lesbian, bisexual, and transgender persons.

**James S. Hogg** has joined Brouse McDowell as a partner in the firm's corporate and business practice. He focuses on the core areas of corporate securities and merger/acquisition work.

From top: Kevin S. Hendrick, '79; David Foltyn, '80;  
Scott G. Smith, '80

## 1978

Andrews Kurth LLP of Houston has named **Elizabeth A. Campbell** its Chief Diversity Officer. Leaders at the firm say her hiring is part of their development of an inclusive culture that embraces a diverse workforce and raises diversity awareness for the firm and its clients.

**Fred Goldberg** of Mika Meyers Beckett & Jones PLC in Grand Rapids, Michigan, was recently appointed to serve as a trustee on the Cascade Township Board. His practice concentrates on corporate and securities law, and he also practices in the areas of higher education and technology law.

**Synde B. Keywell** has joined the Chicago office of the international law firm Bryan Cave LLP, where he practices with the commercial litigation and bankruptcy, restructuring, and creditor's groups.

**Mary Katherine Wold** has been promoted to the position of vice president of finance at Wyeth. She has been with Wyeth, a research-driven pharmaceutical and health care products company, since 2002.

## 1979

California Governor Arnold Schwarzenegger has named **John G. Cruz** his appointments secretary to "assist me in continuing to appoint the best and the brightest individuals from diverse backgrounds in state service." Cruz has served as a commissioner on the California Gambling Control Commission since 2005.

**Kevin S. Hendrick**, of Clark Hill in Detroit, has been appointed to the Michigan State University Construction Management Alumni and Industry Advisory Association alumni board of directors. In September, he completed his one-year term as council member of the State Bar of Michigan's Alternative Dispute Resolution Council.

**Kathy B. Weinman**, a partner at Dwyer & Collora LLP in Boston, has become president-elect of the Boston Bar Association (BBA). A previous chair of the BBA's Criminal Law Section, she focuses her practice on client defense in white-collar criminal and securities enforcement cases.

## 1980

**G. A. Finch** has joined the Chicago law firm Hoogendoorn & Talbot LLP as a partner. He concentrates his practice in business law, real estate and construction, and employment contracts.

**David Foltyn** of Detroit-based Honigman Miller Schwartz and Cohn LLP was recognized as one of six individuals in the first tier of lawyers in the corporate/mergers and acquisition fields in Michigan by *Chambers USA, America's Leading Lawyers for Business 2007*.

**Scott G. Smith** has been named the leader of Clark Hill PLC's municipal group in the firm's Grand Rapids, Michigan, office.

The National Arbitration Forum, an alternative dispute resolution services provider, has added former Washtenaw County 14A District Court Judge **Betty R. Widgeon** to its roster of more than 1,600 providers. She was added to the list "primarily for her experience as an arbitrator handling labor and employment law cases since retiring from the bench in 1999," the organization said.





From top: Michael P. McGee, '82; Mark L. Kowalsky, '83; Michael R. Lied, '83

## 1981

**James D. Kurek** has joined Millisor & Nobil Company LPA in Cleveland as a partner. He focuses on counseling clients in all areas of labor and employment relations.

**Susan A. Wolf** has become a partner in the corporate practice of Steptoe & Johnson LLP in the firm's Century City, California, office. She maintains a broad corporate practice and provides full business counseling.

## 1982

### 25th Reunion

#### *The class of 1982 reunion was October 12-14*

Thanks to the following volunteers:

**Chair:** Douglas S. Ellmann

**Chair fundraising:** John M. Lummis

**Committee:** James E. Brandt; Kathryn Weg Brandt; Rachel Deming; L. Joseph Genereux; Matthew J. Kiefer; Patrick J. Lamb; David J. Lauth; Suzanne M. Mitchell; Anita Porte Robb; Richard J. J. Scarola; John K. Schwartz; James L. Tilson; Rebecca K. Troth; George H. Vincent; Richard I. Werder Jr.; Sara E. Werder; Myint Zan

**Geoffrey Bestor** has been named staff director of the House Veterans' Affairs Committee's subcommittee on oversight and investigation. He has more than 25 years of experience in federal law and investigations as a federal prosecutor, deputy assistant attorney general in the U.S. Department of Justice, and in private practice.

**Michael P. McGee** has been elected a managing director at Miller, Canfield, Paddock and Stone PLC and will be part of the five-person board that helps to oversee the firm's 17 offices. He represents public entity clients throughout Michigan.

## 1983

**Broderick Johnson** has joined the international law firm of Bryan Cave LLP in Washington, D.C., as president of Bryan Cave Strategies LLC and of counsel to Bryan Cave LLP.

**Mark L. Kowalsky** has joined Jaffe Raitt Heuer & Weiss PC in Southfield, Michigan. Part of the firm's litigation and securities practice groups, he specializes in commercial disputes and securities law.

**Michael R. Lied** of Howard & Howard in Peoria, Illinois, was recently named to "Illinois Super Lawyers" as a result of a survey by Law and Politics Media Inc. in the "Employment law-defense" category. He is a regular speaker and has written more than 200 articles on employment and immigration topics.

## 1984

*The Wednesday Sisters*, the new novel by **Meg Waite Clayton**, will be published by Ballantine Books in April 2008 as the lead women's fiction title for its Summer 2008 list.

**Anita G. Fox**, a shareholder with the Michigan law firm of Fraser Trebillock Davis & Dunlap PC, has been voted into membership in the Federation of Defense and Corporate Counsel (FDCC), whose select membership includes only about 1,400 attorneys worldwide (1,000 in the United States). She practices mostly in the area of commercial litigation and specializes in insurance coverage.

**Gregory K. Frizzell**, of Tulsa, Oklahoma, has been confirmed as United States District Judge for the Northern District of Oklahoma.

**Eric C. Marshall** has joined the Chicago firm of Schuyler, Roche & Zwirner PC as an equity shareholder. He will continue his corporate business practice, focusing on commercial contracting and non-public M&A, with an emphasis on transactions in the chemicals, pharmaceuticals, and food industries.

## Son's diagnosis spurs Stanley P. Jaskiewicz, '85, to reach out



Stanley Jaskiewicz, '85

Attorney Stanley P. Jaskiewicz, '85, a business law specialist who practices with Spector Gadon & Rosen PC in Philadelphia, Pennsylvania, is one of the fathers of autistic children whose essays are featured in the recently published *Autism: Heartfelt Thoughts from Fathers* (Autism Enhancement Publishing, 2007). The collection is compiled by Judy Lynne, who also did the companion *Autism: Heartfelt Thoughts from Mothers* (2006) and is the mother of an adult autistic daughter.

"After we began to understand Peter's struggles, I found a passion I did not know that I had in me," Jaskiewicz relates in the book. "Not only did I search for information and programs for our own use, but I also found how easy it had become to share my findings widely through the internet, with other parents, and with teachers. . . . To my surprise, in trying to help my son, I found that I helped myself at the same time."

Jaskiewicz coaches his son's Little League Baseball team for youngsters with disabilities and supports his participation in a similarly targeted second baseball team. His son also takes part in Cub Scouts and the North Penn (Pennsylvania) YMCA Adventure Guides Program.

Director of the YMCA of Philadelphia and Vicinity, Jaskiewicz has championed expansion of the Ambler YMCA's Camp Outlook, a camp for children with high functioning forms of autism, to other Y's in his area. A lecturer at his church, he also has a special interest in religious education for disabled children.

For more information, visit [www.autismthoughts.com/fathersbook.htm](http://www.autismthoughts.com/fathersbook.htm), or [www.Amazon.com](http://www.Amazon.com).

In October, Jaskiewicz received the "Strut Your Stuff" Award from the Legal Clinic for the Disabled for his fundraising work for the clinic, which assists low-income people with disabilities in the Philadelphia area.



**Max J. Newman** has joined Butzel Long as a senior attorney in the firm's Bloomfield Hills, Michigan, office. His practice concentrates on representing debtors, creditors committees, creditors, and clients in all aspects of Chapter 11 reorganizations.

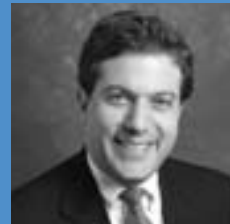
**Eric Sinrod**, a partner at Duane Morris in San Francisco and nationally known Internet law columnist, spoke at the 4th annual Stanford E-commerce Best Practices Conference, *How to Deal with the Uncertainties of Online Business*. He also moderated a panel on "Virtual Worlds in Cyberspace."

## 1985

**Robert A. Boonin**, an attorney and shareholder at Butzel Long in Ann Arbor, has been named a charter fellow of the American Academy of Trial Counsel. He is active in national and state bar association sections in labor and employment law and public contract law.

**Stanley Jaskiewicz** has been featured in the new book *Autism: Heartfelt Thoughts from Fathers*, from Autism Enhancement Publishing. He contributed two essays about how his son Peter has changed and enhanced his family's life. (See story above.)

From top: Max J. Newman, '84;  
Robert A. Boonin, '85;  
Clare Tully, '85;  
Richard A. Walawender, '86



**Ronald S. Okada**, coordinator of the litigation practice group and a member of Cleveland-based Baker & Hostetler's policy committee, has been appointed firmwide hiring partner.

**Steven W. Pelak** has been appointed by the Justice Department as the first-ever National Export Control Coordinator to improve investigation and prosecution of illegal exports of U.S. arms and sensitive technology.

Media and entertainment law specialist **Clare Tully** has joined the Business Law Practice Group at the Portland, Maine, office of Bernstein Shur, which has offices in Maine and New Hampshire. Tully previously was director of business affairs for NBC.

## 1986

**Bruce Ashley** of Smith Moore LLP in Greensboro, North Carolina, has been named to *Business North Carolina's 2007* Legal Elite listing of the best lawyers in his field of construction.

**Richard A. Walawender**, a principal at Miller Canfield in Detroit and head of the firm's automotive group and corporate and securities group, has been appointed to the board of directors of the Meadow Brook Concours d'Elegance.



From top: Robert K. Jones, '87; Nancy A. Mitchell, '87; Jeffrey J. Van Winkle, '87; Raymond I. Bruttomesso, Jr., '89; David A. Westrup, '89; William J. Aseltyn, '90

## 1987

### 20th Reunion

**The class of 1987 reunion was October 12-14**

Thanks to the following volunteers:

**Co-chair:** Diane V. Dygert

**Co-chair fundraising:**

Thomas J. Knox

**Committee:** Sally Churchill; Marcus R. Colwell; Todd G. Frank; James H. Gale; Douglas R. Ghidina; Gretchen J. Hudson; Kimberly Wyche Huyghue; Michael L. Huyghue; M. Elaine Johnston; Jan Kang; James L. Komie; David A. Lullo; John Mucha III; Carol Shuman Portman; James S. Portnoy; J. Adam Rothstein; Kevin F. Ruf; Mary Ann Sarosi; Giuseppe Scassellati-Sforzolini; Reginald M. Turner Jr.; Robert W. Woodruff; John S. Zavitsanos

**Robert K. Jones** of Phoenix, Arizona-based Quarles & Brady LLP has been named in the June 2007 issue of *Southwest Super Lawyers* as one of the top five percent of attorneys in Arizona and New Mexico in employment and labor law.

Greenberg Traurig LLP shareholder **Nancy A. Mitchell** has moved from the firm's Chicago office to its New York facilities to serve as chair of the office's business reorganization and bankruptcy practice. She also is business development chair for that practice.

**Jeffrey J. Van Winkle** has been named leader of the corporate practice group at Clark Hill PLC. He is a member in the firm's Grand Rapids, Michigan, office and has been practicing law for 20 years.

## 1988

**Peter M. Falkenstein** of Jaffe Raitt Heuer & Weiss PC in Ann Arbor has been elected secretary and member of the executive committee of the Washtenaw County Bar Association. He has also been named a Michigan Super Lawyer for the second consecutive year in the field of intellectual property law.

**Elisa Massimo**, Washington, D.C., director of Human Rights First, was honored with the Community Service Award by the District of Columbia Bar for her outstanding career in international law-oriented work.

**Janet Welch** has been named executive director of the State Bar of Michigan by the board of commissioners. (See story on page 20.)

## 1989

**Raymond I. Bruttomesso Jr.** has joined the law firm of Devine Millmet, where he is practicing of counsel in the intellectual property practice group. He works out of the firm's offices in Manchester, New Hampshire, and Andover, Massachusetts.

Copyright and new media lawyer **Steven R. Englund** has joined Jenner & Block's Washington, D.C., office as a partner in the firm's entertainment and new media practice. His focus is on the use of music and other entertainment content in the digital environment and the application of copyright law to new technologies, as well as on more traditional copyright matters.

**Paul E. Escobar** is corporate counsel for Cumberland Farms Inc., based in Canton, Massachusetts, operator of a chain of convenience stores and gas stations in the northeastern United States and Florida.

**David A. Westrup**, a shareholder in the litigation and risk management practice group of von Briesen & Roper, was sworn in as president of the Milwaukee Bar Association at its annual meeting last June. He is active in local and national bar associations and currently resides in Whitefish Bay, Wisconsin with his wife, Amy, and their two daughters.

## 1990

**William J. Aseltyn** was recently named vice president and general counsel for Yale-New Haven (Connecticut) Hospital.

From top: James M. Eardley, '90; Gregory T. Everts, '90; John M. Sommerdyke, '91; Amy Judge-Prein, '92

**James M. Eardley** has joined Varnum, Riddering, Schmidt & Howlett LLP of Grand Rapids, Michigan, in the firm's corporate practice group.

Quarles & Brady LLP partner **Gregory T. Everts** has been elected president of the Western District Bar Association. He is a business and intellectual property litigator with the Madison, Wisconsin-based firm.

## 1991

**John M. Sommerdyke** has joined Miller Canfield in Grand Rapids, Michigan, as a member of the firm's corporate and securities group.

## 1992

### 15th Reunion

#### *The class of 1992 reunion was October 12-14*

Thanks to the following volunteers:

**Co-chairs:** Pamela L. Peters; Amy Wintersheimer-Findley

**Co-chair fundraising:** Michael A. Mazzuchi

**Committee:** Corinne A. Beckwith; Henry R. Chalmers; Peter F. Donati; David M. Glaser; Jeffrey P. Hinebaugh; Amy A. Laughlin; Lydia Pallas Loren; Patrick F. McGow; Edwin W. Paxson III; Amy Lauren Rosenberg; Stephen D. Sencer; Sylvia A. Stein; Rocco E. Testani; Nancy Brigner Waite; Sarah C. Zearfoss

**Kathleen Davis** and her husband, David Immonen, welcomed a son, Julian Davis Immonen, on May 21, 2007. Julian joins sisters Evelyn and Audrey, and his brother, Sebastian.

**J. David Fielder**, a 10-year U.S. Securities and Exchange Commission enforcement attorney who led key parts of the government's case against Enron, has joined the Haynes and Boone LLP Washington, D.C., office as partner, specializing in securities law.

**Amy Judge-Prein** has joined Baker & Daniels LLP in Indianapolis, Indiana, as counsel, concentrating her practice on regulatory matters for the law firm's growing number of life sciences clients.

**Pedro A. Ramos**, Philadelphia's managing director and former city solicitor, has joined Blank Rome LLP as a partner in the employment, benefits, and labor practice group in the business department, and a principal in Blank Rome Government Relations LLC.

## 1993

**Karen M. Asner**, a partner in White & Case's New York City office, has been named recipient of a 2007 Burton Award for Legal Writing Excellence. She was recognized for the article, "Where the Women Are," published on Law.com's ongoing IN FOCUS article series.

**Kevin O'Gorman** has been named in *The Best Lawyers in America* for 2007 and was also selected runner-up in *Global Arbitration Review's* 45 global leaders in international arbitration under 45. He is a partner at Fulbright & Jaworski LLP in Houston.

## 1994

**Veena K. Jain** has joined Drinker Biddle Gardner Carton's Investment Management Practice Group in Chicago as counsel. Most recently, she was at Bell, Boyd & Lloyd LLP, and previously was an attorney with the Securities and Exchange Commission in Washington, D.C.

New York State Governor Eliot Spitzer has nominated **Adam W. Perry**, a partner with Hodgson Russ LLP in Buffalo, to serve on the board of directors of the Niagara Frontier Transit System.





From top: Kristine Danz, '96; Freeman L. Farrow, M.D., '96; Harold E. Ford Jr., '96; Steven Helland, '96

**Cynthia Leitich Smith**, a member of the faculty at the Vermont College M.F.A. program in writing for children and young adults, was among 70 writers selected to participate in the Library of Congress' seventh annual National Book Festival on September 29, presenting her new Gothic fantasy novel, *Tantalize* (Candlewick, 2007). The festival was held on the National Mall.

## 1995

**D. James Greiner** has accepted an offer to join the Harvard Law School faculty as an assistant professor. He will receive his Ph.D. in statistics from Harvard this spring.

In May of 2006, **Eric J. Ostermeier** received his Ph.D. in political science from the University of Minnesota.

## 1996

**David Arroyo** has been named vice president of legal affairs with the Scripps Network of Knoxville, Tennessee, where he has worked since 2004. He also is national vice president of the Hispanic National Bar Association, director and executive committee member of the Puerto Rican Legal Defense and Education Fund, and a board member of the City Bar Justice Center of the New York City Bar Association.

**Nathaniel Cade**, a partner at Milwaukee-based Michael Best & Friedrich LLP, was named a 2007 "Leader in the Law" by *Wisconsin Law Journal*. He is one of the region's top litigators and sought-after experts on legal ethics.

**Kristine Danz**, a partner at Ice Miller LLP in Indianapolis, has been named to the *Indianapolis Business Journal's* "Forty under 40" list. She is the mother of three young boys and is also actively involved in community and charity work.

**Freeman L. Farrow, M.D.**, a principal in the Detroit office of Miller Canfield, recently moderated a panel on "How to be seen as part of the community in diverse neighborhoods" at the Diversity Summit during the international Franchise Association's 47th annual convention. He also facilitated a roundtable on "Franchisor liability for franchisee's conduct."

Former Congressman **Harold Ford Jr.** of Memphis, Tennessee, recently named chairman of the Democratic Leadership Council, has joined Merrill Lynch and Co. Inc. as vice chairman and senior policy advisor. He also is a visiting professor at Vanderbilt University in Nashville.

*The Minneapolis/St. Paul Business Journal* selected **Steven Helland** of Fredrikson & Byron as a "40 Under Forty" honoree. His work focuses on Internet, information technology, software, new media, and entertainment industries.

**Moushumi Khan** has been awarded a prestigious Zuckerman Fellowship, which will enable her to pursue a public service degree at Harvard University.

## 1997

### 10th Reunion

**The class of 1997 reunion was October 12-14**

Thanks to the following volunteers:

**Co-chairs:** Freeman L. Farrow; Kelli S. Turner

**Committee:** Kiana W. Barfield; Rebekah Eubanks; Meredith B. Jones; Michael D. Leffel; Kathleen M. Olin; Hardy Vieux

**Rebecca G. Pontikes** has recently joined Siegel, Wagner & Swartz LLC in Boston as of counsel. She specializes in employment law, representing employees.

## 1998

**Ann (McGuire) Parker-Way** has joined Insightful Corporation, a publicly traded software company in Seattle, as vice president and general counsel.



From top: Dana A. Roach, '99; Dante A. Stella, '99; Nicole Snyder, '01; Bree Popp Woodruff, '01; Darren A. Lossia, '02; Ricardo Pellafone, '05; Felix P. Chang, '06

## 1999

Under the direction of Professor **Dana A. Roach**, Wayne State University Law School in Detroit has established an expanded transactional clinic called the Small Business Enterprise and Nonprofit Corporations Clinic to offer free legal service to small businesses located in the city of Detroit and metropolitan area that are unable to afford legal services.

Detroit-based Dykema has elected **Dante A. Stella** to membership in the firm. His focus is on complex, high-exposure commercial litigation.

**Katherine Weatherly** is a law clerk for Judge Timothy Sercombe of the Oregon Court of Appeals and also serves on the court editorial staff.

## 2001

**Howard William (Bill) Burdett Jr.** has launched his own litigation boutique, Boyle Burdett in Grosse Pointe Park, Michigan, specializing in commercial and constitutional litigation in the Detroit area.

**Nicole Snyder** of Denver-based Holland & Hart LLP has been elected as the Idaho State Bar business and corporate law sections chairperson.

**Linda Wayner** has joined the Office of the Mayor of New York City as deputy counsel for United Nations and consular affairs. She is also an adjunct professor of law at Pace University.

**Bree Popp**, an associate in the Lansing office of Miller Canfield, was elected to a two-year term on the board of directors of the Michigan State University College of Agriculture and Natural Resources Alumni Association.

## 2002

### 5th Reunion

*The class of 2002 reunion was October 12-14*

Thanks to the following volunteers:

**Co-chairs:** Rasheeda N. Creighton; Vernon P. Walling

**Committee:** Catherine S. Carrigan; Jessica S. Champa; Chandra Davis; Renee Dupree; John Gaddis Jr.; Tariq S. Hafeez; Markeisha J. Miner; Mariela Olivares; Shannon N. Salinas; Frederick G. Sandstrom; David B. Sikes; Andrew R. Toftey

**Darren A. Lossia** has joined Plunkett Cooney's insurance practice group. A member of the firm's Bloomfield Hills, Michigan, office, he focuses his practice exclusively in the area of insurance coverage.

## 2003

**Taylor H. Garrett** has completed a two-year contract as a protection officer with the United Nations High Commissioner for Refugees (UNHCR) in Sheraro, Ethiopia, and has been posted as a repatriation officer with UNHCR in Juba, South Sudan.

## 2004

**Salumeh Ramsay** of Hodgson Russ LLP has been admitted to the New York State Bar. She concentrates her practice on business litigation. She works from the firm's Buffalo office.

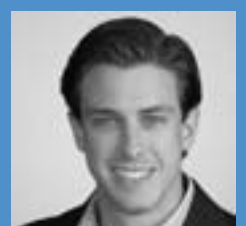
## 2005

**Bethany C.K. Ace** has joined Chun Kerr Dodd Beaman & Wong LLP in Honolulu as an associate practicing primarily in litigation.

**Ricardo Pellafone** has joined the Dallas office of Weil, Gotshal & Manges LLP as an associate in the firm's litigation/regulatory practice.

## 2006

Dinsmore & Shohl LLP has hired **Felix B. Chang** to practice in the corporate department in its Cincinnati office.



## In Memoriam

### Harley J. Daniels, '66

Harley J. Daniels, '66, a leader in the movement for District of Columbia home rule, died June 27 at his Washington, D.C., home. He was 64.

During the 1960s and '70s Daniels helped develop the charter that granted District residents power to elect a mayor and district council. Following this lead, Congress in 1973 enacted the Home Rule Charter for the district, but retained congressional control over the city's budget and veto power over council actions. Daniels also was active in developing the proposed constitutional amendment to give Washington residents voting representation in Congress. Passed by both congressional houses in 1978, the amendment failed because it was not ratified by 38 states before the deadline in 1985.

A native of Michigan, Daniels came to Washington after graduating from law school and worked as a lawyer with the Department of Housing and Urban Development. He served as counsel to Washington mayoral candidate Sterling Tucker and later the Washington council. He became legislative director for Walter E. Fauntroy, Washington's first elected delegate to the House of Representatives. He left Fauntroy's staff in 1979 and joined Linowes and Blocker in Washington. Later, he formed the law firm Daniels, Ross and Sacks.

In 1972, he directed Sen. George McGovern's unsuccessful presidential campaign in Virginia, West Virginia, and Connecticut.

Daniels moved to New Mexico in 1982, but returned to Washington after six years to practice with Williams, Daniels and Daniels. He moved to Longboat Key, Florida, in 1999 to write books about the King assassination and Fauntroy and moved back to Washington in 2001 to work as general counsel to the D.C. Office of Employee Appeals. He resumed private practice two years later.

### Paul Gillmore, '64

Ten-term Republican Ohio Congressman Paul Gillmore, '64, died September 5 after a fall at his townhouse in Arlington, Virginia. He was 68.

A low-profile congressman—the Capitol Hill newspaper *Roll Call* named him one of Congress' 10 most "obscure" members in 2003—Gillmore was known for his humor and dedication to his constituents. "More interested in policy than in seeking the limelight, Paul Gillmore focused his time here in the House squarely on the needs of his constituents," said House Speaker Nancy Pelosi, D-California.

Gillmore's first run for public office was an absentee campaign for the Ohio Senate in 1966, which he waged as an Air Force lieutenant based in Tennessee. He won by a landslide, and served in the Ohio Senate for more than 20 years. He was Senate president in 1981-83 and again in 1985-89.

He first was elected to Congress in 1988, representing the sprawling 16-county 5th District in northern Ohio. As a congressman, Gillmore "passed a bill to clean up abandoned industrial sites, redeveloping 19,000 acres of urban land, and generating, by his estimate, 11,000 jobs in Ohio alone," according to the *Toledo Blade*.

"And his efforts on the recent energy bill resulted in the possible establishment of eight separate ethanol plants within his district," the newspaper reported.

### Kathleen McCree Lewis, '73,

Kathleen McCree Lewis, '73, a highly regarded federal appellate specialist and daughter of the late U.S. Solicitor General and Michigan Law faculty member Wade McCree Jr., died October 16 after a long battle with cancer. She was 60 and for 34 years had been a member and partner at the Dykema law firm in Detroit.

Her ties with Michigan Law were extensive. Her mother, Dores, is retired from Michigan Law, where she served for many years as a counselor and confidante to students. Lewis' husband, David Baker Lewis, '70, chairman and CEO of Lewis & Munday in Detroit, and their son, Aaron McCree Lewis, '05, who is with Covington & Burling in Washington, D.C., also graduated from Michigan Law.

A member of Dykema's executive board, Lewis was nominated by President Clinton in 1999 for a seat on the U.S. Court of Appeals for the Sixth Circuit in Cincinnati, but then-Senator Spencer Abraham, R-Michigan, and the Republican-controlled Senate Judiciary Committee refused to confirm her. Last June, *Michigan Lawyer's Weekly* named Lewis a "Lawyer of the Year," taking special note of her work as president of the American Academy of Appellate Lawyers. In special coverage last June, the publication profiled and interviewed Lewis and the other nine attorneys it said "stood out from the crowd during 2006."

“Appellate advocacy and civic responsibility run deep in Kathleen McCree Lewis’ veins,” the weekly reported, noting that she “grew up watching her father blaze a trail for African American lawyers by becoming the first minority elected to the Wayne County Circuit Court, serving on the Sixth U.S. Circuit Court of Appeals, and as Solicitor General under President Jimmy Carter.”

*Michigan Lawyers Weekly* noted Lewis’ success in the courtroom but especially focused on her work outside of it: “As the president of the American Academy of Appellate Lawyers—an elite invitation-only organization dedicated to improving the appellate process throughout the country—Lewis literally and figuratively continued the work begun by her father.

“Not only did Lewis use her term to further appellate advocacy within the ranks of the academy through the implementation of a new long-range plan and the organization of educational programs, but she also served the American appellate community at large by sitting on the steering committee of the National Conference on Appellate Justice—a position her father held at the first conference 30 years prior.”

#### **Bernard Petrie, '52**

Bernard Petrie, '52, a nationally known retailer and philanthropist, died August 26 in San Francisco, where he lived. He was 81.

A graduate of the U.S. Military Academy at West Point, he practiced with law firms in New York City and San

Francisco, served as an assistant U.S. Attorney for the Northern District of California, and practiced in his own law office for more than 45 years.

A member of the Law School’s former Committee of Visitors, he also served on the Board of Governors of the San Francisco Symphony, the Board of Visitors of Stanford University Law School, the California Judicial Nominees Evaluation Commission, several committees of the Bar Association of San Francisco, and as a trustee of New York University School of Law.

#### **Martha B. Sosman, '79**

Massachusetts Supreme Judicial Court Justice Martha B. Sosman died March 10 of respiratory failure. She was 56.

Appointed to the court in 2000, Sosman was a surprise dissenter in the court’s 2003 decision legalizing same-sex marriage. Sosman told the *Boston Globe* afterward that her past involvement with helping found a five-woman law firm and with Planned Parenthood “added to this image that I was going to be this crusading feminist liberal whatnot, which is certainly not what I am.”

Sosman became a founding partner of Kern, Sosman, Hagerty, Roach & Carpenter PC after leaving her post as chief of the Civil Division of the U.S. Attorney’s Office in Boston in 1989. She also had worked at Foley, Hoag & Eliot in Boston and had served as an assistant U.S. attorney.

She was appointed an associate justice of the Superior Court in 1993 before being named to the Supreme Judicial Court in 2000. She earned her bachelor’s degree at Middlebury College

before enrolling at Michigan Law.

“Justice Sosman will be remembered as one of the great justices of the Supreme Judicial Court, despite her all too brief tenure,” Supreme Judicial Court Chief Justice Margaret H. Marshall said in a statement. “She was admired and respected by members of the bar and litigants alike.”

#### **Guy VanderJagt, '60**

Veteran Michigan Republican Congressman Guy VanderJagt, '60, died June 22 in Virginia. He was 75 and had suffered from pancreatic cancer.

VanderJagt represented Muskegon County and much of west Michigan for more than a quarter century, from 1966-93. A powerful and impressive orator, he delivered the keynote speech at the Republican National Convention in Detroit in 1980 and was in the final pool of candidates from whom Ronald Reagan’s running mate was chosen that year. In addition, he chaired the National Republican Congressional Committee for that election.

VanderJagt’s political career ended when he was defeated in the district Republican primary by the district’s current congressman, Peter Hoekstra, then a little-known newcomer. In a statement, Hoekstra said that VanderJagt “will be fondly remembered for his long-time public service.”

## In Memoriam

- '21 Ramon Capistrano
- '35 Ira W. Levy ..... 2/14/2007  
Milton Jack Miller ..... 3/6/2007
- '36 Claude S. Rogers..... 7/2/2007
- '38 Ralph Winkler ..... 10/7/2006
- '39 Robert L. Boynton..... 4/6/2007  
Stanton J. Schuman ..... 3/11/2007  
Earl C. Townsend Jr. .... 8/5/2007  
Joseph A. Yager Jr. .... 4/5/2007
- '40 Alfred J. Fortino ..... 7/13/2007
- '41 Howard J. Carey Jr. .... 4/17/2007  
Herbert Ross Whiting..... 6/8/2007
- '42 Sanders A. Goodstein ..... 8/28/2007  
Benjamin D. Lewis ..... 5/18/2007  
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- '43 James Hainer ..... 6/23/2007  
Herbert Scott..... 3/16/2007
- '46 John Steuer Dobson ..... 7/19/2007  
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- '47 Robert O. Hancox ..... 3/11/2007  
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- '48 William L. Griffin (LL.M., '49)..... 2/24/2007  
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Clark Heggeness ..... 5/29/2007  
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James E. Mandler ..... 4/10/2007  
LeRoy H. Redfern ..... 3/12/2007  
Charles E. Rendlen Jr. .... 5/6/2006  
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John H. Widdowson ..... 6/21/2006
- '49 John T. Clark ..... 7/17/2007  
Margaret Farmer Cook ..... 3/19/2007  
John M. McCarvel ..... 3/10/2007  
Edgar A. Turpin Jr. .... 8/3/2006
- '50 Ralph F. McCartney ..... 3/10/2007  
William W. Page ..... 11/23/2006  
Wayne Lee Wahl..... 6/25/2007  
Meyer Warshawsky ..... 8/19/2006  
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- '51 Jack H. Calechman ..... 1/20/2007  
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James Calvin McKenzie ..... 3/3/2007
- '52 Ira D. Bare..... 6/13/2007  
Donald Earl Mather ..... 8/4/2007  
Glenn E. Mencer ..... 4/17/2007  
Rotraud M. Perry ..... 8/27/2007  
Bernard Petrie ..... 8/26/2007
- '54 Alan Reeve Hunt ..... 5/28/2007  
Robert A. Jenkins ..... 6/8/2007  
Ronald Y.C. Lee ..... 4/4/2006  
Elwood M. Malos ..... 6/24/2007
- '55 Dominic J. Ferraro..... 7/2/2007  
William M. Moldoff, LL.M. .... 5/1/2007  
Robert S. Nickoloff..... 6/22/2007  
Robert G. Schuur ..... 3/3/2007
- '56 Stephen C. Bransdorfer ..... 3/15/2007  
William John Laub Jr. .... 5/14/2007
- '57 Jules M. Perlberg ..... 5/5/2007  
Norman Sands ..... 3/27/2007  
John T. Vergeer..... 10/19/2006
- '58 Bernard J. Kennedy..... 3/6/2007  
Harold P. O'Connell Jr. .... 6/26/2007
- '59 David I. Harfeld ..... 5/7/2006  
Jack L. Robinson ..... 5/21/2006  
Theodore Wadleigh ..... 2/17/2007
- '60 Colborn M. Addison ..... 5/30/2007  
Dean L. Berry ..... 3/31/2007  
Grace A. Blaszkowski, LL.M. .... 7/29/2007  
James T. Johnson ..... 3/30/2007  
Guy Vander Jagt ..... 6/22/2007

|     |                                   |            |
|-----|-----------------------------------|------------|
| '61 | Frederick S. Dean.....            | 7/20/2007  |
|     | Kenneth Sparks.....               | 5/13/2007  |
|     | Lawrence R. Springer.....         | 4/30/2007  |
| '62 | Peter D. Byrnes .....             | 6/14/2007  |
| '63 | Thomas J. Greene.....             | 5/9/2007   |
|     | J. William Holland .....          | 5/1/2007   |
|     | David J. Kayner.....              | 3/7/2007   |
|     | Gary B. Sellers.....              | 3/13/2007  |
| '64 | Paul Gillmore.....                | 9/5/2007   |
|     | Steven Z. Kleiner .....           | 7/28/2007  |
| '66 | George A. Cooney Jr. ....         | 6/30/2007  |
|     | Harley J. Daniels .....           | 6/27/07    |
|     | Michael Tepper .....              | 8/19/2007  |
| '67 | Michael W. Coffield.....          | 3/27/2007  |
|     | Stuart Houghton Pringle Jr.....   | 6/4/2007   |
| '68 | Peter M. Crevi.....               | 7/25/2007  |
| '70 | David R. Minikel.....             | 6/24/2007  |
| '72 | Michael P. Hall .....             | 2/21/2007  |
| '73 | Kathleen McCree Lewis .....       | 10/16/2007 |
| '74 | Ronald Kladder .....              | 6/27/2007  |
| '75 | Diane L. Kaye .....               | 7/23/2007  |
| '76 | James R. Young .....              | 7/4/2007   |
| '78 | Albert Thomas McWilliams Jr. .... | 4/6/2007   |
| '79 | Sheila Gail Schwartz.....         | 3/5/2007   |
|     | Martha Browning Sosman .....      | 3/10/2007  |
| '80 | Jeffrey G. Strouss .....          | 7/19/2007  |
| '84 | Juli Wilson Marshall .....        | 5/2/2007   |
| '90 | Peter P. Murphy .....             | 6/30/2007  |
| '02 | Colin Dorrian .....               | 7/4/2007   |



# Campaign Report

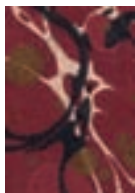
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- 48 Pogue creates new fund for faculty support
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- 46 END PAPER DETAIL FROM "HISTORY OF ENGLISH LITERATURE," VOL. IV, PART II BY H.A. TAINE, D.C.L., 1898.

PART OF THE COLLECTION OF WILLIAM W. COOK'S BOOKS LOCATED IN HIS LIBRARY, ROOM 913 LEGAL RESEARCH BUILDING.



## Building for the future

A major goal of the Law School's current "Building On" campaign is to build the best possible teaching and learning environment for a 21st-century legal education. In the last issue of *Law Quadrangle Notes*, Dean Evan Caminker wrote about the redefinition of the building and expansion project (which you can read at [www.law.umich.edu/campaign/Pages/buildingexpansion.aspx](http://www.law.umich.edu/campaign/Pages/buildingexpansion.aspx)).

Since that message, the Law School's Building Committee has met several times with Hartman-Cox Architects Inc., of Washington, D.C., in Ann Arbor, and together they have made good progress on preliminary programming for the project.

Fundraising for the building is progressing as well. In July the Law School received a commitment of \$5 million from Chris Jeffries, '74, of New York City, whom you will read about in these pages. I join the Dean and our Campaign Steering Committee in thanking Mr. Jeffries for this tremendous gift, which has given new momentum to our campaign.

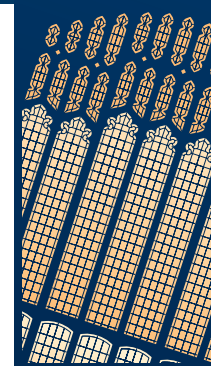


Not all gifts to improve our beautiful Law Quadrangle are being made for new construction. You'll also read about a gift of \$3 million from Charles Munger of Los Angeles to improve the lighting in the public areas of Hutchins Hall and the Legal Research Building—which, as generations of alumni will agree, will make a dramatic and welcome difference in these locations.

Mr. Jeffries, Mr. Munger, and all who have made gifts to the building, new or old, share this in common: They are committed to the student experience at Michigan Law. By helping to provide sorely-needed new space and by taking our current, elegant space to an even higher level, these generous alumni and friends will have an impact on generations of students who come to learn here.

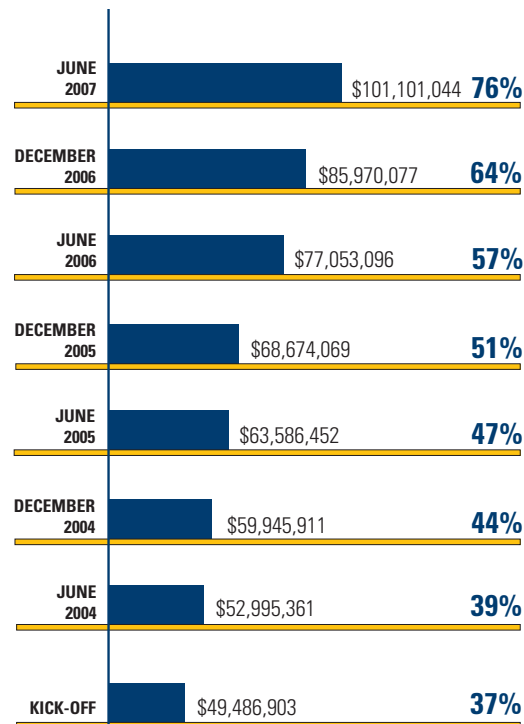
I hope you'll consider joining them. For information on how you can make a gift to the building project, call 734.615.4500. For more information on our campaign, I encourage you to visit [www.law.umich.edu/campaign](http://www.law.umich.edu/campaign).

Todd M. Baily  
Assistant Dean for Development and Alumni Relations



**BUILDING ON..**  
THE  
**CAMPAIGN**  
FOR THE  
**UNIVERSITY**  
OF MICHIGAN  
**LAW SCHOOL**

### THE CAMPAIGN FOR THE UNIVERSITY OF MICHIGAN LAW SCHOOL



## JEFFRIES '74, COMMITS \$5 MILLION TO BUILDING RENOVATION AND EXPANSION PROJECT

Christopher Jeffries, '74, of New York City and founder of Millennium Partners, a New York-based real estate development firm, has provided a \$5 million gift for the Law School's building and expansion project.

"Michigan Law is a world-class legal educator, and a school of its stature requires a first-rate environment for learning, teaching, research, and clinical practice," says Jeffries. "The Law School has been instrumental in my career path. I'm delighted to be able to express my gratitude by supporting the building project."

The project is a major goal of the Law School's \$135 million "Building On" campaign, part of The Michigan Difference, the University's \$2.5 billion campaign.

"We are deeply appreciative that Chris Jeffries understands the importance of the Law School's building and expansion project," says U-M President Mary Sue Coleman. "His generosity will help the School meet its critical need for new space, thereby adding to its well-deserved reputation as one of the world's great learning communities for legal education."

Dean Evan Caminker says Jeffries' gift has accelerated the Law School's building campaign at a critical juncture for the School's needs.

"Consistent with its status as one of the top law schools in the world, Michigan Law has continued to enroll outstanding students, hire outstanding faculty, and reshape its curriculum so as to maintain its ability to train great leaders of the bar, bench, and business for the next generation," says Caminker. "But we need to upgrade and expand our facilities in order to continue providing a top-notch legal education into the 21st century. Chris Jeffries' magnificent gift is the most recent indication that our alumni recognize the critical importance of high-quality and updated space to the educational enterprise. Now, with Chris's partnership, new excitement for the building campaign is palpable."

Jeffries founded Millennium Partners in 1990 to pioneer a new concept in mixed-use urban living and entertainment centers. The firm's prototype venture was Lincoln Square, which adjoins Lincoln Center in New York City.

In 1995 Millennium began work on a new generation of properties that include luxury condominiums, five-star hotels, sports club facilities, and retail, which were built in five gateway U.S. cities.

Jeffries was previously a partner in New York-based General Atlantic Realty Corporation, which he co-founded in 1984. Prior to that he was a principal in the leveraged buyout of Key International. He began his career at the law firm of Keywell & Rosenfeld in Southfield, Michigan.





## MUNGER GIFT TO BRIGHTEN HUTCHINS, LEGAL RESEARCH

When Charles T. Munger, vice chairman of Berkshire Hathaway Inc., visited the Law School in May 2006 as part of a campus tour, he was amazed by the lighting in the School's public areas—or, more accurately, the lack of it.

A year later, Munger, of Los Angeles, made a \$3 million gift to the Law School for lighting improvements in the Law Quad. The unique gift resulted from his recognition that he could add the greatest value to the historic complex through improving its lighting for future generations of students.

The gift will help fund lighting upgrades in the public areas of the William W. Cook Legal Research Building, including the Reading Room—listed as one of America's 150 most famous buildings in a recent survey by the American Institute of Architects—and of Hutchins Hall. Work has begun on the project, which is scheduled for completion in 2009, when the Law School celebrates its 150th anniversary.

"Charlie Munger is one of the world's most knowledgeable and respected investment managers," said University of Michigan President Mary Sue Coleman. "We are grateful that he has chosen to invest his visionary gift to enhance the beauty and functionality of one of the University's signature buildings, the William W. Cook Law Quadrangle."

Dean Evan Caminker said Munger's gift will result in a dramatic improvement of the student experience.

"Our beautiful and grand Gothic buildings create one of the most inspiring settings for higher education anywhere in the country, but traditional Gothic architecture often undervalues the importance of interior lighting, and hence leaves its inner beauty underappreciated," said Caminker. "Thanks to Charlie, the public areas of the Law School will be more cheerful, bright, and accessible than at any time in the school's history. After these improvements, students, alumni, and visitors will be able to see all the wonderful architectural details in the Reading Room and other areas in a new light, so to speak. We are deeply appreciative of this generous gift."

Since his days as an undergraduate student at the U-M, Munger has always had an appreciation for the Law Quadrangle, dedicated June 15, 1934. A native of Omaha, Nebraska, Munger studied mathematics at Michigan in the 1940s. He graduated from Harvard Law School in 1948 and founded the Los Angeles law firm of Munger, Tolles & Olson, with which he was associated until 1965.

Highlights of the work at the Law School include the refurbishment of the chandeliers in the Reading Room and the cleaning of the Reading Room's 60-foot vaulted ceiling. In addition, the 1930s-era wiring in all the public areas of Hutchins Hall and the Legal Research Building will be replaced and new fixtures installed.



## POGUE, '53, CREATES NEW FUND FOR FACULTY SUPPORT

**R**ichard W. Pogue, '53, of Shaker Heights, Ohio, has been deeply involved with Michigan Law in many ways, extending from his student days (when he met his future wife, Pat Raney, B.A. '54) to his current role as inaugural chair of the Dean's Advisory Council, formed in 2006. From several vantage points, he has seen the importance of a stellar faculty to the Law School's mission.

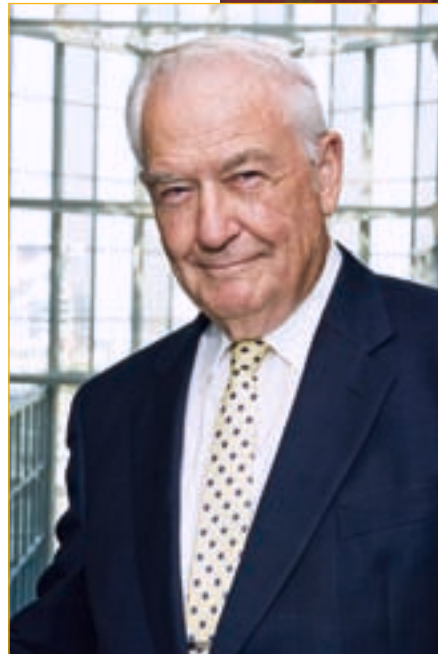
To help maintain and enhance faculty strength, Pogue has made a campaign gift of \$1 million that creates the Richard W. Pogue Fund for Faculty Recruitment and Retention. The Fund's purpose is to provide significant special resources to be used in hiring and keeping first-rate Michigan Law professors.

"I have always admired Michigan as one of the great law schools," says Pogue, "and I would like to provide a bit of help to the present and future deans in assuring that we have the very best faculty possible."

Pogue knows more than most alumni about what it's like to actually be a faculty member: He created and taught a course, *The Business of Law*, at the Law School as a visiting professor in 1993-95. Indeed, his gift during the Law School's last campaign established the Richard W. Pogue Endowment for the Study of the Business of Law, which continues as a popular course in the Law School curriculum. Pogue believed that Michigan, like all law schools, needed to do more to prepare students for the realities of law practice.

Following graduation from Michigan Law, Pogue served in the Patents Division of the Office of the Judge Advocate General, Department of the Army, in the Pentagon, leaving with the rank of captain. He joined Jones Day as an associate in 1957 and became a partner in 1961. He was named managing partner in 1984, a role in which he served until 1993, when he became senior partner. Pogue left legal practice for about a decade to be a senior advisor for the Cleveland public relations firm of Dix & Eaton, rejoining Jones Day in 2004 as advisor, a post he still holds.

Pogue serves on the Cleveland Major Gifts Committee for the University's current campaign. He is a member of the former Committee of Visitors at the Law School and will chair the Dean's Advisory Council through the 2008-2009 academic year.



## HANDS JOIN ACROSS BORDERS TO ENDOW STEIN COLLEGIATE PROFESSORSHIP



The creation of the Eric Stein Collegiate Professorship is a truly trans-Atlantic endeavor. That is appropriate, since Stein, '42, the Hessel E. Yntema Professor of Law Emeritus, is a towering figure in the field of international law, specifically European integration law.

Stein escaped Nazi-controlled Czechoslovakia in 1939 and came to study at Michigan, later joining the Law School faculty after service in the U.S. Army and nine years with the Department of State Bureau of International Organizations. During his distinguished seven-decade career he has been instrumental in bringing a comparative dimension to teaching and scholarship in American law schools, an approach that pervades almost all his work. That is particularly true with regard to the understanding of post-World War II Europe, much of which American legal scholars owe to Stein's intellectual contributions.

But as highly as Stein is esteemed for his teaching and scholarship, he is equally well known as a warm and generous mentor, colleague, and friend. Countless alumni, faculty, and friends cherish memories of Stein and his wife, Ginny, who for years have nurtured relationships in the Michigan Law community as well as the international scholarly and legal communities.

This year, the Stein Professorship became a reality, thanks to the generosity of 23 alumni and friends on both sides of the Atlantic who committed a total of more than \$625,000 to create the chair. In celebration, a dinner was held at the Law School in May honoring Professor and Mrs. Stein. More than half the alumni and friends who had supported the Stein Chair to date gathered in Ann Arbor for the occasion, with two guests flying in from Europe.

The evening was filled with tributes to the Steins, and Eric Stein rose to acknowledge the accolades in several minutes of scintillating remarks. In another of the evening's highlights, Wolfgang Knapp, MCL '71, of Cologne, Germany, presented Stein with a chunk of the Berlin Wall that Knapp had personally chipped off 17 years before; the piece of history was better served on his mentor's desk, Knapp said, than on his own.

Those who made the chair possible are: Jean-Francois Bellis, LL.M. '74, of Brussels, Belgium; Marco C.E.J. Bronckers, LL.M. '80, of Brussels; Roberto S. Casati, LL.M. '74, of Milan, Italy; William C., '56 and Janet E. (BA '56) Cassebaum, of Ann Arbor; John Deutch, of Cambridge, Massachusetts; Timothy L. Dickinson B.A. '75, J.D. '79, of Ann Arbor; Alain A. Gloor, LL.M. '80, of Zurich, Switzerland; Robert T. Greig, J.D. '70, of Paris; James S. Hilboldt Jr., J.D. '81, of New Canaan, Connecticut; Joan L. and Emeritus Professor John H. Jackson, J.D. '59, of Chevy Chase, Maryland.; Jean-Louis Joris, of Brussels; Wolfgang Knapp, M.C.L. '71, of Cologne; Jon H. Kouba, B.A. '62, J.D. '65, of San Francisco; Hans Kruger, of Strasbourg, France; Jerome B. Libin, J.D. '59, of Washington, D.C.; Terence Murphy, O.B.E., JD'66, of Bethesda, Maryland.; Edna C. Rossenas, of Muir Beach, California (in memory of her brother, Herbert Sott, B.A. '40, MBA '42, J.D. '43); Giuseppe Scassellati-Sforzolini, LL.M. '87, of Rome; Oliver E. Seikel, JD '62, of Cleveland, Ohio; Jeffrey H. Smith, J.D. '71, of Reston, Virginia.; and John A. Wise, J.D. '62, of Grosse Pointe, Michigan.

*The Law School is seeking to fund the Eric Stein Collegiate Professorship to the fullest extent possible in order to ensure its continuance as well as its excellence. For information on how you can make a gift to support the Stein Chair, call Brodie Remington at 734.615.4517 or e-mail [bremingt@umich.edu](mailto:bremingt@umich.edu)*

## Cook bequest to support scholarships

Prepare for the worst, her undergraduate advisors warned the young economics major back in the mid-1940s, and don't expect doors to open for a woman lawyer.

But Margaret Farmer Cook, '49, persevered, forging a legal career that spanned nearly three and a half decades. Now, through a bequest of more than \$1.8 million designated for scholarships, Cook, who died March 19, 2007, has ensured that the Law School's doors will stand open for many others.

"My mother went to the University of Michigan on scholarships and loans, so student support was important to her," says Cook's daughter, Anne Merkel, of Chelsea, Michigan. "She was very grateful."

A native of Flint, Michigan, Cook earned a B.A. from the College of Literature, Science, and the Arts in 1946, also working as a reporter and editor for *The Michigan Daily*. She made many lifelong friends both at the *Daily* and in the Martha Cook Residence Hall, where she lived during her undergraduate and law school years.

Cook was the first woman to work for the Grand Rapids, Michigan, firm of Amberg, Law & Buchen (now Law, Weathers & Richardson)—the first major law firm in that city to hire a woman lawyer.



Margaret Farmer Cook, '49

She later worked for the U.S. Attorney's Office and for Old Kent Bank, where she served as vice president and trust counsel until her retirement.

Early in her practice Cook was one of just three women working as attorneys in Grand Rapids, and throughout her life, she was a role model. At the time of her death, U.S. District Judge Janet T. Neff told the *Grand Rapids Press* that Cook was a great example for other women lawyers.

"Margaret was a person who quietly knew what she wanted and set out to get it," said Neff.

After Cook was widowed in 1988 from another Michigan Law alumnus, former Kent County Circuit Judge George R. Cook, LLB '48, she moved to Chelsea to be near her daughter. Merkel said her mother enjoyed reconnecting with the U-M community and with friends in the area.

"She loved the University of Michigan," says Merkel, "and her friends were important to her, until the day she died."



Dean Evan H. Caminker, left, with Paul L. Lee, '72

## Lee leads Law School Fund to all-time high level

Under the leadership of national chair Paul L. Lee, '72, of New York City, the Law School Fund broke several records for fiscal 2007.

An all-time high \$3.6 million was donated to the Law School Fund between July 1, 2006, and June 30, 2007. A record 458 donors made gifts at the Cavædium Society level of \$2,500 or more, for a total of nearly \$2.1 million.

The Law School Fund—the oldest annual fund at the University of Michigan—is the primary pool of unrestricted gifts to Michigan Law, available for allocation where and when resources are most needed. Among the Fund's many uses in recent years are scholarship assistance, support for the Legal Writing Program, and support for international programs.

Lee, who is serving for the second year as the Law School Fund's national chair, has once again set a terrific example of leadership: He has committed \$100,000 to the Fund in honor of his 35th reunion, of which he served as fundraising chair.

"Although Law School alumni are participating at the highest level of any school at the University of Michigan, we must attain a giving level that compares with our peer law schools," says Lee, a partner in Debevoise & Plimpton's New York office. "Increased alumni participation in the Law School Fund will be a major focus of our efforts for the rest of this fiscal year."

Lee chairs Debevoise's Banking group, serves on its Financial Institutions group, and, according to *Chambers USA*, has earned the applause of clients for his "fantastic range of skills in the regulatory banking and insurance fields."

He has earned the applause of the Michigan Law community as well.

## Class of 2006 sets record giving pace

When the dust had settled, the result was clear: The class of 2006 is the most generous first-year donor class in Michigan Law history, surpassing previous classes for total gifts, total donors, and class participation—144 members of the class gave a total \$12,248, a 30.6 percent increase in giving over the



*Matt Nolan, '06*

previous largest first-year donor class.

Leading the successful charge was Matt Nolan, '06, a corporate associate with Kirkland & Ellis in Chicago. Eight of Nolan's classmates assisted in the effort as fellow class agents for the Law School's annual giving program.

In fall 2005, Nolan chaired the Nannes Third-Year Challenge, a program developed and funded by John Nannes, '73, of Bethesda, Maryland, and other like-minded alumni who started the challenge program to foster a spirit of giving back among the Law School's newest alumni. Today, in return for pledges to donate for three years after graduation, participating 3Ls get to designate a portion of Nannes' gift—which he doubled to \$50,000 in 2005—to the student organization(s) of their choice.

Because of the faith Nannes had shown in upping his commitment, Nolan was determined to see his class fulfill its end of the bargain. He e-mailed and phoned pledging classmates who had not yet donated, as well as asking others to do the same, and personally contacted more than 70 classmates in the final month to urge them to make their gifts.

The final tally is a group victory, says Nolan.

"Michigan Law gives its graduates something that can't be matched anywhere else," he says, "and I'm proud that our class is a part of preserving that and growing it for the next generation. The more we, as alumni, can collectively understand how crucial our support for the Law School is, the better a place it will become. Next year I hope to make these numbers pale in comparison."



### How to make a gift to Michigan Law

Online credit card gifts: Visit [www.law.umich.edu/campaign](http://www.law.umich.edu/campaign) and click on Michigan Online Giving.

Gifts of securities: Call toll free (877) 647-9090 or email [umgiftsec@umich.edu](mailto:umgiftsec@umich.edu)

For assistance: Call the Office of Development and Alumni Relations, (734) 615-4500

## Recent gifts

Momentum is building toward the final year of the Law School's current campaign, "Building On: The Campaign for Michigan Law." Here are a few of the hundreds of alumni and friends who have given to the campaign:

**Scott A. Smith, '79,** and **Terri Peterson Smith, B.A. '79,** of Edina, Minnesota, have made a gift of \$100,000 to create a scholarship in memory of their advisor and friend, Richard Beemer. Scott Smith is a partner with Halleland Lewis Nilan & Johnson in Minneapolis.

**Microsoft Corporation** has committed \$450,000 to the Program in Law, Economics, and Technology, directed by Professor Omri Ben-Shahar, the Kirkland & Ellis Professor of Law.

**John D. Rayis, LLM '80,** of Hinsdale, Illinois, has made a gift of \$100,000 to support the building and expansion project. He is a partner in the Chicago office of Skadden, Arps, Slate, Meagher & Flom.

**Harold S. Barron, '61,** of Chicago, has continued his commitment to student support with a gift of \$50,000 to the Harold S. Barron Endowed Scholarship Fund. Barron, the former vice chairman of Unisys

Corporation, is now an arbitrator and mediator in complex commercial matters.

**C. Vernon Howard, '62,** of Middleton, Wisconsin, has remembered the Law School in his will with a bequest of \$100,000, designated for the endowed fund that supports the Frederick L. Leckie Scholarship. Howard was a Leckie Scholar when he attended the Law School.

**John M. Lummis, '82,** of Jackson, Wyoming, has made a gift of \$50,000 to the Law School Fund in honor of his class's 25-year reunion. Lummis served as the fundraising chair of the reunion committee.

**Susan A. Davis, '82,** and **James Minder,** of Ann Arbor, have remembered the Law School in their will as part of a \$200,000 bequest to the University, to be divided among the Law School, the School of Education, the School of Social Work, and the President's Scholarship Fund. Davis also has an MSW from U-M's School of Social Work and a BA from the College of Literature, Science, and the Arts. Minder has an MSW from U-M's School of Social Work, a BA from the College of Literature, Science, and the Arts, and teaching certification from the College of Education.

## IN DETAIL

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## Green Clean Day

We all know better: We don't live in a "paper-less society." Nor a paper clip-less society; nor a staple-less society. Here at Michigan Law, our busy offices regularly recycle as much as possible—and each May we set aside Green Clean Day to concentrate on recycling and reuse efforts. The flyer at right shows the results from Green Clean Day last spring: Nearly three tons of recycled and reused paper, office supplies, and other items were gathered up during this annual sweep.



## David Uhlmann, ELPP on the front line

David Uhlmann is used to being on the front line on environmental issues—as a U.S. Justice Department prosecutor in *United States v. Elias*, Uhlmann won a 17-year sentence against an Idaho fertilizer manufacturer for actions that left a 20-year-old man permanently brain-damaged, the longest sentence handed down until recently for environmental crime—so he's excited about being the architect and founding director of Michigan Law's new Environmental Law and Policy Program (ELPP).

ELPP is "an effort by the Law School to address some of the most significant issues facing our country and the world," explains Uhlmann, who also is a Public Interest/Public Service Faculty Fellow at Michigan Law. ELPP will include course offerings from several faculty members, including Uhlmann's own newly-designed course, Environmental Law and Policy, and a course that he will offer this winter in Environmental Crime; a speaker series (former EPA Administrator Carol Browner was the first speaker in the series; see story on page 54); and, starting next year, an annual conference focusing on environmental law and policy. Uhlmann also is looking into developing interdisciplinary courses that enrich Michigan Law's curriculum as well as complement and strengthen dual degree programs the Law School offers with U-M's Schools of Natural Resources and Environment, Public Policy, Business, and Public Health.

Environmental law involves a difficult balancing of ecological and economic interests, according to Uhlmann. Like many legal specialties, it often overlaps with

other areas of law, including constitutional law, property, torts, public health, worker safety, and labor law. Compounding matters, regulatory agencies' abbreviations and acronyms produce an often unpronounceable "alphabet soup of statutes and regulatory programs," he says.

"My goal over the years has been to demystify environmental law," Uhlmann explains about his teaching philosophy. "I hope to provide an understanding of how our environmental law system works, informed by my experience as a practicing attorney, and in the process to get students excited about careers in environmental law."

As a government attorney—he joined the Justice Department in 1990 and 10 years later, at age 37, became the nation's youngest Chief of the Environmental Crimes Section—Uhlmann found himself energized by his dual role as defender of the environment and lawyer for the public. "There is no greater honor for an attorney than to stand up in court and say that you represent the people of the United States," he says.

Now he's utilizing that energy and enthusiasm to train lawyers for the challenges of environmental practice. Enforcement of environmental laws and regulations has grown in frequency and complexity over the years, he explained.

Uhlmann joined a fledgling Environmental Crimes Section in 1990; today, the office has more than 40 attorneys. In 1990, he and his fellow federal lawyers mostly prosecuted individual dumping cases involving small companies and sole proprietorships; today,

*Continued on page 54.*

## New ELPP program enriches long tradition

**M**ichigan Law's new Environmental Law and Policy Program raises current environmental awareness as well as expands on a solid tradition of academic and practical environmental legal work at the Law School. For example:

- **Joseph Sax**, who taught at the Law School from 1966-86, was instrumental in developing environmental law as an academic and practice area, expanding environmental interpretations of existing laws, and fashioning new law. During the 1960s he drafted what finally became the Michigan Environmental Protection Act in 1970, and is often called the "Sax Act." Now an emeritus law professor at Boalt Hall, UC-Berkeley, Sax was awarded the Blue Planet Prize from Japan's Asahi Glass Foundation this year "for drafting the world's first modern environmental law based on public trust doctrine supporting citizen action for protection of the environment, and for his pioneering contributions in development of the theory of environmental protection law and in establishing environmental laws internationally." Amory Lovins, chairman and chief scientist of the Rocky Mountain Institute in Colorado, was the other winner this year.

- Michigan Law enjoys a long-standing relationship with the National Wildlife Federation (NWF), which provides cases for the School's Environmental Law Clinic, taught by NWF Senior Counsel **Neil Kagan**. In addition, **Andrew P. Buchsbaum**, director of NWF's Great Lakes Natural Resource Center, teaches a special course that examines an environmental case in detail. Also, former NWF Executive Director, **Mark Van Putten**, '82, now head of his own consulting firm in Washington, D.C., is a Public Interest/Public Service Faculty Fellow at Michigan Law.

- Professor **Nina Mendelson**, who teaches Environmental Law and has curricular interests in environmental/natural resources law as well as law in the health, labor/employment, public interest, and public law/regulatory policy areas, serves as one of three U.S. special legal advisers to the NAFTA Commission on Environmental Cooperation.

Before joining the faculty in 1999, she served with the Environment and Natural Resources Division of the U.S. Department of Justice, where she was a litigator and adviser on legislative matters and environmental policy initiatives and participated in federal legislative negotiations. She also has served as a fellow to the U.S. Senate Committee on Environment and Public Works;

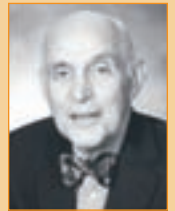
- Professor **Ellen D. Katz** came to Michigan Law in 1999 from the Justice Department's Environmental and Natural Resources and Civil Divisions.

- Earl Warren Delano Professor of Law **James E. Krier**, a member of the Michigan Law faculty since 1983, is a widely known expert on the issue and law of takings.

- Professor **Edward A. Parson**, who joined the Michigan Law faculty in 2003 and also holds an appointment in U-M's School of Natural Resources and Environment, is a renowned expert on international and domestic environmental policy. He is an author of the recently released *Global-Change Scenarios: Their Development and Use*, published by the U.S. Climate Change Science Program, and is co-author (with A.E. Dessler) of *The Science and Politics of Global Climate Change: A Guide to the Debate* (Cambridge University Press, 2006).

- James V. Campbell Professor of Law **Philip Soper**, a member of the faculty since 1973, practiced with the General Counsel's Office at the Council on Environmental Quality.

- Michigan Law for many years has offered a dual degree program that allows a student to earn a J.D. and a master's degree from the School of Natural Resources and the Environment at the same time.



Joseph Sax



Neil Kagan



Andrew P. Buchsbaum



Mark Van Putten



Nina Mendelson



Ellen D. Katz



James E. Krier



Philip Soper



Edward A. Parson



David Uhlmann

Continued from page 52.

violators are much more sophisticated, and more often include large, multi-national corporations and their senior corporate officers.

In addition, global environmental problems and the changing nature of American environmental concerns demand flexible legal thinking, new statutes and regulatory programs, and, increasingly, multinational treaties. Our domestic environmental law system is 35 years old; the first Earth Day, the National Environmental Policy Act, the Clean Air Act, and the Clean Water Act all date from the 1970s. "It is time for a new generation of environmental laws in the United States to address our disproportionate contributions to the deterioration of the global environment," according to Uhlmann.

Environmental laws, especially in the United States, have been mostly national in scope, while many environmental problems, like radiation spread from the nuclear plant accident at Chernobyl, make sovereign jurisdictions meaningless. Although the United States has signed and enforces some international environmental treaties—Uhlmann cites the MARPOL protocols of the International Convention for the Prevention of Pollution from Ships and the Convention on International Trade of Endangered Species (CITES) as examples—"the United States has fallen woefully behind [in terms of international cooperation on environmental issues], and we need to reverse that trend before it is too late."

But the flip side of the coin is that the United States is such a huge world economic force that domestic environmental enforcement can have worldwide impact, he adds. For example, enforcement of U.S. laws requiring oceangoing ships to have working pollution control equipment has global impact, because most ships eventually come to American ports. If they falsify their records to conceal illegal dumping or have inoperable pollution control equipment, even foreign-flag ships risk prosecution in the United States.

And the United States is "way ahead" of most other countries in enforcement, he explains. Now the United States must show similar commitment to environmental reforms. "Will we lead by example or will we continue to fail to provide leadership? That is the fundamental question with regard to climate change, loss of biodiversity, development of alternative energy, sustainable development, and the health of the global environment."

"I came to Michigan wanting to make a difference," Uhlmann explains. "If the program we develop can motivate students at Michigan Law to help address some of the pressing environmental issues facing our nation and the world, then our mission will be accomplished."

For the ELPP page on the Web, visit [www.law.umich.edu/centersandprograms/elpp/Pages/default.aspx](http://www.law.umich.edu/centersandprograms/elpp/Pages/default.aspx).

## Former EPA administrator: Climate change finally getting attention

Climate change finally has caught Americans' attention and "a lot of what we've done to protect our air and water can help us on climate change," Carol M. Browner, EPA administrator throughout the Clinton Administration, explained to a Law School audience in September.

It's "fundamental" to base regulations on solid science, but the final solutions need not be in hand before regulations are established, she said. For example, when Congress regulated ozone layer-damaging chemicals, "it created a market" for solutions. "I believe the same can happen with climate change."



Former EPA Administrator Carol M. Browner delivers her remarks as inaugural speaker in Michigan Law's new Environmental Law and Policy Program's Speakers Series.

Appearing as the inaugural lecturer in the Speaker Series component of Michigan Law's new Environmental Law and Policy Program, Browner outlined the two major steps the United States must take to deal with climate change:

- Regulate both mobile and stationary sources of greenhouse gases.
- Enter into international emission trading regimes. "A global trading regime I believe will eventually lead to finding a solution."

While Washington has reacted sluggishly, the issue has become so critical that some states, like California and several in the Northeast, have passed their own regulations, thereby starting to create the kind of patchwork of regulations in different states that makes it difficult and expensive for companies to operate across state lines or in more than one state, she noted.

"More and more companies are calling for Congress to regulate greenhouse gases," she reported. While Washington is failing to act, the states are beginning to act. . . . Companies find themselves in three or more regulatory regimes. They hate that. Companies that operate globally are already experiencing regulatory regimes."

Browner also criticized overreliance on cost-benefit analyses to determine regulatory standards. "Frequently early cost estimates are high and early benefit estimates are low," she said. Cost-benefit analyses have a role in rule-making—she regularly requested such studies— but they should not be the only arbiters of decision-making, she said.

Jeffrey P. Minear, administrative assistant to the Chief Justice of the Supreme Court of the United States, was the second speaker in the series. Minear, a former assistant to the U.S. solicitor general in the Department of Justice, explained in his talk in October that the nation's major environmental laws were enacted by Congress and that the Court's role is not one of creating major policy emphases. Prior to passage of the Clean Air, Clean Water, and similar "environmental" laws, the Court often used existing public health and safety laws to make "environmental" decisions, he said. To hear Minear's complete talk, click the Audio & Video link at the left side of the ELPP Web page, whose address is at left.

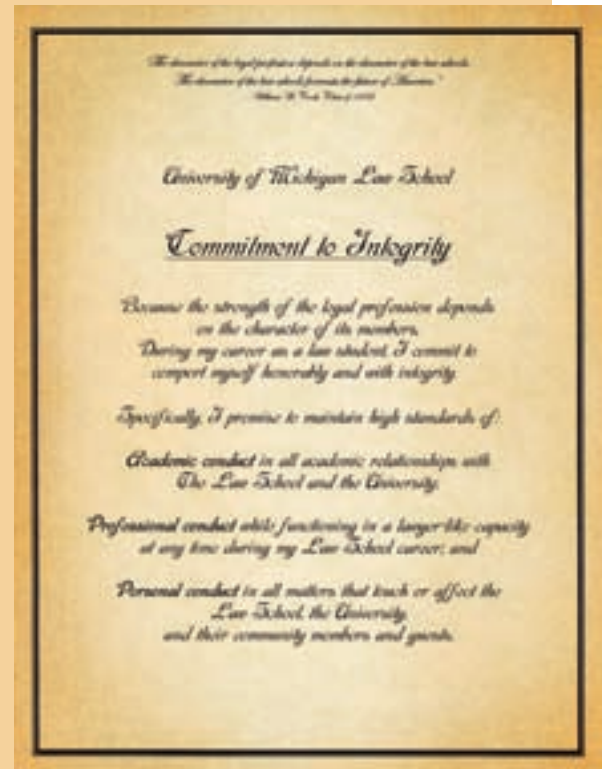
Other speakers scheduled for this academic year include the assistant attorney general for the Environment and Natural Resources Division of the U.S. Department of Justice, the director of the Michigan Department of Environmental Quality, the chief judge of the U.S. District Court for the District of Idaho, and the dean of the Yale School of Forestry and Environmental Studies.





## Committing to integrity and professionalism

Judge John O'Meara of the U.S. District Court for the Southeastern District of Michigan, administers Michigan Law's first-ever *Commitment to Integrity* to incoming law students as part of new student orientation on August 29. (See the complete commitment at right.) O'Meara addressed the new students prior to the commitment ceremony, citing the value of civility, respect, and integrity in the practice of law and the conduct of the courtroom. "What does this mean in practice?" he asked, then continued: "The story goes that a lawyer for Ohio Senator Bob Taft, then a candidate for Republican nomination to be President (the principal opponent was Dwight Eisenhower) received a mis-directed package in the mail which, when he opened it, appeared to be the elaborate state-by-state strategy for General Eisenhower to win the Republican nomination. The lawyer called Senator Taft, so the story goes, and said, 'I want you to know we have this and we must send it back without reading it.' And they did. That advice by a lawyer (if it happened) urging that a client behave in an ethical way, is exactly what your oath of integrity will require of you."



## U.S. Senator delivers Constitution Day address

The U.S. Constitution is a durable document that has guided the United States for 220 years, but it is under assault, U.S. Senator Debbie Stabenow told a Michigan Law audience on Constitution Day in September.

Actions like holding American citizen Jose Padilla for three years before charging him with a crime, unlimited detention at Guantanamo Naval Base in Cuba, and warrantless domestic surveillance all fly in the face of constitutional guarantees, according to Stabenow. Although these actions came in response to the terrorist attacks of 9/11, the Michigan Democrat said, "9/11 altered the needs of the nation but did not alter the Constitution."

Stabenow said Padilla should have been convicted, as he was last summer, but the significance of the conviction is that it was handed down by a jury. Holding him for three years without charging him was "contrary to our Constitution," she said. "This is a road we should never have gone down and should never go down again."

She also said the U.S. base at Guantanamo should be closed and that actions under the Foreign Intelligence Surveillance Act should be subject to judicial and legislative oversight.

Fighting worldwide terrorism is important but should not overwhelm constitutional guarantees, she said. "If we don't live up to our beliefs under our Constitution we will have a very hard time having others join us."



U.S. Senator Debbie Stabenow, D-Michigan, addresses the Constitution Day audience at Michigan Law in September. At left is Professor Richard Primus, who introduced Stabenow.

**Fred Furth, '59, Law School sponsor**  
**15th Annual International Judicial Conference:**  
**World's judges gather at Michigan Law**

Michigan Law became a global magnet for judges from many countries as more than 100 justices gathered here last May for the 15th annual International Judicial Conference. Speaking in a variety of languages, translation earphones tightly tucked over their ears, the jurists found common ground in describing, comparing, and striving to improve their judicial systems and practices.

The yearly conference was begun by Law School graduate and California attorney Fred Furth, '59, who saw in the breakup of the Soviet Union and resulting emergence of new republics in Eastern Europe an opportunity to improve judicial independence and democracy. The conference, sponsored by the Furth Foundation and Michigan Law, has grown since its beginnings to include participants from throughout Europe as well as Africa and Asia.

Over a three-day period last May, participants discussed a number of topics, including:

- The incorporation of treaty law and the law of nations into domestic judicial decision-making;
- Judicial borrowing: International and comparative law as nonbinding tools of domestic legal adjudication;
- Judicial autonomy for corporate, commercial, and trade adjudication; and
- Specialized courts or functions in complex corporate and commercial adjudication—Corporate, capital markets, tax, labor/employment, and intellectual property.

Dean Evan H. Caminker welcomed the jurists and other participants, and Michigan Law faculty members Daniel Halberstam, Nicolas C. Howson, Vikramaditya S. Khanna, and Steven R. Ratner served as panel discussion commentators.

Dean Evan H. Caminker guides conference participants on a tour of Michigan Law.



Participants in the 15th International Judicial Conference gather for a group photo in front of the Law School Reading Room.



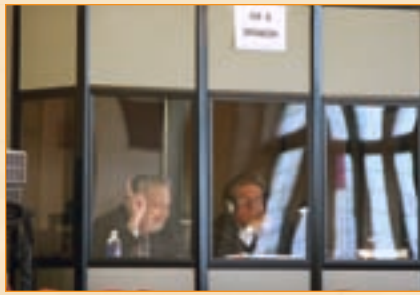
Hans Christian Krüger, '59, former deputy secretary general of the Council of Europe and conference co-chairman, chats with Michigan Law Professor Daniel Halberstam.



*International Judicial Conference founder and chairman Fred Furth, '59, addresses participants.*



*Fred Furth, '59, conference founder and chairman, and Judge Eugene Sullivan of the U.S. Court of Appeals for the Armed Forces share an aside.*



*Translators provide conference speeches to participants in Spanish, English, French, and Russian.*



*Michigan Law Professor Steven R. Ratner offers commentary after panelists' discussion of "The incorporation of treaty law and the law of nations into domestic judicial decision-making."*



*Michigan Law Professor Vikramaditya S. Khanna offers commentary after panelists' discussion of "Judicial autonomy for corporate, commercial, and trade adjudication." At left is Ivan Verougstraete, president of the Court of Cassation in Belgium.*



*Earphones in place, participants concentrate on live translations of conference proceedings.*



*Participants listen intently to conference proceedings.*

## Legal education and helping the community go hand in hand

Helping the community is an integral part of the legal profession, and Michigan Law exposes students to its ethic of public service right from the start: Each entering class spends a day of its orientation doing service work at a variety of agencies in the Ann Arbor Area. For summer starters, Service Day is in May. It's in late August for fall starters.

No matter the date, however, the purpose is the same: to better understand the commitment that Michigan Law and the legal profession have to giving back to your community and helping to improve it. And as these photos show, satisfaction and just plain fun often go hand in hand in the process.

*Whether summer or fall starter, a Service Day of work winds up with an under-the-tent buffet with fellow students in the Law Quadrangle.*



*Garden preparation and vegetable planting are the order of the day for Michigan Law summer starters doing Service Day work at Dawn Farm, a substance abuse treatment facility southeast of Ann Arbor. At lunchtime, Adjunct Clinical Assistant Professor Neil Kagan addresses the students. Kagan, a senior counsel with the National Wildlife Federation, teaches Michigan Law's Environmental Law Clinic.*



*Working with string, lime, field flags, and goal posts and nets, fall starters lay out soccer fields and clean up at Detroit's historic Fort Wayne during Service Day in August. The fields are used by Think Detroit/PAL, a community service agency that organizes athletic and other activities for youth in the Motor City. At lunchtime, Think Detroit founder Daniel S. Varner, '94, recounts his introduction to public service and his continuing commitment to it.*



## Open house for public service

Public service took center stage as students learned of public interest/public service opportunities offered through Michigan Law and talked with fellow students who had done such work at the annual Public Service Open House in September. More than 20 students were on hand to share their experiences with incoming and other students interested in public service work ranging from child advocacy and women’s issues to environmental law and criminal law. Participants could talk with students whose placements ranged from work with the Georgia Capital Defenders and the Mississippi Center for Justice to the White House Counsel’s Office and the U.S. Senate’s Agriculture Committee.

Here, top to bottom:

- The open house invites students to a cornucopia of opportunities to learn about public interest/public service areas and meet with fellow students who have worked in those fields.
- Assistant Dean for Public Service MaryAnn Sarosi, '87, chats with a student interested in public service work.
- Diane Sherman, Siddharth Nag, National Wildlife Federation and Faegre & Benson Environmental Law Fellow Kyle Landis-Marinello, and David Hobstetter, who worked with Environmental Defense in Sacramento, discuss opportunities in environmental law.
- Jenny Wyeth, who worked with Human Rights First’s Refugee Protection Program, relates her insights and experiences.
- Malinda Ellwood (second from left), who served with the National Women’s Law Center in Washington, D.C., leads a discussion of issues affecting women with Adrienne Fowler, Anna Skiba-Crafts, Anya Pavlov-Shapiro (back to camera) and Mustafa Unlu.

## International Law Workshop



James Kynge, managing director of Pearson PLC China and former China bureau chief of *Financial Times*, kicks off the fall lineup of International Law Workshop (ILW) speakers with his talk “Law, Regulation and Investment in China—Observer to Participant.” The soaring Chinese economy “is raising a real question mark over the traditional thinking that you need a pluralistic political system in order to have a booming economy,” said Kynge, author of *China Shakes the World*. Although the rule of law is slowly replacing traditional ways in China, “the Communist Party is not willing to relinquish all of its power to a rule of law system,” Kynge reported. For example, he said, often you find that the regulator is also your competitor. Other speakers in the fall term and their topics included: James E. and Sarah A. Degan Professor of Law James C. Hathaway, director of Michigan Law’s Program in Refugee and Asylum Law, and soon to begin a leave to serve as dean of the University of Melbourne Law School in Australia, speaking on “What’s All the Fuss About Human Trafficking?”; Associate Professor Tang Xin of the Tsinghua University School of Law in China, “New Progress of Corporate Governance in China”; H.E. Judge Bruno Simma of the International Court of Justice and an Affiliated Overseas Faculty member with Michigan Law, speaking on “The Genocide Case (*Bosnia Herzegovina v. Serbia*) before the International Court of Justice”; Joanne Mariner, director of the Terrorism and Counterterrorism Program of Human Rights Watch, discussing “The CIA’s Detention, Interrogation, and Rendition Program”; and John B. Bellner III, a legal advisor to the U.S. Department of State, whose topic was not yet available at press time.

## IN DETAIL

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## New faculty members strengthen IP lineup, add to depth of Law School offerings

Michigan Law's faculty members are known worldwide for their scholarship and teaching, and this year the School welcomes three professors to its ranks. The arrival of Margaret Jane Radin to join Professors Rebecca Eisenberg and Jessica Litman gives the Law School the blockbuster status of numbering three of the top intellectual property scholars in the country among its faculty. In addition, Scott Hershovitz joins the faculty after service as a clerk to U.S. Supreme Court Justice Ruth Bader Ginsberg and Howard Bromberg returns to the Legal Practice Program, where he taught previously.

### Margaret Jane Radin

Prior to joining the Michigan Law faculty, Radin was the William Benjamin Scott and Luna M. Scott Professor of Law at Stanford University, where she also was director of Stanford Law School's Program in Law, Science, and Technology. She received her A.B. from Stanford, where she was elected to Phi Beta Kappa, and her J.D. from the University of Southern California, where she was elected to Order of the Coif. She also holds an honorary LL.D. from Illinois Institute of Technology/Chicago-Kent School of Law, as well as an M.F.A. in music history from Brandeis University.

A noted property theorist, Radin is the author of *Reinterpreting Property* and *Contested Commodities*. She is also the co-author of *Internet Commerce: The Emerging Legal Framework* (the first traditional-format casebook on e-commerce).

Radin's current research involves intellectual property, information technology, electronic commerce, and



Margaret Jane Radin

the jurisprudence of cyberspace. Most recently, she has investigated the role of contract in the online world, as well as the expansion of propertization through the expedient of treating information as if it were a tangible object. As a teacher, she has pioneered courses like Legal Issues in Cyberspace, Electronic Commerce, and Intellectual Property in Cyberspace. In 2002 she founded Stanford's Center for E-Commerce. She also directed Stanford's innovative LL.M. program in Law, Science, and Technology. She is a member of the State Bar of California.

Radin and Litman jointly organize Michigan Law's Intellectual Property Workshop, which each week features presentations from scholars conducting research on intellectual property law and



Rebecca Eisenberg



Jessica Litman



Scott Hershovitz

policy. Eisenberg was the workshop's presenter on September 26, when she presented her paper "Pharma's Nonobvious Problem," which discussed the Federal Circuit's treatment of (non)obviousness in the pharmaceutical patent context as well as the likely effect of the U.S. Supreme Court's decision in *KSR v. Teleflex* on the Federal Circuit's interpretation of how its precedents apply to pharmaceutical patents.

**Scott Hershovitz**

Assistant Professor Scott Hershovitz, who joined the Michigan Law faculty this year, delves into national security law as one of his major research interests. Between the war on terror and the war in Iraq, he has plenty of current raw material.

Hershovitz, who came to the Law School after completing his clerkship with Justice Ruth Bader Ginsburg at the U.S. Supreme Court, brings

to the faculty research interests that also embrace jurisprudence and tort law as well as a solid background of academic and professional accomplishment.

His journal articles have appeared in the *Virginia Law Review*, *Legal Theory*, and the *Oxford Journal of Legal Studies*. He is editor of *Exploring Law's Empire: The Jurisprudence of Ronald Dworkin* (Oxford University Press) and author of the book's chapter "Integrity and Stare Decisis."

Before his clerkship at the Supreme Court, Hershovitz served as a member of the Appellate Staff of the Civil Division of the U.S. Department of Justice.

Hershovitz earned his J.D. at Yale Law School, where he was a senior editor of the *Yale Law Journal* and received the Felix S. Cohen prize. After graduating from law school, he clerked for Judge William A. Fletcher of the U.S. Court of Appeals for the Ninth Circuit. He graduated *summa cum laude* from the University of Georgia, with an A.B. in political science and philosophy and an M.A. in philosophy.

Hershovitz also holds a D.Phil. in law from the University of Oxford in England, where he studied as a Rhodes Scholar.

**Howard Bromberg**

Howard Bromberg, who returned to Michigan Law this fall as an adjunct professor, joins the clinical faculty fulltime this winter as a clinical assistant professor teaching in the School's Legal Practice Program.



Howard Bromberg

Bromberg previously taught in the program from 1996-2000 before assuming a post at Ave Maria School of Law as associate professor and director of the Legal, Research, and Writing Program. He visited at Harvard Law School from 2001-03 to help establish Harvard's new First-Year Lawyering Program.

Bromberg also has taught at the Chicago and Stanford law schools. Before entering teaching, he practiced law as an assistant district attorney in the Appeals Bureau of the New York County District Attorney's Office and as legislative counsel to Congressman Thomas Petri of Wisconsin.

In addition to his teaching service, Bromberg is a member of the advisory committee of the State of Michigan Moot Court Competition; he chaired the committee in 2005-06 and also was director of competition.

Bromberg earned his B.A. and J.D. degrees at Harvard and his J.S.M. degree at Stanford Law School.

## Barr, co-editors examine how to build inclusive financial systems

A new book co-edited by Michigan Law Professor Michael S. Barr examines how the expansion of financial services, especially to the poor, can fuel economic growth worldwide.

*Building Inclusive Financial Systems: A Framework for Financial Access* (Brookings Institution Press, 2007) grew out of a conference that Brookings and the World Bank sponsored last year at the World Bank headquarters in Washington, D.C., as part of their ongoing collaboration to examine and improve emerging markets.

Through the eight chapters of their 350-page book, Barr, a senior fellow of the Brookings Institution, and co-editors Anjali Kumar and Robert E. Litan, analyze emerging trends, consider relevant studies, summarize presentations on each of the conference's

subject areas, and offer a thematic overview. The volume presents a series of original survey articles that encapsulate the state of the art in thinking about how to expand access to finance for the poor.

Litan is vice president for research and policy at the Kauffman Foundation and director of the AEI-Brookings Joint Center on Regulatory Studies.

Kumar is a financial access issues adviser at the World Bank.

In his own chapter, "Government Policies to Expand Financial Access," Barr examines a wide variety of government actions around the world to encourage and expand access to financial resources, including building an effective financial regulatory structure, promoting open competition, and exploring the use of targeted policies, such as negative prohibition, affirmative obligation, disclosure, subsidy, opt-out rules, and voluntary codes of conduct to encourage financial institutions to reach out to the poor.

"Trade-offs among regulatory regimes affecting financial access are unavoidable," Barr concludes. "Experience suggests, moreover, that different policies ought to be pursued for different problems in different countries

at different stages of legal and financial development.

Many policies that are effective in the developed world would not work in the developing world, and many policies pursued in the developing world would be misplaced in the developed world."

In countries with a "weak legal and financial infrastructure," he suggests, "priority perhaps ought to be placed

on removing government obstacles to private sector competition in providing microfinance to the poor."



Michael S. Barr

In the book's Conclusion, the co-editors offer six recommendations:

- Map a path toward meaningful inclusion in financial access;
- Understand the impact of financial access on growth and poverty;
- Support sustainable microfinance services;
- Facilitate the role of commercial banks, thrifts, and credit unions;
- Introduce innovations in payment systems and technology; and
- Adopt government policies that foster sustainable financial access.

"Financial development can help lead to economic growth and poverty reduction, but it need not do so," the authors write. "The actions of private sector firms, non-governmental organizations, and governments themselves help decide whether financial development improves the lives of the poor. In our judgment, ensuring that financial development benefits society in general, including the poor, is essential to ensuring that global economic integration and growth continue. At bottom, what will it take to make globalization work for all of us?"







Reuven Avi-Yonah

## Avi-Yonah's new book posits, analyzes international tax regime

The world already has a “coherent international tax regime” made up of both tax treaties and domestic law, according to a new book by Michigan Law Professor and international tax expert Reuven S. Avi-Yonah.

“The practical implication” of this fact “is that countries are not free to adopt any international tax rules they please, but rather operate in the context of the regime, which changes in the same ways international law changes over time,” according to Avi-Yonah, who is the Law School’s Irwin I. Cohn Professor of Law and director of its LL.M. tax program.

Avi-Yonah explains his position in his newest book, *International Tax as International Law: An Analysis of the International Tax Regime*, being published this fall by Cambridge University Press.

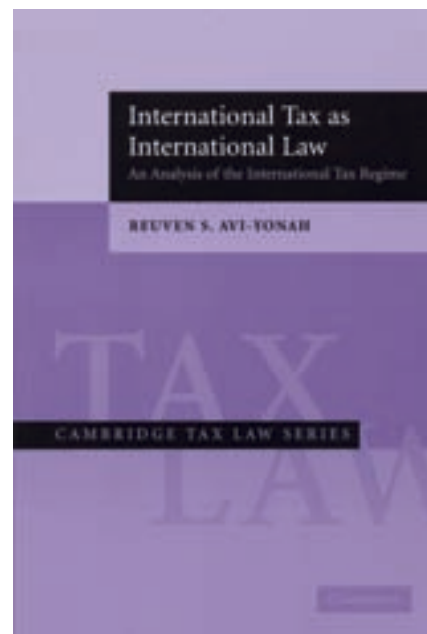
“This is the first book to analyze in detail the international tax regime,” according to Avi-Yonah. “It is also the first book to explain how the international tax regime relates to international law, and how U.S. tax law reflects the

norms of the international tax regime.”

Separate countries’ tax rules interact with each other, Avi-Yonah explains. This interaction forms an international set of tax principles that limit countries’ latitude to fashion any tax rules they please. “The growth of this international tax regime is an important part of the phenomenon of globalization, and it explains how tax revenues are divided among different countries,” he says. “The book also explains how U.S. tax rules in particular apply to cross-border transactions and how they embody the norms of the international tax regime,” he adds.

*International Tax as International Law* is divided into 10 chapters:

1. Introduction: Is there an international tax regime? Is it part of international law?
2. Jurisdiction to tax;
3. Sourcing income and deductions;
4. Taxation of non-residents: investment income;
5. Taxation of non-residents: business income;
6. Transfer pricing;
7. Taxation of residents: investment income;
8. Taxation of residents: business income;
9. The tax treaty network; and
10. Tax arbitrage, tax competition, and the future of the international tax regime.



## The animal's right

*For many years, Harry Burns Hutchins Professor of Law Joseph Vining has invited students, if they choose, to hold class meetings in his home. The practice, which Michigan Law has formalized into scheduled course offerings (see adjoining box), brings both a refreshing setting and a special energy to class meetings. It also offers insight into the subject matter that may not be available elsewhere, as Vining's wife Alice Williams Vining relates in this vignette about an Animal Law seminar held in their living room. Anyone who knows Vining, including students and colleagues, also knew his border terrier, Puck, who becomes Vining's "co-teacher" here. Puck died last March.*

**O**n Wednesday afternoons Joe teaches at home and serves tea at the break. Thirteen to 15 law students, joined from time to time by a prominent visitor from the outside world, sit in a circle in our living room and discuss the seminar issue of the day. Corporate crime one year, human experimentation another, this year animal law. Sometimes when it's cold there's a fire in the fireplace. Always the tea is served in porcelain cups and saucers, never mugs, and is accompanied by triangles of cinnamon toast, slices of buttered pound cake, or cucumber sandwiches with the crusts off.

Joe's faithful Puck, now stone deaf and a grizzled 12 years old, greets each law student at the door with wriggling joy bordering on ecstasy. "Where have you been, my best friend you, these many long days since last week?" his fully-packed body language says. In turn the students reward him with pats and tummy rubs and all over body massages; none in this group, thank goodness, is allergic to dogs. Probably they miss their own.

When he's satisfied with the quorum, Puck's work is done; he curls up in the center of the living room rug, a furry circle within a circle. Since Joe has put Puck's basket of tennis balls out of reach, what else can he do but wait while these visitors sit around for two hours, writing or moving their mouths, until the professor, alpha-person in his pack, stands up to signal that it's time to go.

Last week in mid-seminar, something was amiss, and Puck knew it. He got to his feet, quivering with certainty, desperate to interrupt and convey his message. "I can smell it. My best ball is missing, and now I know where it is." He stared beseechingly at the professor, who made no eye contact and kept on working his mouth.

Without a glance at the cause of the interruption, Joe pushed his little dog away with his toe, on the assumption that this example of animal communication was about a full bladder at a most inconvenient moment. "Down," shouted



*Professor Joseph Vining and Puck, his border terrier.*

his peremptory hand signal, "and stay." Palm forward, for emphasis.

Puck was intent on overriding the command, like a seeing-eye dog who knows when not to cross the road. Pointing like a bird dog, he took his stand by the desk with his nose to the floor, but danced from one foot to another. His toenails clicked as predictably as a heartbeat.

The professor continued what he was saying, and tried vainly to ignore the tap dance by talking louder—"In this case, do you think it's the person speaking in court or really the companion animal who has standing?"—but the concentration in the room had been broken.

Fifteen minds and 15 pairs of eyes were fixed elsewhere. Professor Vining gave in, got to his feet, then knelt beside the desk, and looked under it—while continuing the Socratic dialogue. He was as non-plussed as the legendary day in 1969 when, as the story goes, he kept on lecturing and calling on students in a Criminal Law class of 100 while pursuing and finally picking up a very frightened mouse in his handkerchief and gently setting it free outside. Good lawyers must ignore distractions.

"Fetch it. Puleeze," tapped four little paws in staccato tattoo.

"Is there any legal precedent that should apply in the court's considerations here? Ms. Parker, your paper alludes to this. What do *you* think?" Vining continued, stretching out full length to peer into the cobwebs under the desk.



*Puck in his accustomed place during seminar time at the Vinings' home.*

Puck groaned, “That’s it! Wa-a-y back, like I told you.”

The professor loosened his tie and inched his prone body the other way around. Still talking without missing a beat, he put a cheek on the floor, stretched out one arm until his fingertips finally made contact with the elusive ball, and retrieved it. It was filthy and layered with dust kitties.

Rising with dignity and brushing himself off, the professor continued, “No ideas at all, Ms. Parker? Did *any* of you read your materials? How about you, Mr. Stormer? Who has standing in this case? Or what about ripeness here—isn’t this an example of the animal’s interests being taken into account?”

“Yes, you were right,” he gestured to Puck, showing him but not giving him the tennis ball. Joe returned to his teaching chair and put the errant ball in his lap.

Puck, affirmed and supremely satisfied, centered himself again on the rug, turned around three times, and curled up. He was prepared to wait for class to end, but he kept his eyes on the ball. There was a trace of a smile and a look of expectancy on his face. Crumbs would soon be a possibility, and maybe a livelier game of fetch-and-get-it after the living room emptied, except for the two of them. Accordingly, 15 law students shuffled notes and tried to find their places in the assigned reading.

Who knows but something unusual, and perhaps memorable, had happened like a will-o’-the-wisp, during this uninterrupted class. On an ordinary Law School afternoon, during the course of a weekly Animal Law seminar, in a senior faculty member’s living room, students had witnessed a spontaneous moment that demonstrated one professor’s understanding of animal rights.

And one dog’s.

What may have lingered in the memory and mind’s eye of one or two students far longer than the day’s discussion was this glimpse which for them—and certainly for me—became the subtext of the afternoon. We witnessed a one-man dog, Puck, and Professor Vining, a one-dog man, two sentient beings, of two different species, each of them acknowledged by the other to be a unique individual, each bound and perfectly attuned to the other by mutual affection and respect. Their wordless communication across the human-canine language barrier, and their perfect symbiosis, were givens. Dog and man each wore his special relationship to the other like a favorite and familiar tweed jacket that has acquired over time a special patina, shape, softness, and fit. Not surprisingly, their mid-seminar encounter resulted in a win-win situation—and all was right with the world.

—Alice Williams Vining

## Classes go to professors’ homes

This academic year, Michigan’s Law professors are offering a host of mini-seminars being taught at their homes. Topics range from the New Supreme Court to China and Constitutionalism to Baseball and Law and Chamber Music.

Here is the list of classes and their teachers as available in late summer but subject to change:

### *Full 2007-08 Academic Year*

- **Race, Poverty & Access to Justice**, Clinical Professor Alicia Alvarez and Clinical Assistant Professor Vivek S. Sankaran, ‘01
- **Baseball and Law**, Clinical Assistant Professors Edward R. Becker and Thomas H. Seymour
- **Food Issues & The Law**, Kirkland & Ellis Professor of Law Omri Ben-Shahar
- **Civil Justice**, Professor Steven P. Croley
- **Chamber Music**, Professor Edward A. Parson and Assistant Professor Jill R. Horwitz
- **International Law and the Middle East Conflict**, Professor Steven R. Ratner
- **Law and Popular Literature**, Assistant Professor Gil Seinfeld

### *Fall term only*

- **Gay Marriage**, James E. and Sarah A. Degan Professor of Law James C. Hathaway
- **Women in Prison**, Associate Dean for Clinical Affairs/Clinical Professor Bridget M. McCormack
- **The New Supreme Court**, Francis A. Allen Collegiate Professor of Law Christina B. Whitman, ‘74

### *Winter term only*

- **China and Constitutionalism**, Assistant Professor Nicholas C. Howson
- **Religious Liberty and Cultural Wars**, Yale Kamisar Collegiate Professor of Law Douglas Laycock
- **Law, Medicine & Ethics**, Assistant Professor John A.E. Pottow (with Assistant Professor Jagsi Reshma of the U-M Medical School)

## Bruce Frier receives Harold R. Johnson Diversity Service Award

**B**ruce W. Frier, Henry King Ransom Professor of Law and Frank O. Copley Collegiate Professor of Classics and Roman Law, last spring was named recipient of the University of Michigan's Harold R. Johnson Diversity Service Award.

Named in honor of the dean emeritus of the School of Social Work, the award was established in 1996 to recognize faculty whose service contributes to the development of a culturally and ethnically diverse campus community. The award is made on the basis of a faculty member's:

- Commitment to diversity as an important part of the University's educational mission
- Public and/or academically oriented endeavors that demonstrate intellectual excellence and commitment to cultural diversity in service, teaching, scholarship, and/or creative activity
- Efforts to increase diversity within one's academic unit and/or the University
- Efforts to use scholarly and/or creative work to enhance the success of students and faculty of diverse cultural and racial backgrounds
- Willingness to serve as a mentor to students
- Efforts to bring about equity in our society

Frier is the author of numerous books and articles on economic and social history, focusing especially on Roman law. His publications include *Landlords and Tenants in Imperial Rome*, *The Rise of the Roman Jurists*, *A Casebook on the Roman Law of Delict*, *A Casebook on Roman Family Law*, and most recently, *The Modern Law of Contracts* with Law faculty colleague J.J. White, '62. In addition to his Law School professorship, Frier served in 2001-2002 as the interim chair for the Department of Classical Studies at U-M and holds a joint appointment in that department; he is also a member of both the American Philosophical Society and the American Academy of Arts and Sciences.

Frier received a B.A. from Trinity College and a Ph.D. in classics from Princeton University. He was a fellow of the American Academy in Rome and taught at Bryn Mawr College before joining the Department of Classical Studies at the University of Michigan in 1969. He has taught at the Law School since 1981.

—From *The University Record*

## Sankaran, Vandervort train counsel for parents

**M**any parents needlessly lose custody of their children because they cannot cope with the intricacies of the child welfare legal system, according to legal experts.

Two of those experts, Michigan Law Clinical Assistant Professors Vivek S. Sankaran, '01, and Frank E. Vandervort, joined with a Chicago-based expert last summer to conduct Michigan's first training for attorneys representing parents in child welfare cases.

"There is an emerging consensus, both in the state and throughout the country, that effective representation for parents improves outcomes for children in foster care," explained Sankaran, a certified Child Welfare Law Specialist who formerly practiced with the Children's Law Center in Washington, D.C. "Many parents involved in the system are capable of taking care of their children, but once the case gets wrapped up in the legal system, parents become disempowered, information is distorted, and families are separated."

The training was initiated by the Governor's Task Force on Children's Justice, whose membership includes Michigan Law Clinical Professor Donald N. Duquette, '75, founder and director of the School's Child Advocacy Law Clinic. "They asked me to plan this training, which was more an interactive workshop than a lecture-based training," explained Sankaran, who, along with Vandervort, drafted a comprehensive protocol for parents' attorneys that the task force is considering this fall.

Drawing 50 registrants, the day-long hands-on workshop brought participants face to face with "the strategic decisions faced in a child protective case," according to Sankaran. "The participants practiced interviewing clients, doing cross examinations, and discussed many issues in both small and large groups."

Vandervort lectured on cross examination skills and the third teacher, Richard Cozzola of the Children's Law Project of the Legal Assistance Foundation of Metropolitan Chicago, discussed how to build relationships with clients.

Co-sponsored by Michigan Law's Child Advocacy Law Clinic, the training was presented by the State Court Administrative Office, Family Services—Family Welfare Services, and the Governor's Task Force on Children's Justice.

## Michigan Law leaders help identify new U-M general counsel



*Christina B. Whitman, '74*



*Robert Fiske Jr., '55*



*Bruce Frier*

University of Michigan President Mary Sue Coleman has named Michigan Law's Christina B. Whitman, '74, chair of the search committee to find candidates to replace U-M Vice President and General Counsel Marvin Krislov.

Whitman is the Francis A. Allen Collegiate Professor of Law and also a professor of women's studies.

Bruce Frier, the Henry King Ransom Professor of Law and the Frank O. Copley Collegiate Professor of Classics and Roman Law, and Law School alumnus Robert B. Fiske Jr., '55, HLLD '97, a partner with Davis Polk and Wardwell in New York City and a member of Dean Evan Caminker's Advisory Council, also were named to the eight-member committee.

Krislov, who frequently had taught at Michigan Law as an adjunct professor, has been named president of Oberlin College in Ohio.

### Vice president and general counsel

The vice president and general counsel is an executive officer of the University of Michigan, reports to the University president, and is the U-M's chief legal officer. According to the University, "strong candidates should possess a law degree from an accredited law school, be a member of or qualified for admission to the Michigan Bar, have a significant track record of senior executive general counsel experience, will have demonstrated leadership in handling the legal work of a large research-oriented university, and experience in the litigation process. Candidates should be strategic thinkers and have experience managing, directing, and coordinating the work of other attorneys and overseeing substantial budgets and operations. Experience with higher education and deep knowledge and understanding of the academic mission is strongly preferred." Further information is available at [www.umich.edu/pres/committees.vpgc.html](http://www.umich.edu/pres/committees.vpgc.html).

Correspondence should be addressed to Christina Whitman, Chair, VPGC Search Advisory Committee, Office of the President, University of Michigan, 2074 Fleming Administration Building, Ann Arbor, Michigan 48109-1340, or sent by FAX to 734.936.3529. Electronic submission of material is encouraged and should be submitted by e-mail to Lisa M. Connolly, President's Liaison to the search at [limajeff@umich.edu](mailto:limajeff@umich.edu).

## Activities

Irwin I. Cohn Professor of Law and International Tax LL.M. Program Director **Reuven Avi-Yonah** in September



delivered a paper on international tax at George Washington University Law School and in August attended the advisory board meeting for tax management on international tax in New York. In June, he co-chaired the conference New Developments in Sino-U.S. Corporate Tax Law at Peking University's Law School, convened by Michigan Law, Peking University's Joint Center for China-U.S. Law & Policy Studies and its Fiscal Law Research Center; the same month he also taught Corporate Tax at Tsinghua Law School, delivered lectures at Wuhan and Xiamen Law Schools, delivered two papers at two conferences on business taxation at the Oxford University Center for Business Taxation, where he is an International Research Fellow, and delivered the keynote address at the KPMG Automotive Tax Share Forum in Detroit. In May he delivered the keynote address, "Federalism and the Commerce Clause: A Comparative Perspective," at a conference on state and local taxation at Georgetown Law School in Washington, D.C.



Professor **Michael S. Barr** is editor (with Adjali Kumar of the World Bank and Robert E. Litan of the Kauffman Foundation) of *Access to Finance: Building Inclusive Financial Systems*,

published this fall by Brookings Institution. (See story on page 62.) Barr co-organized, with outgoing Gerald R. Ford School of Public Policy Dean Rebecca M. Blank, the National Poverty Center conference *Access, Assets & Poverty*, held in Washington, D.C., in October. Barr's empirical research from his Detroit Area Household Financial

Services study was the focus of a Federal Reserve Bank of Philadelphia conference, *Payments, Credit and Savings: The Experience for LMI Households*, held in May. Barr also has been selected as a key researcher for the Federal Deposit Insurance Corporation's "National Survey on Bank Efforts to Serve the Unbanked and Underbanked," and as a co-principal investigator for "Helping the Unbanked," an experimental design study with H&R Block's Low- and Moderate-Income Policy Research Institute. He also continues to serve with the Scientific Committee of a European Commission project on financial services provision and prevention of financial exclusion and continues his work as project advisor to the Applesseed Foundation on its Fair Exchange project on international remittances.

Three faculty members from Michigan Law's Legal Practice Program made presentations in July at the international conference



*Developing the Skills of Storytelling in Law in London, England.* Clinical Professor/Program Director **Grace Tonner** and Clinical Assistant Professor

**Rachel Croskery-Roberts**, secretary of the Association of American Law School's Section on Legal Writing, Reasoning, and Research, and associate editor of the *Journal of the Legal Writing Institute*, jointly presented "Telling Stories to a Jury: Using



our Understanding of Jury Decision Making to Enhance the Ability to Persuade at the Moments when Arguments are Most Memorable." Clinical Assistant Professor



**Mark K. Osbeck** spoke on "The Use of Storytelling in Presenting Damage

Theories." The conference was sponsored by the City University of London.

**Phoebe C. Ellsworth**, the Frank Murphy Distinguished University Professor



of Law and Psychology, recently spoke on "Confirmation Bias in Criminal Investigations" before the Law, Society, and Human Development Group at Cornell

University. In September she discussed "Social Science and Evolving Standards of Death Penalty Law" in a talk at Cornell Law School. In May she spoke on "Categorical Theories, Componential Theories, and Unusual Emotions" at the International Symposium on Componential Theories of Emotion and Individual Differences at Leuven, Belgium.

**James C. Hathaway**, the James E. and Sarah A. Degan Professor of Law and director of Michigan Law's Program in Refugee and Asylum



Law, is taking a leave from Michigan Law starting this winter to become dean of the University of Melbourne Law School, which is moving to the graduate model of legal education. Earlier this year, Hathaway spent much of April and May in Europe. He first delivered a talk at Westminster Abbey, "Why Refugee Law Still Matters," to official and non-governmental policymakers concerned with human rights and migration issues. He then fulfilled an appointment as Visiting Professor of Law at the Università di Macerata in Italy, where he delivered a course on international refugee law and led one-day seminars on international treaty interpretation and recent developments in legal education. He also gave the opening plenary speech on the extraterritorial application of refugee law at a conference hosted by the Faculty of Law of the University of Amsterdam in The Netherlands, and taught

a weekend course on refugee law at Oxford University's Refugee Studies Program.

Assistant Professor **Jill R. Horwitz** had her paper "Letting Good (and Bad?) Deeds Go Unpunished: Volunteer Liability Protection Laws and Volunteering," co-authored with Joe Mead, '07, selected for presentation at the Stanford/Yale Junior Faculty Forum in May. She also presented the paper at the University of British Columbia Faculty of Law in April.



Professor **Ellen D. Katz** is counsel of record for an amicus brief by 10 U.S. law



professors, including Michigan Law Professor **Steven P. Croley**, filed in *New York State Board of Elections v. Lopez Torres*, now pending in the U.S. Supreme Court.

She also was a speaker for Constitution Day in September at St. John's Law School.

Henry M. Butzel  
Professor of Law



**Thomas E. Kauper,**

'60, in September conducted the Antitrust



Short Course for the Center for American and International Law in Dallas and was a roundtable panelist on the topic "Oligopolies and Competition Law"

at Fordham Competition Law Institute's 34th annual Conference on International Antitrust Law and Policy at Fordham Law School. This fall he also was a principal lecturer at the Golden State Antitrust Institute in San Francisco. In June he lectured at the Fordham International Antitrust Center's program for foreign judges. Last spring he delivered a paper at

the Georgetown Law Center conference Influence of Conservative Economics on the Development of Antitrust and was a panelist at the Conference Board Annual Antitrust Program on the IBM and AT&T cases.

Professor **Vikramaditya S. Khanna** testified before the U.S. Senate Committee



on the Judiciary on "Evaluating the Propriety and Adequacy of the Oxycontin Criminal Settlement" in July. In other activities this year, he presented papers

on Indian corporate law reforms at the American Law & Economics Association Annual Meeting in May, at the Wharton Conference on India's Financial System in April, at the University of Colorado at Boulder Law School in April, and the University of Virginia School of Law Conference on Law & Finance in March. His paper "Corporate Crime Legislation: A Political Economy Analysis" (82 *Washington University Law Quarterly* 95-1411 [2004]) has been reprinted in *Classics in Corporate Law and Economics* (Jonathan Macey, ed. 2007). He has been appointed Special Master in *Satyam Computing Services v. Venture Global Engineering* (U.S. Federal District Court of the Southeastern District of Michigan) and is founding editor of both *India Law Abstracts* and *White Collar Crime Abstracts* (both Social Science Research Network). He also: served as commentator for the 15th annual International Judicial Conference at Michigan Law in May and for the summer research conference in finance at the Centre for Analytical Finance, Indian School of Business, Hyderabad, India; chaired the Corporate Law Roundtable at Yale Law School last May; and was a panelist for a discussion of Corporate Crime at Loyola University School of Law in Chicago in April.

Earl Warren Delano Professor of Law **James E. Krier** presented versions of his



work in progress "The Evolution of Property Rights and the Problem of Mechanism" in June at the Property Works in Progress Conference at the University of

Colorado Law School and in May at a conference in Squaw Valley sponsored by the Gruter Institute for Law and Behavioral Research.

This fall Yale Kamisar Collegiate Professor of Law **Douglas Laycock** met with advisors to the Restatement (Third) of Restitution and Unjust Enrichment in Boston and the council of the American Law Institute in Philadelphia. He also spoke on "Future Issues in Religious Liberty in the United States" at the silver anniversary celebration of the Emory University Center for the Study of Law and Religion in Atlanta, discussed "Substantive Neutrality Toward Religions" and "The Evolution of the Supreme Court's Views on Public Funding for Religiously Affiliated Schools" in separate talks at Harvard Law School, and addressed last year's students as part of the Michigan Law faculty's annual Supreme Court Roundup. During the summer he addressed new editors of the *Michigan Law Review* and spoke on "Separation Between Church and State: What Do We Mean by That?" at the Texas Lyceum conference on Separation of Church and State—Why? Earlier in the year he: delivered the keynote address, "Substantive Neutrality Revisited," at the conference The Religions Clauses in the 21st Century, at the West Virginia University College of Law and co-sponsored by the American Constitution Society; debated the question of race-neutral means of pursuing diversity in admissions at Federalist Society-sponsored



## Activities



events at Michigan Law (with Edson R. Sunderland Professor of Law **Don Herzog**) and at Michigan State University; discussed “Litigating Religious

Liberty Cases in the Supreme Court” in a Federalist Society program at Michigan Law; and co-chaired an all-day workshop on “Remedies: The Bottom Line of Justice” at the annual convention of the Association of American Law Schools in Washington, D.C.

**Margaret A. Leary**, director of

the Law Library and an adjunct professor, presented her paper “Discovering William Cook: Ten Sources for Reconstructing the Life of a Lawyer” at the American



Association of Law Libraries (AALL) annual meeting in New Orleans in July; the paper was a winner in the AALL/Lexis/Nexis competition. In July Leary also was elected to a second one-year term as president of the Ann Arbor District Library Board of Trustees.

**Richard O. Lempert**, '68, the Eric Stein Distinguished University Professor



of Law and Sociology, in late August presented a paper on “Convicting the Innocent” at a conference on criminal law in Sao Paulo, Brazil; in late July he began his term as

president of the Law & Society Association; and in June he discussed “Empirical Research and Family Law” as featured luncheon speaker for the mid-year conference of the Association of American Law Schools in Vancouver. He continues to serve as secretary of Section K of the American Association for the Advancement of Science and on the council of the Sociology of Law section of the American Sociology Association.

The American bankruptcy Institute III has asked Assistant Professor **John A.E.**



**Pottow** to become an international consultant to its joint task force on cross-border insolvency. Pottow last summer also marked the first anniversary of the bankruptcy

blog he co-authors ([www.creditslips.org](http://www.creditslips.org)).

Professor **Adam C. Pritchard** spoke

on “The Future of Securities Class Actions in Canada” when he presented the Toronto Stock Exchange Lecture at the University of British Columbia Faculty of



Law, National Centre for Business Law in September.

Professor **Steven R. Ratner** in June spoke on “Occupation and Territorial Boundaries: Facts and Law on the Ground” at the Minerva Center for Human Rights



(Jerusalem and Tel Aviv, Israel) conference Forty Years after 1967: Reappraising the Role and Limits of the Legal Discourse on Occupation in the Palestinian-

Israeli Context. In March, he served as a symposiast at the University of Michigan’s Symposium on the Tanner Lectures on Human Values, commenting on Samantha Powers’ Tanner Lecture. He also recently presented “Do International Organizations Play Favorites?: An Impartialist Account” at the Georgetown Law School Legal Theory Workshop in Washington and at a colloquium at the UCLA School of Law, and the paper “Can We Compare Evils?: The Enduring Debate on Genocide and Crimes Against Humanity” at Wayne State University School of Law’s Edward Wise Symposium and at Washington University’s Conference on Judgment at Nuremberg in St. Louis. He discussed “Reimagining International Institutions: An Impartialist

Account” at the University of Bern’s International Symposium on Justice, Legitimacy, and Public International Law in Switzerland. He also served as a commentator at the University of Fribourg (Switzerland) Conference on the Philosophy of International Law (in Germany) and as moderator for a panel discussion on the desirability, feasibility, and methodology of applying international law to intelligence activities for the symposium on State Intelligence Gathering and International Law at the Law School. In addition, he has chapters in two newly published books: “Justice for the Khmer Rouge? Sir Ninian Stephen and the United Nations Group of Experts for Cambodia,” in (Timothy McCormack, ed.) *A Remarkable Public Life: Essays in Honour of Sir Ninian Stephen* (Melbourne University Publishing, 2007), and “Business,” in (Daniel Bodansky, Jutta Brunnee, and Ellen Hey, eds.) *Oxford Handbook of International Environmental Law* (Oxford University Press, 2007). He is author (with Jeffrey Dunoff and David Wippman) of the recently published second edition of *International Law: Norms, Actors, Process* and the *Teacher’s Manual* that accompanies the book (both Aspen Publishers, 2006).

Hessel E. Yntema Professor of Law **Mathias W. Reimann, LL.M. '83**, has begun work as general editor (with Stefan Vogenauer of Oxford University and Reinhard Zimmermann of the Max Planck Institute) of the *Oxford Library of Comparative Law* (Oxford University



Press). In October he organized and led the roundtable discussion “Legal Cultures and Transatlantic Relations” at the German Marshall Fund in Washington, D.C., and addressed the American Society for Legal History at its annual meeting in Phoenix; in September he spoke on “Private Law Beyond the State” at the bi-annual meeting of the Germany Society of Comparative



Law in Halle, Germany, and discussed “Notaries Public in American Legal History: The Colonial Model’s 21st Century Return” at a conference in Bonn; and in July he co-organized the conference Beyond the State—Rethinking Private Law, held at the Max Planck Institute for Foreign and International Private Law in Hamburg, Germany.

Professor Emeritus **Theodore J. St. Antoine, ’54**, compared the American and



Chinese systems of labor arbitration at an international labor relations conference in Qingdao, China, and discussed pending Chinese labor legislation with representatives of the Chinese Ministry of Labor in Beijing.

Clinical Assistant Professor **Vivek S. Sankaran, ’01**, has drafted the statewide Protocol for Attorneys Representing Parents in Child Abuse Proceedings, a project funded by the Governor’s Task Force on Children’s Justice and the State Court Administrative Office.

In July, he and Clinical Assistant Professor **Frank E. Vandervort** helped conduct the first statewide training for attorneys representing parents in child welfare cases. (See story on page 66.) Sankaran also recently presented “The Interstate Compact on the Placement of



Children: How It Works and How to Use It” at the National Association of Counsel for Children’s annual conference in Keystone, Colorado.

Public Interest

Public Service Faculty Fellow **David Uhlmann**, who joined the Michigan Law faculty this year and is Director of Michigan Law’s new Environmental Law and Policy Program (see story on page 52), served on the planning committee and

was a faculty member for the American Law Institute-American Bar Association’s



Criminal Enforcement of Environmental Laws conference in Washington, D.C., in October. He also participated in a panel discussion as part of the Dean’s Speaker Series

at the University of Michigan’s School of Natural Resources and the Environment regarding the new book *Freedom From Oil*, by David Sandalow, ’82, in October. In March 2008, Uhlmann will be a vice-chair of the ABA’s annual Conference on Environmental Law, to be held in Keystone, Colorado.

Clinical Assistant Professor **Frank E.**

**Vandervort** in October presented “The Impact of Legal Ethics on Child Welfare Practice” at the Michigan Statewide Conference on Child Abuse and Neglect sponsored by the U-M Medical School. During the summer he co-presented “Prenatal Alcohol Exposure and Traumatic Stress” at the 30th National Juvenile and Family Law Conference in Keystone, Colorado; presented “What Goes ’Round Comes ’Round: How Courts Consider a Defendant’s History of Childhood Maltreatment in the Prosecution of Violent Criminal Acts” at the International Conference on Family Violence and Child Maltreatment in Portsmouth, New Hampshire; and co-presented “Traumatic Stress and Prenatal Alcohol Exposure: Implications for Interdisciplinary Practice in Child Welfare” at the One Child, Many Hands conference at the University of Pennsylvania’s Field Center for Children’s Policy, Practice & Research. He also: delivered a training on handling cases under the Indian Child Welfare Act to child welfare professionals from the Michigan Department of Human Services, private child welfare agencies, and tribal social services; continues his work as co-principal investigator for the U-M School of Social Work’s federal training grant for recruitment and retention of child welfare

workers; and continues work on the State Advisory Committee for Michigan’s Child Death Review Program.

Harry Burns Hutchins Professor of Law **Joseph Vining** in June addressed and served as a consultant to the Embryonic

Stem Cell Oversight Committee at Harvard.

He also delivered the Honors Convocation address at Michigan Law in May and spoke on “The Resilience of Law”



at the Michigan Law conference Law and Democracy in the Empire of Force in April.

## Visiting and adjunct faculty

**Allyn D. Kantor, ’64**, of Miller, Canfield, Paddock and Stone PLC in Ann



Arbor, has been chosen president-elect of the Out-of-State Division of the Florida Bar, which consists of 12,000 practicing attorneys around the country who

also hold licences to practice in Florida. He also has been named a recipient of the 2007 Michael Franck Award, which the State Bar of Michigan presents to lawyers who make an outstanding contribution to the improvement of the legal profession.

**Leonard Niehoff, ’84**, of Butzel Long in Ann Arbor, discussed “Dangerous Experiments: Free Speech and Civil Liberties after 9/11” as part of the Osher Lifelong Learning

Institute Distinguished Lecture Series in Ann Arbor. Earlier this year he spoke on “Covering the New Secrecy” as part of the U-M’s Knight-Wallace Journalism Fellows’ annual public policy conference. His article “Picking a Winner” is being reprinted in the *Litigation Manual* (First Supplement, 2007), published by the Section of Litigation of the American Bar Association.



**73 Insider trading rules can affect attractiveness of country's stock markets**

Assistant Professor **Laura N. Beny** joined the University of Michigan Law School in 2003. She earned her M.A. and Ph.D. in economics at Harvard University, her J.D. at Harvard Law School, and her B.A. in economics at Stanford University. At Harvard Law School, she won a prize for outstanding paper in law and economics for her empirical research on insider trading laws and stock markets across countries. Her research interests span law and economics, finance, economic institutions, and development. Beny is currently working on several empirical projects in law, finance and political economy, law firm economics, and comparative law. She also frequently speaks and writes on the Sudan. Beny is a research fellow at the William Davidson Institute at the Stephen M. Ross School of Business at the University of Michigan and a member of the American Law and Economics Association and the New York Bar. She served as a 2005-2006 National Fellow at the Hoover Institution, Stanford University. Before coming to Michigan, she practiced law in New York City, where she represented both private and pro bono clients.

**76 Criminal justice and the 1967 Detroit 'riot'**

**Yale Kamisar**, the Clarence Darrow Distinguished University Professor of Law Emeritus at the Law School, is a nationally recognized authority on constitutional law and criminal procedure. A graduate of New York University and Columbia Law School, he has written extensively on criminal law, the administration of criminal justice, and the "politics of crime." He is author of *Police Interrogation and Confessions: Essays in Law and Policy* and co-author of *Criminal Justice in Our Time*, and *The Supreme Court: Trends and Developments* (five annual volumes). He wrote the chapter on constitutional criminal procedure for *The Burger Court: The Counter-Revolution That Wasn't*, *The Warren Court: A Retrospective*, and wrote the chapter on police interrogation and confessions for *The Rehnquist Legacy*. He is also co-author of two widely used casebooks: *Modern Criminal Procedure: Cases, Comments & Questions*, all 11 editions, and *Constitutional Law: Cases, Comments & Questions*, all 10 editions. In addition, he has written numerous articles on police interrogation and confessions; right to counsel; search and seizure; and euthanasia and assisted suicide and is widely quoted on these subjects. Professor Kamisar taught at the University of Minnesota Law School from 1957-64 and joined the University of Michigan law faculty in 1965. Although he retired from teaching at Michigan Law in 2004, he continues to teach at the University of San Diego School of Law in California.

## Insider trading rules can affect attractiveness of country's stock markets

by **Laura N. Beny**

*The following essay is based on testimony the author delivered to the U.S. Senate Judiciary Committee on September 26, 2006.*

The academic debate about the desirability of prohibiting insider trading is longstanding and as yet unresolved. Until Henry Manne's 1966 book, *Insider Trading and the Stock Market*, the debate centered on whether insider trading is unfair to public investors who are not privy to private corporate information. However, the fairness approach is malleable and indeterminate and thus does not lend itself to clear-cut policy prescriptions. Since Manne's book, the focus of the debate has been on the effect of insider trading on economic efficiency. Manne argued that, contrary to the prevailing legal and moral opinion of the time, insider trading is desirable because it is economically efficient and thus ought not to be regulated. In contrast, Manne's critics argue that insider trading is inefficient and thus ought to be regulated.

In brief, legal scholars who believe that insider trading is efficient and thus ought not to be prohibited maintain that insider trading increases managers' (and other insiders') incentives to behave in the interest of stockholders; makes stock prices more informationally efficient (that is, more accurate); and/or does not decrease the liquidity of the stock market. In contrast, legal scholars who believe that insider trading is inefficient and thus ought to be prohibited argue that insider trading reduces managers' (and other insiders') incentives to behave in the interest of stockholders; makes stock prices less informationally efficient (that is, less accurate); and/or decreases stock market liquidity.

The legal academic literature on insider trading suffers from a few significant shortcomings. One problem with this literature is that the scholarly debate fails to identify a specific efficiency locus. The academic inquiry varies from examinations of the narrow effects of insider trading on efficiency at the firm level (so-called agency theories of insider trading) to work studying the broader effects of insider trading on stock market efficiency (so-called market theories of insider trading). It is possible, however, that insider trading may enhance efficiency within the firm, but that markets in which insider trading is permitted are



thereby less efficient in the aggregate. Researchers who focus their studies at different levels and report different results could be talking past each other.

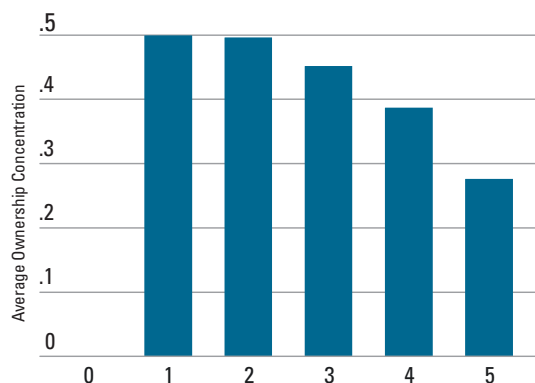
A second, major shortcoming of the law and economics literature on insider trading is that it is insufficiently grounded in empirical evidence. Beginning with Manne's seminal argument, legal academic scholarship on insider trading has been largely speculative and theoretical. Moreover, few scholars sought to examine the impact of insider trading rules in a comparative context. However, without variation in insider trading rules and enforcement, one cannot test causal hypotheses about the effects of such rules and their enforcement.

### Summary of empirical findings

In contrast to most of the existing legal scholarship on insider trading, my research is empirical and comparative. In the study "*Insider Trading Laws and Stock Markets Around the World*," which I summarize in this brief written testimony, I investigate whether insider trading laws and enforcement are systematically related to stock market performance across countries. I formulate three testable hypotheses, which are that countries with more stringent insider trading laws have (a) more widespread equity ownership; (b) more informative stock prices; and (c) more liquid stock markets, other things, including enforcement history and potential, equal. To test these hypotheses, I constructed an index of the stringency of insider trading laws for 33 countries as of the mid-1990s.

Using simple correlations and multivariable regression analysis, I find that countries with more stringent insider trading laws have more dispersed equity ownership; more liquid stock markets; and more informative stock prices, consistent with the formulated hypotheses. The following three figures, excerpted from my study “*Insider Trading Laws and Stock Markets,*”

**Figure 1: Average Ownership Concentration Plotted Against Insider Trading Law Index**



demonstrate these findings visually. Figure 1 shows that the countries in my sample that have more stringent insider trading laws tend to have lower average equity ownership concentration (that is, more dispersed share ownership) among their 10 largest non-financial firms, where ownership concentration is measured as the equity ownership stake of the three largest shareholders in the 10 largest private non-financial firms in an economy.

**Figure 2: Average Stock Price Synchronicity Plotted Against Insider Trading Law Index**

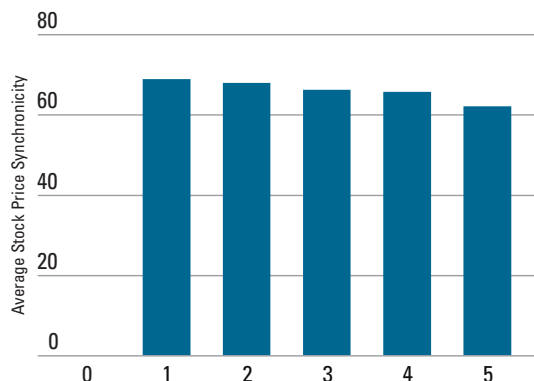
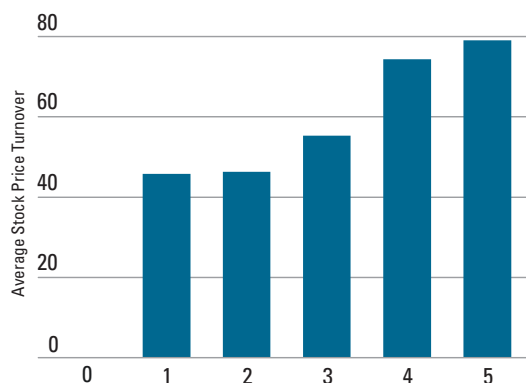


Figure 2 illustrates that the countries with more stringent insider trading laws also tend to have more informative stock prices, as measured by stock price synchronicity. (Stock price synchronicity is a measure of the degree to which the stock prices of different firms move together, with greater co-movement suggesting that stock prices are less informative about firm-specific information).

Finally, Figure 3 shows that the countries with more stringent insider trading laws tend to have greater average stock market turnover (a measure of stock market liquidity) than countries with less stringent insider trading laws.

**Figure 3: Average Stock Market Turnover/Liquidity (1991-1995) Plotted Against Insider Trading Law Index**



I confirm these patterns when I conduct multivariable regression analysis to control for other factors, including past enforcement history and enforcement potential. Furthermore, my regressions strongly suggest that *the possibility of stringent criminal or monetary sanctions, rather than the breadth of the insider trading prohibition, is the more salient feature of countries' insider trading laws.* Criminal and civil sanctions are more frequently significant than the scope of the insider trading prohibition in the regressions that I report in the article. Stringent public enforcement also seems to be more important than private enforcement.

### **Implications of empirical research for the U.S. insider trading debate**

My results are consistent with (but do not prove) the claim that insider trading laws have a positive impact on stock markets. More liquid stock markets and more accurate stock prices reduce the overall cost of equity capital and improve the efficiency of capital allocation, respectively. Private parties would be unlikely to give adequate consideration to these external benefits, if insider trading were left to private contracting (that is, if firms and shareholders were permitted to set the firm's insider trading policy in place of insider trading regulation). My findings thus support the case for public regulation and correspondingly weaken the case for deregulation of insider trading. Furthermore, to the extent that insider trading regulation encourages more accurate stock prices and greater stock market liquidity, regulation might indirectly ameliorate corporate agency problems, as more accurate stock prices and greater liquidity facilitate improved corporate governance and the market for corporate control. The United States has the most stringent insider trading rules and enforcement in the world and recent empirical evidence, including my own, suggests that this might be at least one reason why investor confidence is greater in our stock markets than in many other stock markets of the world. If insider trading laws are detrimental, as Professor Manne and others have posited, the patterns I find would have been unlikely.

It is premature, however, to claim that the debate between proponents and opponents of insider trading laws has now been empirically resolved. My results must be viewed cautiously for several reasons. One reason for caution is the crude nature of the available variables and the small sample of available countries. It is some consolation that these limitations might be expected to reduce the likelihood of finding significant relationships, but they nonetheless suggest a need for cautious interpretation. Finally, although my empirical results show a significant relationship between insider trading laws and various measures of stock market performance, they do not prove causality.

The appropriate conclusion to reach from this research is not that the arguments of proponents of insider trading regulation have been proven to be sounder than the arguments of those who criticize such regulation, but rather that there is greater reason to believe in their soundness than there was before this study was conducted. If insider trading laws are detrimental, as Professor Manne and others have suggested, the patterns I find would have been improbable.

Further empirical research on this issue is warranted, such as the assembly of more adequate cross-sectional data from a broader range of countries and over a longer range of time. My research is but a first step. It can help to resolve the theoretical conflict (and perhaps contribute to the articulation of a more coherent insider trading legal doctrine and policy in the United States) only if consistent empirical work follows.

## Criminal justice and the 1967 Detroit 'riot'



by Yale Kamisar

*Forty years ago the kindling of segregation, racism, and poverty burst into the flame of urban rioting in Detroit, Los Angeles, Newark, and other U.S. cities. The following essay is excerpted from a report by Professor Emeritus Yale Kamisar filed with the National Advisory Commission on Civil Disorders (the Kerner Commission) regarding the disorders that took place in Detroit July 23-28, 1967. The report provided significant material and was the subject of one article in the series of pieces on the anniversary of the disturbances that appeared last summer in The Michigan Citizen of Detroit. Immediately after the disturbances ended, Kamisar urged the Michigan Law Review to do a comprehensive study of the administration of justice, or lack of it, during the Detroit civil disorders. When the editors of the Review agreed to undertake the project, Kamisar coordinated his findings with their study. Thus, he refers to students' findings at various places in his report. The Law Review's comprehensive study appears in 66 Michigan Law Review, 1544-1630 (1968). African Americans were referred to as Negroes at the time of the report and study, and this usage has been retained in this excerpt.*

The incident which “set off” the riot was the arresting of some 80 people in a “blind pig” raid in the early hours of July 23, Sunday morning. The police did not have adequate facilities to whisk off so many arrestees and in the considerable time it took to do so a crowd gathered. This incident illustrates the value of the summons over arrest. The police should have anticipated that congregating scores of arrestees in the street would attract many bystanders—and that if they arrested only one or two and handed out “tickets” to the rest—trouble would have been avoided.

### Arrest, search, and seizure

Once the “riot” began, police spread a huge net over the riot area and more or less pulled in everyone on the street, including many in moving cars. It is clear that an appreciable number of Negro citizens uninvolved in the riot were swept up and subjected to degrading conditions in jails for periods up to several weeks before being released. The Governor’s Emergency Proclamation imposed a nighttime curfew except for “emergency,” but left “emergency” undefined.

Police attempted to standardize a search procedure whereby special “search units” (acting without warrants) allegedly acted on tips pouring in about the location of stolen property. There is reason to think that some units used so-called “tips” as an excuse for systematic searching of certain areas. It is doubtful that very many, if any, of the “waivers” obtained by heavily armed law enforcement officers operating in a “war atmosphere” were valid. After a few days, the officers had “available” printed forms which consenting occupants had to sign when giving permission. On August 7, these forms were amended to make it clear occupants could refuse permission.

### Bail and detention conditions

The most flagrant abuses probably occurred with respect to bail. The Recorder’s Court acted as a “law enforcement agency” determined to keep the arrested Negroes off the

streets. With the exception of one or two judges, even bond for curfew violators was rarely, if ever, set at less than \$10,000 and sometimes at \$15,000 or \$25,000. Judge George Crockett, who is one of the 13 judges of Recorder’s Court, stated publicly at an NAACP state convention held on September 30 that most of the judges instructed the sheriff not to release an arrestee even if he could meet this high bond, but to check back with the judge who had set the bail, “presumably so that he could raise it still higher.”

Also contributing to prolonged detention was the apparent policy of the Governor, prosecutors—and most judges—to release no one until records were checked with the FBI to ascertain whether any prisoners were connected with Watts, Newark, or other riot spots (apparently none were) and hence “ringleaders” or “outside agitators.”

For the first five days after the riots began the majority of judges made no allowance for individual factors affecting the likelihood of the prisoner’s appearance for trial. Not infrequently, husband and wife were remanded to the sheriff’s custody with high bonds when their children were home alone. Five days after the riots began, the prosecutor started to move to reduce bail—on the basis of only one factor: “previous arrest” record.

Apparently it was easier to find “previous arrests” data than “conviction” data. It is unclear what arrests were included, e.g., drunken driving. But apparently “arrest for investigation of . . .” was included. Our students’ findings disclose that slightly over 3,000 of the 6,000 prisoners had a “previous arrest” record.

The process of reviewing bail went on slowly for several weeks and many were in jail for a full month.

Those in charge of the custody of the prisoners were extremely inefficient and much confusion reigned. Prisoners frequently were not transported to the court on time. There were many reports of “lost” prisoners. Mrs. Claudia Marcom, Program Administrator, Neighborhood Legal Services, stated at the NAACP convention that thousands of phone calls to the

police or the sheriff's office were made by those trying to locate missing relatives or friends, and all these calls were referred to her office.

There were horribly inadequate detention facilities. For example, some 1,000 prisoners were housed in an underground police garage for at least several days. There was bitter comment at the NAACP meeting about Negro prisoners being "herded like cattle," about degrading, brutalizing experiences, about Negroes being forced to stand for many hours or even days, and about men, women, and the elderly all being incarcerated together.

Judge Crockett (and perhaps one other judge) departed from the general pattern, releasing about 10 per cent of the prisoners before him on personal recognizance, otherwise frequently setting bail of \$500-\$1,500. He had volunteer lawyers interview prisoners about their roots in the community, etc., and relied on their recommendations. Apparently, he processed about as many prisoners about as rapidly as his "mechanical" brethren.

The Wayne County Circuit Court, whose regular activities had ceased and whose 27 judges amounted to double the judicial manpower in the Recorder's Court, offered judicial and clerical help for bail-setting and other matters, but this offer was refused, apparently on the ground that it wasn't needed.

Another unheeded suggestion was the use of federal probation personnel and possibly Wayne County probation staff to interview prisoners and on the basis of certain factors release some on personal recognizance. Judge Wade McCree of the U.S. Court of Appeals for the Sixth Circuit (widely regarded as an outstanding judge) whose chambers are in Detroit, proposed that those with two or more "favorable criteria" (considering residence, property, job with seniority, children, no prior record) be released on personal recognizance.

Just prior to the preliminary examinations, many prisoners had their high bonds reviewed. Apparently this was often done by the prosecutor's office and the judges working in concert.

In addition, the writ of habeas corpus was in effect "suspended" for at least the first week after the riots began. Several lawyers involved in the processing insist that various judges simply announced and/or put up signs that they would not entertain the writ. They were also told of the great difficulties involved in trying to find the prisoners. Apparently some judges did state that "they would hear no petitions for a week."

### **The right to counsel—and to 'effective' counsel**

At the preliminary examination stage, there was a massive effort by members of the bar to organize volunteer attorneys to provide free defense for those in need. Several hundred attorneys turned out. Headquarters were set up in an empty Recorder's Court courtroom and before each session volun-

teers with little or no criminal law experience were instructed as to law and practice.

One administrative point should be made. After a volunteer completed an examination he usually left the court, period.

At the "arraignment on the information" stage—the last step prior to the trials scheduled to begin in January, 1968—probably about 80 percent were assigned counsel. Many observers report that most judges made too much use of the criminal lawyer "regulars" and little or no use of volunteer lawyers. There is reason to think this was for "patronage" purposes, and/or because the regulars would more often cop a plea and the volunteers would more often demand a trial. (Assigned counsel is paid on a "straight fee" basis and therefore it is against his economic interests to go to trial.)

Typically only one or two attorneys were appointed at the rate of \$200 per day to represent all the defendants needing counsel in a given courtroom on a given day, probably 70-100 defendants. (The days our students were there, only one assigned counsel was working in a given courtroom.) The only reason advanced in support of this practice was economy. If individual lawyers had been assigned to represent individual defendants at the standard fee of \$25 or \$30 per "arraignment on the information," this would have cost the county an estimated additional \$1500-\$2000 per day.

Because a great deal of "plea bargaining" occurred at this point, it was a most "critical stage." It appears that in many cases the prosecutor's office exercised plenary power in deciding whether or not to reduce a charge from a felony, often "entering without breaking with intent to commit larceny" (carrying a five-year maximum) to a misdemeanor, say "entering without permission" (carrying a 90-day maximum) and frequently did so solely on the basis of one factor—prior criminal record.

The lack of justice, or at least the lack of "appearance of justice" was aggravated by judicial practice. For example, several justices mechanically sentenced every "guilty plea defendant" to time he "already served" up to that point and gave him credit for that time, so that he could walk out free—but with a misdemeanor conviction. In effect, these judges communicated to defendants with no prior records "waiting on line" the quid pro quo for pleading guilty. These tactics exerted enormous pressure on these defendants to plead guilty to a misdemeanor "just to get it over with" and "get out."

Whatever can be said by way of mitigation of the deficiencies in the early stage because of the "war atmosphere" is inapplicable to the "arraignment on the information" stage. The "assembly line" methods at this relatively late step in the criminal process seem least defensible of all.

# [ closing ]

## BANNED PENGUINS



Assistant Professor Gil Seinfeld reads from the children's book *And Tango Makes Three* (Simon and Schuster Children's Books, 2005) during the Michigan Law ACLU student chapter's Banned Books Week Read Out earlier this fall. The American Library Association, which named *And Tango Makes Three* a Notable Children's Book in 2006, also lists it as "the most challenged book of 2006." Written by Justin Richardson and Peter Parnell and illustrated by Henry Cole, the 46-page book tells the true story of two male chinstrap penguins at New York City's Central Park Zoo that

brood and hatch a penguin egg given to them by zookeepers who took it from a mixed-sex pair of penguins that had two eggs but previously only had been able to hatch one. The annual Read Out presents faculty members reading from books that have been challenged by parents, organizations, or others and/or banned by libraries or schools.

Other faculty members who read during the program and the books they read from included: Assistant Dean for Student Affairs David Baum, '89 (*To Kill a Mockingbird*, by Harper Lee); Visiting Professor from Cardozo Law School Susan Crawford (*Lord of the*

*Flies*, by William Golding); Assistant Professor Nico Howson (*Lolita*, by Vladimir Nabokov); Professor Jessica Litman (*A Wrinkle in Time*, by Madeleine L'Engle); Assistant Professor J.J. Prescott (*I Know Why the Caged Bird Sings*, by Maya Angelou); Assistant Dean for Admissions Sarah C. Zearfoss, '92 (*The Handmaid's Tale*, by Margaret Atwood); and Professor Scott J. Shapiro (*Ulysses*, by James Joyce). *Ulysses* has not been banned in the United States, but has faced censorship in many other countries, according to Shapiro.



## EVENTS CALENDAR

December 21 ..... Senior Day

2008

January 3 – 6 ..... Association of American Law Schools annual meeting, New York City

February 8 – 9 ..... Symposium — “From Proposition 209 to Proposal 2: Examining the Effects of Anti-Affirmative Action Voter Initiatives (*Michigan Journal of Race and Law*)

March 7 – 8 ..... National Federalist Society Student Symposium

March 13 ..... Student Funded Fellowships Auction

March 27 ..... Henry M. Campbell Moot Court Competition Final Arguments

May 2 ..... Honors Convocation

May 3 ..... Senior Day

May 21 – 23 ..... Bergstrom Fellowship Training in Child Advocacy

This calendar is correct at deadline time, but is subject to change.  
For the most recent calendar information, go to [www.law.umich.edu](http://www.law.umich.edu).

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# LAW QUADRANGLE NOTES

