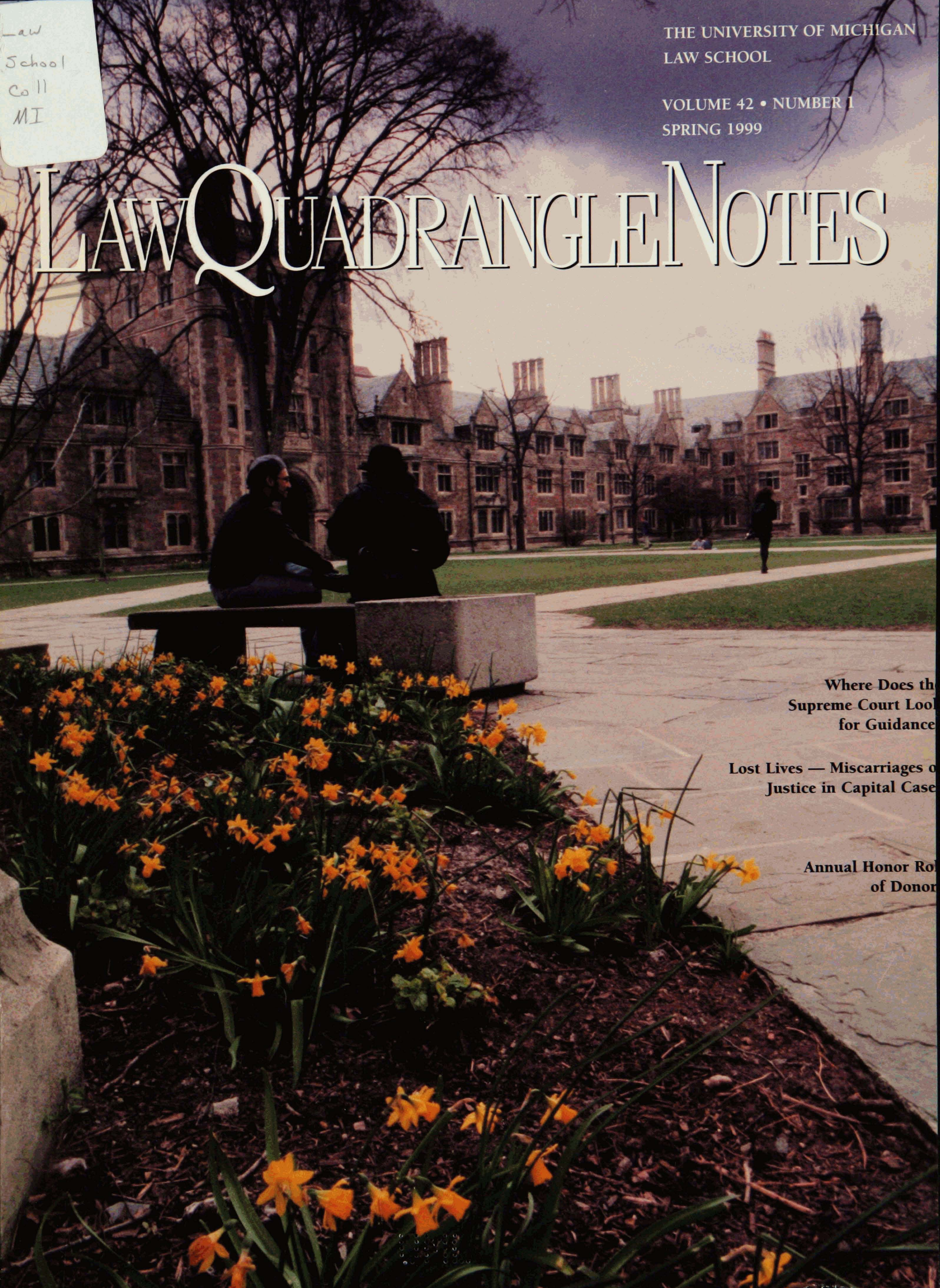

THE UNIVERSITY OF MICHIGAN
LAW SCHOOL

VOLUME 42 • NUMBER 1
SPRING 1999

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UPCOMING EVENTS

March 9	International Law Workshop (ILW): "Analyzing International Trade Sanctions," Raj Bhala, professor of law, School of Law, The George Washington University
	Greater Washtenaw County area alumni luncheon
March 11	What's Wrong with Domestic Law: A Debate
	Law and Economics Workshop: Rachel Crosen, University of Pennsylvania
March 12-13	Symposium: Challenging Traditional Legal Paradigms: Is Technology Outpacing the Law?
March 13	Juan Tienda Scholarship Banquet
March 15	Distinguished Speaker Series in Law and Development: "The Politics of Land," Ibrahim Juma, Faculty of Law, University of Dar es Salaam
March 18	Sperling Seminar with Howard Nemorovski, '57, Howard, Rice, Nemerovski, Canady, Falk, Rabkin (by invitation)
	Law and Economics Workshop: Michelle White, professor of economics, University of Michigan
March 19	Dean's Forum with Mary Snapp, '84, general counsel, Microsoft (by invitation)
March 20	Women's Professional Development Workshop
March 22	Distinguished Speaker Series in Law and Development: "States, Markets and Development," Paul Collier, The World Bank
March 25	Law and Economics Workshop: Professors Merritt Fox and Michael Heller, University of Michigan Law School
	Southwest Florida alumni luncheon, Naples, Florida
March 27	Butch Carpenter Dinner
March 29	Distinguished Speaker Series in Law and Development: "Legal Frameworks for Competitive Markets," Rick Messick, The World Bank

Continued on inside back cover

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Cover: Rising temperatures and the first blooms of spring beckon law students to tarry a moment outdoors in the Law Quadrangle.

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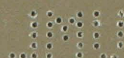
THOMAS TREUTER



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MESSAGE FROM DEAN LEHMAN

This year I have used this column to reflect on the lawyer's role as keeper of our profession's image. I have written about how lawyers serve their profession whenever, through small acts of kindness, they reveal an inner generosity of spirit. And I have written about how the core intellectual training we provide in law school can nurture that generosity of spirit, by teaching future lawyers how to listen well.

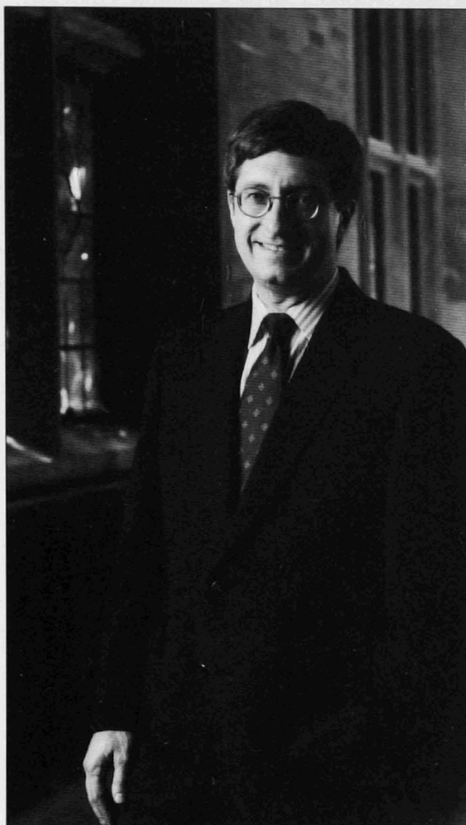
Beyond good listening and acting with a generous spirit, is there more that an individual lawyer can do for our profession's image? To answer that question, I would like to distinguish two ways in which our profession's image may be tarnished.

One source of tarnish — in many ways the more obvious one — originates in the relationships clients have with their own lawyers. In the extreme, we all must confront the problem of outright attorney disloyalty. Fraudulent overbilling is a classic case. In its more muted form, this defect takes the form of attorney self-absorption. Think of the lawyer who is more concerned with making sure that his advice letter identifies every conceivable legal risk (no matter how remote) than he is with making sure that the client knows which risks are most significant and how they might best be managed.

Individual lawyers can minimize this kind of tarnish in obvious and straightforward ways. They can provide dutiful and honest client service, scrupulously endeavoring to promote their clients' well-being before their own. And they can work to ensure that other lawyers share that ideal, and to promote public understanding that it is the credo of the profession.

A second source of tarnish, however, might be more complex, and the appropriate responses are much less clear. I suspect that it originates in the relationships that clients have with opposing counsel.

When a business person is involved in litigation, it is natural to view the opposing party, as well as opposing counsel, as an enemy. And it is just as natural to associate unattractive qualities with one's enemies. So while one might think of one's own lawyers as perfectly reputable and decent professionals, one is inclined to think of one's litigation adversary's lawyers as being quite otherwise. This principle may be extended to the lawyers who represent one's business partners across the table in negotiations.



Individual lawyers can provide dutiful and honest client service, scrupulously endeavoring to promote their clients' well-being before their own. And they can work to ensure that other lawyers share that ideal, and to promote public understanding that it is the credo of the profession.

This does not mean a business person can be expected to see the world divided between equal numbers of lawyers who are "good" (i.e., who represent him or her), and lawyers who are "bad" (i.e., who represent antagonists). It remains the case (albeit less so than in bygone days) that a business person is likely to use the same lawyer from transaction to transaction, and from lawsuit to lawsuit. But the cast of opposing counsel is likely to change.

To use an elementary example, imagine a world with ten clients, each of whom has his or her own lawyer. Over time, each client negotiates one deal with each of the other nine. In this stylized world, it is plausible to think that each client would believe the legal profession consists of one noble advocate and nine menaces to society. (Of course, each client would perceive a different lawyer as the noble one.) One can easily understand how the legal profession would be stuck with a tarnished image.

I believe it would be a worthy research project to investigate whether the public's negative view of the legal profession is, in fact, fueled by negative images of opposing counsel. But what if it is true? What can lawyers do about it?

I do not think there is any answer to the fact that one's client will, over time, encounter larger numbers of adversary counsel than "own counsel." Still, it would surely help if lawyers were reminded to resist the easy temptation to question the integrity of opposing counsel in conversations with their clients. I know that nowadays such criticisms of other lawyers are leveled far more often than they are deserved. But since we share a collective interest in having the world of clients respect our profession as a whole, we disserve ourselves when we unfairly portray opposing counsel as scoundrels.

Perhaps, in the end, the responses to both categories are cut from the same cloth. I know from my daily interactions with our graduates that virtually all lawyers successfully resist the opportunities for easy self-promotion at the expense of others. They act with integrity, serving their clients within the bounds of appropriate representation. The challenge is to help clients appreciate that this is the professional norm, one respected by virtually all lawyers, even those who happen to be representing the other side.

Jeffrey S. Lehman

New program examines complexities of asylum/refugee law

Behind the headlines that tell of the plight of the world's 14 million refugees lies a maze of many governments' policies, individual and national decisions, questions of sovereignty and human rights, and a host of other issues that make asylum and refugee law an increasingly complicated field.

More than ever, lawyers working with refugee and asylum issues need to have a thorough grounding in the theories and practices that underlie such questions. In recognition of this need, the Law School has launched the Program in Refugee and Asylum Law, which incorporates sequential course work, seminars, clinical experience, the expertise of visiting scholars and summer internships.

"In sum, the University of Michigan Law School will offer the largest number of professional and graduate educational opportunities in refugee and asylum law of any law school in the world," according to the proposal for the program approved by the faculty last fall. "These encompass a diversity of learning methods (doctrinal, critical, empirical, interdisciplinary, experiential) applied to the international, domestic, and comparative dimensions of the legal regime for protection of refugees."

Professor James C. Hathaway, an internationally respected specialist in refugee and asylum law who joined the faculty last year, directs the new program.

The new program includes:

■ A basic course, International Law; a foundation course, International Refugee Law; a seminar, Comparative Asylum Law; a clinical program in U.S. asylum law; and an interdisciplinary research seminar, Emerging Responses to Forced Migration.

■ Summer internships at leading refugee protection agencies in the United States and abroad.

■ Visiting scholars. The first visiting scholar, Erik Roxstrom of the University of Bergen in Norway, spent the fall term at the Law School working on a study of the relationship between refugee law and the international legal duty of non-discrimination.

■ A colloquium, Challenges in International Refugee Law, to be held each spring.

Dean Jeffrey S. Lehman, '81,right, chats with the first summer interns chosen as part of the Law School's new Refugee and Asylum Law Program. From left are: Professor James C. Hathaway, director of the program; Kathryn Socha; Assistant Dean for International Programs Virginia Gordan; Ali Said; and Anne Cusick. Not shown is Rachel Lessem. The internships are supported by a gift from Ronald L. Olson, '66, and his wife, Jane Olson.

The first four summer interns were named late in the fall term: Anne Cusick, who will intern with the United Nations High Commissioner for Refugees, Washington, D.C.; Rachel Lessem, to intern with Forced Migration Projects, The Open Society Institute, New York; Ali Saidi, to intern with the Coordinator of Refugee Work at the International Secretariat of Amnesty International, London; and Kathryn Socha, who will intern with the Representative of the European Council on Refugees and Exiles to the European Union, Brussels.

"My interest in migration generally dates to when I was in graduate school at the Johns Hopkins School of Advanced International Studies in Washington, D.C., and worked at the Population Reference Bureau, where I was exposed to migration in the context of population pressures in sending countries," Cusick said in her internship application. "This personal interest turned into something of a baptism by fire when I joined the Foreign Service and was assigned to the U.S. Embassy in Mexico City, where I worked a six-month rotation in the immigrant visa section. I discovered that the vast majority of applicants had already been living in the U.S., some for many years. At the time, this seemed quite wrong to me, although I became resigned to the reality: these people had broken U.S. law but were, in most cases, entitled to received the benefits of legal immigrant status anyway.

She continued: "The reasons why these people had decided to take such risks to migrate to the U.S. were of much greater interest and more complex than they appeared at first blush. While working in offices concerned with international development issues at Michigan State University and the University of Michigan, I learned more about the debates within the broad field of development, including, for example, the obligations between developed and developing countries, problems of political instability, environmental degradation, population

Continued on page 4

Continued from page 3

growth and agricultural capacity, and the roles of international organizations and non-governmental organizations."

"Immigration law is essentially about the orderly entrance of people into a country; the basic right of states to set requirements, procedures, and numbers is not, by and large, controversial," she said. "In contrast, the *disorderly exit* of people from states raises questions and obligations of international and domestic law and policy that are broad and very controversial. The important point is that there is law that addresses asylum and refugee issues."

Lessem, who speaks Spanish and Hebrew, has done cultural anthropology field work in Cuba as well as the United States. Her undergraduate thesis at the University of Michigan was titled "Remembering the Garden: Portraits of Cuban Childhood Immigration."

Saidi, who speaks Persian and was born outside the United States, interned last summer at the Meiklejohn Civil Liberties Institute in Berkeley, where he drafted the *amicus curiae* brief in the lawsuit challenging the constitutionality of California's English-only statute. He also researched civil rights and human rights topics and wrote a series of human rights "issue sheets" for submission to the United Nations and to the U.S. Department of State.

A speaker of Spanish and French, Socha worked last summer at Centro Romero, a Chicago community organization that provides social services and legal aid to immigrants, where she dealt with asylum and deportation withholding cases for Salvadoran immigrants and abused-spouse self-petitions. She also works on the Law School's Asylum and Refugee Law Project.

The internships are supported by a $500,000 gift from Ronald L. and Jane Olson to the Center for International and Comparative Law at the Law School. Jane, founder and co-chair of Human Rights Watch/California, is a member of the Advisory Board of the Center; her husband Ronald, a 1966 graduate of the Law School and chairperson of the Law School's Committee of Visitors, recently was named the "most influential" attorney in California (story on page 50).

"Immigration law is essentially about the orderly entrance of people into a country; the basic right of states to set requirements, procedures, and numbers is not, by and large, controversial. In contrast, the *disorderly exit* of people from states raises questions and obligations of international and domestic law and policy that are broad and very controversial. The important point is that there is law that addresses asylum and refugee issues."

— ANNE CUSICK

"This is an area where we could work together," Ronald Olson said of their gift. "We could support both the Law School and further the work that Jane has done."

In the advanced seminar of the Program in Refugee and Asylum Law, students "will work in collaboration with one of the six experts" brought to a colloquium to be held each April at the Law School, Hathaway explained. Each year the seminar will deal with a "very specific cutting edge issue" in refugee law; students in the seminar will research the issue, discuss the findings in the spring colloquium, and fashion recommendations that "will be broadly circulated to the refugee and asylum law community around the world."

"We really want to see Michigan become a focal point for refugee law research internationally, and we hope to establish linkages with people who come here for the colloquia," Hathaway said.

This year's colloquium addresses the legality of recent moves by developed countries' governments to require refugees to benefit from internal protection in their country of origin, rather than seeking asylum abroad. So-called "internal flight" requirements are now imposed by most Western states; new policy on this issue is presently being devised by the United States government. The colloquium is tentatively set for April 9-11.

MLK Day speaker says racism, class issues loom for next century

The Hon. Constance Baker Motley, former chief judge and now senior status judge with the U.S. District Court of the Southern District of New York, has been to the mountaintop — and from that vantage point predicts that racism will continue to be an issue in the next century alongside the new "class warfare . . . that's left behind by our latest economic revolution."

"When I graduated in 1946 you would not have been able to find a single person ready to bet 25 cents — that was a lot of money in those days — that as a black and

The Hon. Constance Baker Motley of the U.S. District Court of the Southern District of New York reports that two revolutions — the civil rights movement and the women's movement — forever have altered the United States. Motley, speaker for the Law School's portion of the University-wide Martin Luther King Day celebration in January and a veteran of the civil rights era, is the first African American woman to be named to the federal judiciary.

as a woman I would have succeeded in the legal profession, and I would have agreed with them," said Motley, who earned her law degree at Columbia University Law School. "That is because none of us had a crystal ball, none of us was able to see that post-World War II America would be convulsed by a number of social revolutions. And from my point of view, two of them were successful. One concerned blacks and the other concerned women coming into the mainstream of American life."

Motley embodies both revolutions. She worked for 20 years with the NAACP Legal Defense and Education Fund, Inc., handling desegregation/civil rights cases throughout the American South. On occasion, she worked with Martin Luther King, and helped Thurgood Marshall prepare the landmark *Brown v. Board of Education* case, in which the U.S. Supreme Court ruled in 1954 that public schools must be desegregated. She eventually argued ten cases before the Supreme Court and won nine.

She also has scored a number of firsts: first woman to be elected president of the Manhattan Borough; first black woman to be elected to the New York State Senate, in 1964; first woman named to the U.S. District Court of the Southern District of New York; and the first African American woman named to the federal judiciary, by President Lyndon B. Johnson in 1966.

Motley spoke at the Law School in January as part of the University of Michigan's 12th annual Martin Luther King Day celebration. Addressing a standing-room-only audience, she provided a first-person tour of the civil rights era. She described her work in 1962 to overturn an injunction forbidding a civil rights march that King was to lead in Albany, Georgia; her efforts on behalf of King when he was jailed near Americus, Georgia; and her work to get overturned the expulsion of 1,100 schoolchildren in Birmingham, Alabama, because they took part in a civil rights march on a weekend in May 1963. Seated in her audience at the Law School was Cheryl Ervin, one of those schoolchildren and now a teacher in the Ann Arbor Public Schools.

The Hon. Constance Baker Motley signs copies of her book, Equal Justice Under Law: An Autobiography *(Farrar, Straus and Giroux, Inc., 1998). Here, she signs a copy for Cheryl Ervin, an Ann Arbor Public Schools teacher who was one of the 1,100 Birmingham, Alabama, children whom Motley's legal work got returned to school after their expulsion for marching in a civil rights demonstration.*

Motley also recounted the moves that preceded adoption of the "second U.S. Constitution" after the Civil War with amendments that guaranteed free black people and former slaves the same rights as other citizens; the 1795 treaty between England and Spain that banned slave trading; the U.S. Constitution's provision that the trade end in 1808; England's outlawing of slavery in 1837; the 1841 *Amistad* case in which the U.S. Supreme Court recognized the freedom of Africans who had taken over the slave trader on which they were being transported to the United States; and finally the post-Civil War passage of the 13th, 14th and 15th amendments.

But in 1896, in *Plessey v. Ferguson*, the Supreme Court "gave a ringing endorsement to the concept of separate but equal, a policy fabricated by southern racists to circumvent the 14th Amendment protections," she said. Writing the only dissent in the case, Justice John Marshall Harlan "correctly predicted its corrosive effect on American society," she said. Between the Brown decision in 1954 and 1964, "official racism" was effectively banned in the United States by federal action, she said. The Civil Rights, Voting Rights, and Fair Housing acts bar official discrimination, but private discrimination remains, she explained. And in recent years there has been increasing opposition to the affirmative action programs designed to level the playing field for descendants of former slaves.

"We will not be leaving racism behind in the next century," Motley predicted. "The question is clear. What do we do about it? The answer only can be found in the history of what we have done in the century past. . . . The fact is that racism, despite all the doomsayers, has diminished. There is a growing number of African Americans who are successful in many fields, she said.

But "we African Americans tend to forget that our society today includes newly emerging poor whites, and other whites who have not succeeded — for the same reasons many African Americans have not.

"Affirmative action programs must continue," she said. There are "new realities that time has wrought, because racial and ethnic diversity will be the hallmark of the future."

After her talk, Motley signed copies of her book, *Equal Justice Under the Law: An Autobiography* (Farrar, Strauss and Giroux, Inc., 1998). "Just as the black middle class in this society led the charge against the effects of official racial segregation in twentieth-century America, the same group will lead the charge in the twenty-first century against our remaining slave legacy," she writes in *Equal Justice*. "Existing black poverty is directly related to our former slave status. Segregation was harmful.

"There can be no single blueprint for eliminating poverty in the next century. There are far too many economic, political, and social factors today that directly affect this poverty problem. I see a need for organizing, strategizing, planning, and forming alliances such as we had in the civil rights movement. But I need no crystal ball to see that the newly emerged, educated, and greatly strengthened black middle class will provide the necessary energy and cooperation."

Lively discussion and debate are hallmarks of sound legal education. Sometimes such an airing of issues takes place in private or in the classroom, sometimes in public programs. The student chapter of the Federalist Society for Law and Public Policy Studies actively has used the public debate format to generate thought and discussion of current legal issues. Following are accounts of two of its programs.

Who should regulate us?

In this corner, Richard Epstein, James Parker Hall Professor of Law at the University of Chicago and a well-known and articulate opponent of the administrative behemoth of government.

His opponent? Law Professor Richard Friedman, specialist in evidence, the U.S. Supreme Court and, recently, the U.S. "nanny" case (see story on page 41).

Their issue: "The Federal Administrative State: Is It Necessary? Is It Proper?" Each speaker gets opening remarks and rebuttal, and then both take questions from the audience, a standing room only crowd in a large classroom in Hutchins Hall. "A fabulous turnout," notes Professor Donald Regan, the moderator. The debate, held in September, is sponsored by the Federalist Society for Law and Public Policy Studies. Following this appearance, Epstein will address the Michigan Legal Theory Workshop on "Principles for a Free Society and Hayekian Socialism."

Epstein is the first speaker. What ought to be the scope of federal jurisdiction? he opens. Independent administrative agencies are like a fourth branch of government, he says. Noting the argument that such agencies are responses to changing social conditions, he counters that changing social structures do not have to lead to legal changes.

The U.S. Constitution favors state guardianship over citizens' prerogatives over national authority, Epstein says. "You can see a constitutional preference for local monopoly over national monopoly."

The Commerce Clause is an exception, giving Congress the power to regulate trade among the states, he explains. With such power held nationally, one state cannot establish a blockade of another.

But 100 years later, when the question of telephone regulation arose, Congress left such power to the states, except for networks. There is less need for federal regulation when local production and transportation networks are kept efficient.

In contrast, "the more you give the federal government . . . the more likely it is to find centralized planning [to be] the solution," Epstein says. National regulation creates a situation of "winner take all in a game that is played once and only once," he later tells a questioner.

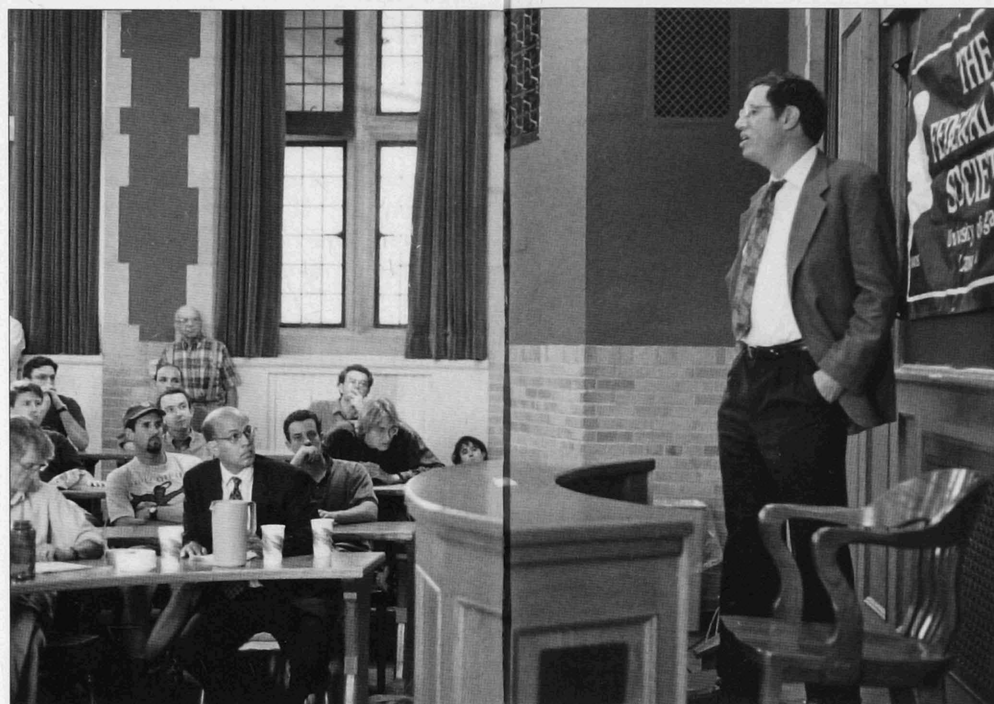
(In fact, he later responds to Friedman, it's odd to take solace in national solutions when "the two most important causes of the depression were a function of misguided actions of the federal government." The Smoot-Hawley Tariff and radical deflation "were clearly within constitutional powers, but so badly handled that it was odd to see in an expansion of the federal government an intelligent response to the difficulties at hand.")

But "the expansion of [federal] power is not just a twentieth-century idea that emerged with the New Deal," counters Friedman. Federal power has been expanding steadily at least since the 1824 Supreme Court case of *Gibbons v. Ogden*. Originally, the national government probably didn't even have the power to emancipate slaves within the states.

In addition, he says, you cannot ignore the "growing sense of national identity and national unity" that has been part of U.S. history. "What we've had over time is the sense of unification, highlighted perhaps most dramatically by the 14th Amendment, which was a protection of the people from the states, not from the federal government."

"The reason that national solutions were adopted is principally because state responses didn't work," says Friedman. Examples: The National Fair Labor Relations Act, the National Fair Labor Standards Act, environmental protection, and civil rights.

In addition, he says, "In no other industrialized country is the national budget as small [a part of GNP] as in the United States." And "in no other [industrialized] country is the power of the national government as limited as it is in the United States."



What ought to be the scope of federal jurisdiction? Richard Epstein, of the University of Chicago Law School, asks as he opens his side of a debate on "The Federal Administrative State" at the Law School in September. Seated in foreground are his debate opponent, Professor of Law Richard Friedman, right, and Professor of Law Donald Regan, who introduced the speakers and moderated their debate.

In contrast, "the more you give the federal government . . . the more likely it is to find centralized planning [to be] the solution. National regulation creates a situation of winner take all in a game that is played once and only once."

— RICHARD EPSTEIN

School choice: boon or bane?

Should taxpayers get vouchers that allow their children to attend elementary and secondary schools of their choice? The question has been asked increasingly often in recent years as public schools struggle to cope with changing conditions.

It was debated at the Law School in November in a program sponsored by the student chapter of the Federalist Society for Law and Public Policy Studies. Arguing for choice schools was Clint Bolick, vice president and director of Litigation for the Washington, D.C.-based Institute for Justice. Arguing against choice schools was attorney Mark H. Cousens of Southfield, general counsel for the Michigan Federation of Teachers.

Bolick recalled how the issue has occupied him since Polly Williams successfully pushed through a voucher system for poor inner city children in Milwaukee in 1990. The Milwaukee system provided for children of families whose earnings were 175 percent or less of the poverty level to apply to private schools in Milwaukee. Their admission was on a random basis and the private school had to accept as full tuition the $3,800 of each student's $6,200 public education allotment that went with them to the private school.

Within four years, the gap in test scores had narrowed substantially between black students accepted into the private schools and their white counterparts and graduation rates for the voucher students had risen to more than 90 percent, up from about 15 percent for their counterparts who had remained in public schools.

The impact of the program is that "for the first time low income kids are given the power to leave the public schools and take their money with them," Bolick said. And "the public schools would have to compete."

What is the effect of such programs on public schools? he asked. Milwaukee's school superintendent now can fire poor teachers and close failing schools. "The quality of public schools in Milwaukee is arguably getting better."

The Wisconsin Supreme Court upheld the Milwaukee program in 1992, but the case still appeared headed for a U.S. Supreme Court hearing when Bolick spoke at the Law School. A week later, however, on November 9, the Supreme Court let stand the Wisconsin voucher system by declining to review the case.

Such programs now are being litigated in four states, Bolick said. "What this really is about is public education. In my view we have to stop thinking of public education as education that takes place in a particular place. Public education is education that takes place wherever it best fits the child . . .

"School choice is a driving force behind systemic education reform [in which] money follows the child." Private schools are part of the educational offerings in a community, he said. "Why we should exclude good schools, established schools,

Continued on page 8

Gains have been "impressive" by children in Milwaukee's school choice voucher program and the success of the program has forced the city's public schools to improve, Clint Bolick of the Institute for Justice tells a Law School audience in November. His debate opponent, Mark H. Cousens, seated, general counsel to the Michigan Federation of Teachers, countered that voucher systems could destroy public schools without solving the country's K-12 educational problems. Their debate was sponsored by the student chapter of the Federalist Society for Law and Public Policy Studies.

Continued from page 7

safe schools that are in the child's neighborhood is beyond me."

Cousens acknowledged that public school systems have problems of class size, discipline, drop out rates, and tasks that public education pioneer John Dewey "never heard of or even contemplated" when he won acceptance of the idea of universal public education in the United States in the 19th century. But "we don't have to destroy the public school system to solve these problems," he said. He opposes moves like the creation of school choice systems that will "deconstruct our educational system and create a shadow system in which we shop for education the way we shop for cars."

Cousens said that studies in Milwaukee, Tennessee and elsewhere have shown that small class size is the secret to students' success. But reducing public school class size is expensive and "there just isn't the political will to increase support for public education by 10-20 percent."

Public schools have assimilated many cultures and immigrants and have been a major vehicle for national unification, he added. "If we create dozens of little schools all over the country then we won't have the glue that binds us together. To quote Arthur Schlesinger, we'll have too much *pluribus* and too little *unum*."

An auspicious launch for the Center for International and Comparative Law

The first meeting of the advisory board of the new Center for International and Comparative Law was like casting seeds into the most fertile of soil. Participants from around the world settled in to share the excitement of launching the center and to discuss possible futures for international programs and legal education at the Law School.

"It is a very exciting moment for us to see such an assemblage of friends here in one place to talk about something so important to the Law School," Dean Jeffrey S. Lehman, '81, said as he welcomed the board members in early October. The Law School is fortunate "to have the benefit of your ability to dream" of what international and comparative law will be in the Law School, he said.

Directed by Professor of Law José Alvarez and administered through the office of Assistant Dean for International Programs Virginia Gordan, the new center acts as a lodestone for the Law School's many international programs — like faculty exchanges with the University of Tokyo and student programs in Cambodia and South Africa — and serves as a launch pad for new efforts in the field.

For three hours on a Friday afternoon board members and a number of faculty members discussed a variety of questions concerning the Center.

Many participants re-convened the following morning to continue their talks.

"This was an exciting beginning to what is going to become a major player in American legal education in international and comparative law," Alvarez said afterward. "We're grateful to those who have agreed to serve on this board. Their willingness to contribute time, effort, and ideas is both a measure of the importance of international and comparative law programs and to their generosity and commitment to the field."

Professor Ernst-Ulich Petersmann of the University of Geneva in Switzerland, makes a point during the inaugural meeting of the Advisory Board for the Law School's new Center for International and Comparative Law. The Advisory Board's first meeting and the official launch of the Center were held in October in conjunction with delivery of the William W. Bishop Lectures in International and Comparative Law by Justice Richard J. Goldstone of the Constitutional Court of South Africa.

Lehman also was impressed with the promise for the Center shown in this first meeting. As he wrote a week later in his annual letter to Law School graduates: "I am especially delighted by the launching of the International Center. I firmly believe that the study of other legal systems resonates with a deeply humanist impulse to identify with what is similar and common to people everywhere. I believe that the University of Michigan Law School's importance to the rule of law in the far reaches of the globe redounds to the enduring benefit of all of us who choose to make our lives in the United States."

The Advisory Board members are:

- Justice Aharon Barak, '90-93 Visiting Professor, Supreme Court of Israel.
- Professor Giorgio Bernini, '54, S.J.D.'59, Studio Bernini e Associati, Bologna, Italy.
- Ambassador Emilio Cárdenas, M.C.L.'66, HSBC Roberts, Buenos Aires, Argentina.
- Timothy Dickinson, '79, Dickinson Landmeier LLP, Washington, D.C.
- Professor Claus-Dieter Ehlermann, '55-56 Graduate Student, European University Institute Law Department, San Domenico di Fiesole, Italy.
- Susan Esserman, '77, U.S. Assistant Secretary of Commerce, Washington, D.C.
- Professor Wolfgang Fikentscher, '52-53 Graduate Student, LL.M '54, '66 Visiting Professor, '87 Research Scholar, Universitat Munchen, Munchen, Germany.
- Professor Jochen Frowein, '57-58 Graduate Student, M.C.L. '58, '92-93 Visiting Professor, Max-Planck-Institut, Heidelberg, Germany.
- Professor Koichiro Fujikura, '88, '94-95 Visiting Professor, Waseda University School of Law, Tokyo.
- Professor John Jackson, '59, Hessel E. Yntema Professor Emeritus of Law, University of Michigan Law School; Georgetown University Law Center, Washington, D.C.
- Jane Olson, founder and co-chair, Human Rights Watch/California.
- Professor Ernst-Ulrich Petersmann, '91-92 Visiting Professor, Universite de Geneve, Geneve, Switzerland.
- Elixabeth Rindskopf, '68, Bryan Cave LLP, Washington, D.C.
- James Sams, '85, American Development Services Corporation, Chevy Chase, Maryland.
- Professor Henry Schermers, '68-69 and '94-95 Visiting Professor, Juridisch Studiocentrum, Leiden, The Netherlands.
- Gare Smith, '83, U.S. Department of State, Washington, D.C.
- Professor Joseph Weiler, Harvard Law School, Cambridge, Massachusetts.
- Yoichiro Yamakawa, LL.M. '69, '91-93 Visiting Professor, Koga & Partners Tokyo, Japan.

Center co-sponsors speaker series

International specialists are featured in a series of talks sponsored by the Center for International and Comparative Law and the Horace G. Rackham School of Graduate Studies.

Some speakers are based abroad, others in the United States.

Bryant Garth, of the American Bar Foundation, launched the series in January with a discussion of "The Diffusion of Law: Invention, Adoption, and Imposition."

Other speakers and their topics are:

Feburary 15: Bojosi Orlhogile, Faculty of Law, University of Botswana and member of the Commission of Inquiry into the Judiciary in Botswana, speaking on "Legal Pluralism and Legal Process."

February 22: John Bruce, Wisconsin Land Tenure Center, "Property Rights."

March 15: Ibrahim Juma, Faculty of Law, University of Dar es Salaam, "The Politics of Land."

March 22: Paul Collier, World Bank, "States, Markets and Development."

March 29: Rick Messick, World Bank, "Legal Frameworks for Competitive Markets."

April 5: Kathryn Hendley, University of Wisconsin Law School, "Does Law Really Matter?"

PHOTOS BY BILL WOOD/UNIVERSITY PHOTO SERVICES

Professor José Alvarez, director of the Center for International and Comparative Law, launches a discussion during the first meeting of the Center's advisory board in October. With him, from left, are Assistant Dean for International Programs Virginia Gordon, Dean Jeffrey S. Lehman, '81, and Gare Smith, '83, of the U.S. Department of State.

Riding the past into the future

Few choices could have reflected the growing impact of international law as well as the 1998 Bishop lecturer, Justice Richard J. Goldstone of the Constitutional Court of South Africa.

Goldstone's talks on the South African constitution and the war crimes tribunals that the United Nations established for the former Yugoslavia and Rwanda reflected this growth both worldwide and in a single country. He spoke on "The New South African Constitution: The Importance of Comparative Law" in his first lecture and on "International War Crimes Prosecutions: Retrospect and Prospect" in his second talk. Both lectures drew standing room only crowds.

Goldstone has been on the Constitutional Court since it was established in 1993 under South Africa's interim constitution. He took a leave from 1994-96 to serve as chief prosecutor for the *ad hoc* war crimes tribunal for the former Yugoslavia and then the similar tribunal for Rwanda. Goldstone also serves as Chancellor of the University of Witwatersrand in Johannesburg and serves on the board of its School of Law. In addition, he heads the board of the Human Rights Institute of South Africa and is a governor of Hebrew University in Jerusalem. He received the American Bar Association's International Human Rights Award in 1994.

The William W. Bishop Lectures in International Law began after Bishop's death in 1987 as a way to commemorate the late, longtime faculty member's contribution to international law studies and to showcase the thinkers, movers and shakers of international law. The Bishop Lectures this year were part of the official opening in October of the Law School's Center for International and Comparative Law, which is directed by Professor José Alvarez. (See story on page 8.)

"I welcome, from my own experience, the setting up at this law school of the Center for International and Comparative Law," Goldstone said. "I know of no better way to learn about one's own legal system than by studying others."

Together, Goldstone's talks laid out events that a decade ago would have been unthinkable:

■ The abolition of South African apartheid and the establishment of a democratic constitution steeped in humanitarian rights. Framers of South Africa's constitution looked to their own colonial past of Roman/Dutch and British law as well as the fundamental law of many other countries to forge their national fundamental law. Along the way they incorporated into their Bill of Rights and elsewhere the human rights that many anti-apartheid leaders had learned and adopted from earlier international efforts.

■ The establishment of *ad hoc* tribunals in 1993 and 1994 to try war crimes suspects in the former Yugoslavia and Rwanda led the way last summer to 120 nations' acceptance of a treaty to establish a permanent Court of International Criminal Justice. In voting to establish the court, the representatives resurrected a dream that first was discussed in the days after World War II and during the Nuremberg and Tokyo war crimes trials.

"The obvious star that we used to guide us was comparative law," Goldstone explained of development of the South African constitution, which has governed the country since 1997.

South African judges already had considerable experience using comparative law. The common law is Roman/Dutch, dating from Dutch colonization of the country in the 17th century. British colonizers left the system pretty much intact when they ousted the Dutch.

In this century, leaders of the African National Congress (ANC) and other anti-apartheid groups were steeped in international human rights law and brought that perspective to South Africa as part of their battle against racial segregation.

"The anti-apartheid movement was very much an international human rights movement," Goldstone said. In 1956, he explained, four years before it was banned, the ANC surveyed hundreds of thousands of South Africans to ask what kind of constitution they wanted for their country when it became free. The subsequent Congress of the People took those findings and adopted the Freedom Charter calling for property, legal, political, civil, and other rights.

Framers of South Africa's interim and final constitutions examined the constitutions of the United States, Canada, Australia, New Zealand, Germany, and many other countries as they did their work. The constitution even directs judges to consider international law when interpreting the document's Bill of Rights, perhaps the most extensive in the world. International and comparative law perspectives continue to influence South African decision-making as the courts establish jurisprudence for the young constitution, Goldstone said.

Here's an example. When an imprisoned father of an 11-year-old daughter challenged President Nelson Mandela's pardons for most women prisoners with children under 12, the Constitutional Court looked to decisions in England, the United States, Australia, and New Zealand before concluding that it had the power to review a presidential pardon. The United States

Continued on page 12

Justice Richard J. Goldstone of the Constitutional Court of South Africa delivers the first of his two William W. Bishop Lectures in International Law at the Law School in October. Goldstone spoke on the South African Constitution and the war crimes tribunals established for the former Yugoslavia and Rwanda.

ABOVE: *Gina Petro, editor in chief of the* Journal of Gender & Law, *and Patrick Hallagan, editor in chief of the* Journal of Law Reform, *chat with Justice Richard J. Goldstone as the South African jurist and his wife, Noleen, prepare for an informal dinner with these and other Law School student editors: Devin Gensch,* Telecommunications & Technology Law Review; *Joshua Levy,* Journal of International Law; *Anthony Miles,* Journal of Race and Law; *and Bill Sherman,* Michigan Law Review. *Others attending included David Backer, a doctoral student in the U.S./South African Comparative Constitutional Law class and a former Fulbright Fellow in South Africa; and Tung Chan, '98, who as a law student worked at the Legal Resources Center in Capetown as part of a Law School program in South Africa. During his visit Goldstone also held two luncheon meetings with leaders of other schools, regional study centers and other units of the University of Michigan.*

LEFT: *A standing room only audience overflows into the anteroom as Justice Richard J. Goldstone (barely visible between the heads of listeners) delivers the William W. Bishop Lectures in International Law.*

PHOTOS BY BILL WOOD/UNIVERSITY PHOTO SERVICES

Continued from page 10

and parliamentary systems forbid judicial review of a pardon, but the South African justices also detected "a trend to more review" in some countries.

"We decided that under our constitution . . . all South Africans, including the president, are subject to the constitution," Goldstone said. "Therefore the court can review acts of the president. This was a fundamental decision. Nothing the president does is beyond review."

But the court also decided that the "unique" conditions of the time meant that the president's pardons of the women were not unconstitutional. Mandela, who had spent more than 20 years in prison for his ANC activities, pardoned the women as he assumed the presidency of South Africa.

Mandela was present when the new South African Constitutional Court justices were seated. He noted then that "the last time I sat in a South African court, it was to learn whether I was to be executed." In one of its first cases, the new Constitutional Court declared the death penalty unconstitutional.

In many ways, like the South African constitution, the *ad hoc* war crimes tribunals grew from international efforts that had preceded them. Goldstone was the first prosecutor for both the tribunal for the former Yugoslavia in 1993 and for the tribunal for Rwanda in 1994. Previously, no one could have discussed such bodies, "except to regret how little had been done since Nuremberg," he said.

The idea for humanitarian law grew out of World War II and the Nuremberg trials, in spite of their shortcomings, were "a huge step forward," he said. "Nuremberg gave birth to universal jurisdiction [and the idea] that some crimes are so heinous that they attract attention from courts wherever they may be."

Nuremberg was criticized for dispensing "victors' justice" and other faults, but "it was an achievement for humankind that a trial was held at all, and that criticism, in my view, pales into insignificance," Goldstone said. Both the Geneva Conventions that followed World War II, and the later Apartheid Convention, referred to an international court — but it never was established.

"Unfortunately, nothing happened for over 50 years . . . because nations' governments were not prepared to give up part of their sovereignty to give up some of their citizens."

Later, war crimes were committed in Cambodia, Iraq and elsewhere, but the western democracies were able to avoid challenging the perpetrators head-on. Finally, slaughters and war crimes associated with the breakup of the former Yugoslavia raised a spector that could not be ignored. The atrocities in Bosnia reminded many of the Holocaust, and they were taking place very close to home in Europe. In addition, the end of the Cold War allowed Russia and China the freedom not to oppose the first tribunal. Establishment of the Rwandan tribunal that followed, was easier, but neither action was made without internal or external opposition.

The tribunals have been hard put to indict top leaders, and have had other failures, but have established "beyond question" that international courts can hold fair trials, Goldstone said. He credited Law School professors Alvarez and Catharine A. MacKinnon for "stretching the envelope" to bring acceptance of the idea of gender war crimes. He also praised the value of live tribunals using international law to try war crimes suspects. "If you don't test it, the law stagnates," he said.

The multi-nation vote last summer to establish a permanent international criminal court represents a "huge success," Goldstone said, but he feels "deep regret" that the United States was among the seven countries that voted against the court. "Without the United States actively supporting the International Criminal Court it will be much weaker," he said.

"One hundred and sixty million people have been killed in wars in this century," he reported, and civilian deaths account for steadily rising percentages — from 1900-1950 warfare claimed one combat soldier for every civilian; since 1950 the ratio has shifted to eight civilians for every soldier.

"If that's what happened in this century, what will happen in the next?" Goldstone asked. The permanent international criminal court "won't stop all crimes, but it will stop some people from committing some of the worst crimes known to humankind."

Criminal Law Careers —

Law students discuss careers in criminal law in this program in November sponsored by the Criminal Law Society. From left are: Maaike Hudson, Patti Kim, Nicky Epstein, Sarah Riley and Candice Greenberg.

Guindi, '90, named director of Career Services

Susan M. Guindi, '90

"You get the sense that many students believe there is a track that they will be on, that they won't be able to do something different. I want to help students see that they have many choices in front of them."

— SUSAN M. GUINDI

Susan M. Guindi, '90, already felt at home at the Law School when she was named director of the Office of Career Services in August. After three years as associate director of the Office of Public Service, and her three earlier years of study at the Law School, she knows the school as both a student and as a staff member. She also knows firsthand the working world of the new law school graduate: she clerked for then-Michigan Supreme Court Justice Dennis Archer and for Chief Justice Conrad Mallett, Jr., and practiced law in Washington, D.C., with both a large firm (180 attorneys) and a smaller firm (20 attorneys).

This experience, coupled with her love of working with students, gives her an empathy for student concerns and a credibility with students and recent graduates that stands her in good stead. "I love working with students," she says. "Counseling students and graduates is very gratifying."

Assistance from the Office of Career Services is more important than ever for students and graduates, Guindi says. Many students graduate from law school with large education loans to repay, and this burden of debt can affect their choices of jobs. There also seems to be "more anxiety" among students about getting a job than there was 10 years ago, when Guindi was going to law school.

The fact is that many graduates will hold several jobs throughout their careers, and students need to understand this, Guindi says. "You get the sense that many students believe there is a track that they will be on, that they won't be able to do something different. I want to help students see that they have many choices in front of them."

Nor is Career Services' assistance limited to current law students. Guindi says Law School graduates who have returned to the job market also can call on Career Services. "I think we need to do a better job of outreach to graduates, and not just be here for students," she says. "I get calls from graduates, and I do long-distance counseling. But I'd like to find ways to provide more outreach to our graduates."

In addition, she says, many future lawyers are finding that they will be able to do *pro bono* practice as members of large firms. Some recruiters, she reports, have been pleased to have interviewing students ask about such work with their firms.

Staff members of the Office of Career Services and the Office of Public Service are aware of the often complementary nature of their work and are working more closely together than they have in the past, she says. OPS Director Robert Precht offers job counseling to students, and Precht and Guindi frequently meet to collaborate and coordinate efforts.

"We are collaborating much more in terms of programming and consulting with each other to be sure that both agendas get incorporated into the main agenda," Guindi says.

"I am absolutely thrilled that Susan Guindi is now serving the Law School as director of Career Services," said Dean Jeffrey S. Lehman, '81. "I have known her for many years, and I have long admired her judgment, poise, and knowledge of the legal profession. She has an extraordinary capacity to recognize and respond to students' needs.

"I have heard only positive reactions from students to Susan's work, and I expect that she will have a lasting impact on how we help our students to achieve their professional goals."

Added Precht: "By her example of balancing a successful private practice with significant *pro bono* work, Susan Guindi not only knows what she's talking about, she is a wonderful role model for our students."

Guindi, who replaced Susan Weinberg, '88, attended Oberlin College and received her B.A. in political science from the University of Michigan. A *magna cum laude* graduate of the Law School, she received the Order of the Coif and was contributing editor of *Michigan Law Review*.

After clerking for Michigan Supreme Court Justices Archer and Mallett, she practiced with Dickstein Shapiro & Morin and Nussbaum & Wald, both in Washington, D.C. She is the 1998-99 chair of the Public Service Committee of the National Association for Law Placement.

2001 a legal odyssey

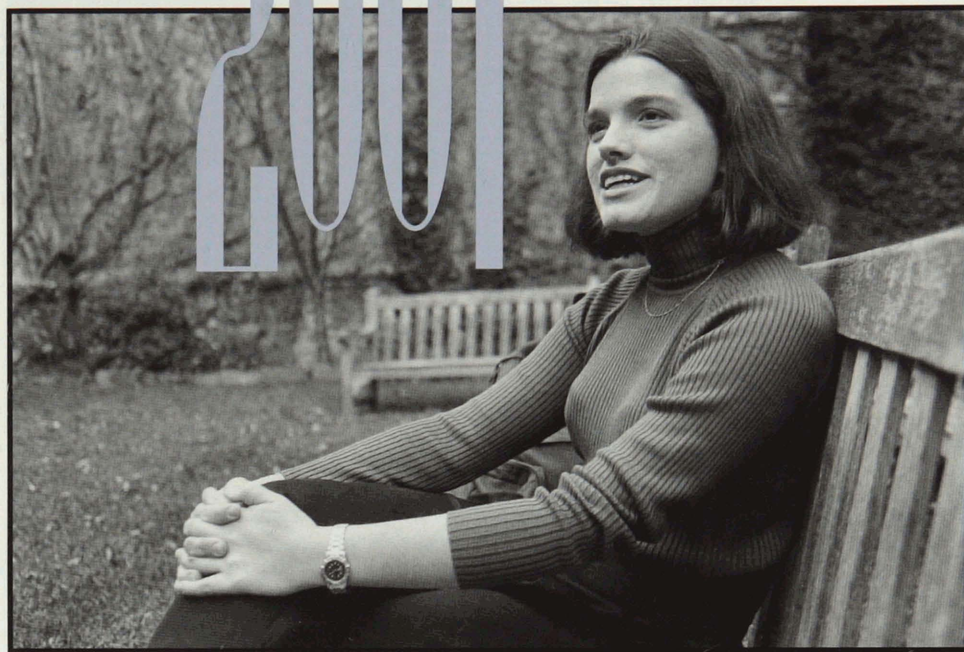
The University of Michigan Law School's entering class in 1998 continues the tradition of its predecessors: Its students are high achievers, represent a variety of viewpoints, goals and backgrounds, and find the study of law to be challenging, rigorous, and rewarding.

Each first-year student also is unique, adding to the diversity that enriches the Law School experience for everyone — students, faculty, and staff. Here, we present a numerical snapshot of the class of 2001 as well as the opportunity to "meet" several members of the class.

1998 Entering Class	
Summer Starters	88
Fall Starters	253
Total 1998 Starters	341
Male	58 percent (199)
Female	42 percent (142)
Students of Color	22 percent (76)

Source: Office of Admissions

2001



Shayna Susanne Cook

Shayna Susanne Cook's undergraduate internship in the U.S. District Court of the Western District of Texas was a major step in convincing her that the study of law lay in her future. "The best part of it was seeing that judges are people, people you can interact with," recalls Cook, who began her studies at the Law School last fall. "It also gave me a chance to observe the defendants and the defense lawyers, and compare them to the prosecution."

Many defendants in the court, located in San Antonio, were Spanish speakers, and Cook often saw her boss, U.S. District Judge Orlanda Garcia, use his bilingual skills to keep a trial moving. Sometimes, Garcia simply would switch from English to Spanish to answer a question, Cook says. However, few U.S. prosecutors exhibited any knowledge of Spanish, according to Cook.

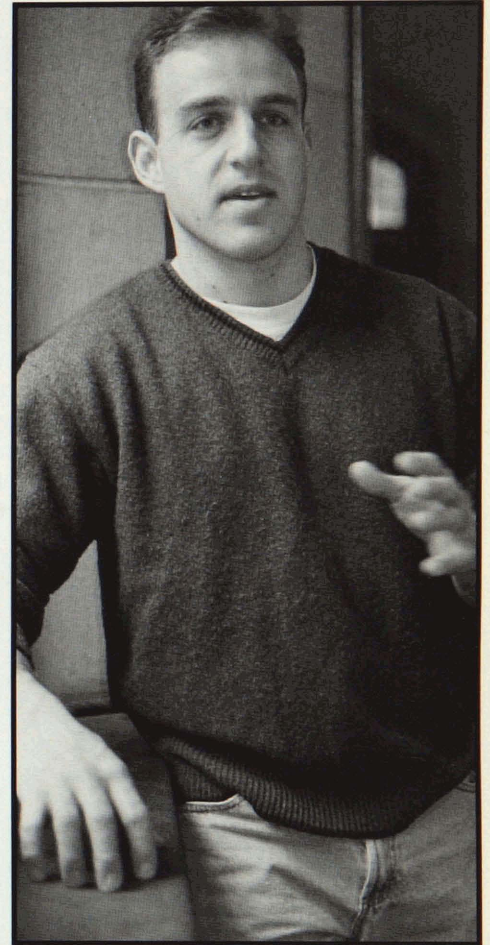
Cook focused on American history and African American history on the way to earning her bachelor's degree from Trinity University in San Antonio. "I took classes in law and realized that I am really interested in constitutional issues and civil rights," she says. In addition, "I like to write, and that is one of the reasons I came to law school." She came to the Law School after spending the summer after her graduation working with a law firm in her home city of Wichita, Kansas.

She decided on the University of Michigan Law School after spending four days here during the spring. "When I was visiting, I was really impressed with the school, and particularly with the clinical program," she says. "Michigan seems to pay a lot of attention to service to the community. The students and professors I talked with were very responsive."

During her first term in law school, Cook worked with the Family Law Project on a domestic abuse case. The practical experience the case provided was helpful, she says, and "it was a good experience because it gave me something else to focus on other than myself and my classwork."

As for the future, she confesses she's undecided. "I'm interested in public interest work, and this summer I hope to do public service work, either with a legal aid society or doing legal work for AIDS patients." HIV-positive people often need legal help with housing, employment, medical care and other issues, she says.

"One of the main reasons I came to the Law School is that I want to have the resources to help people," she adds. "I think a law degree is a tool to use to help people, a tool that a lot of people need and don't have access to."



Paul Diller

The law lies at the heart of so much that fascinates Paul Diller: American public life, public institutions, political philosophy. A graduate of the University of Pennsylvania — with a bachelor's degree in applied science and another in economics with a public policy concentration — Diller sees the law as "central to our public institutions like government."

In addition, his interest in studying and practicing law has been nourished by his sister, Rebekah, a public interest

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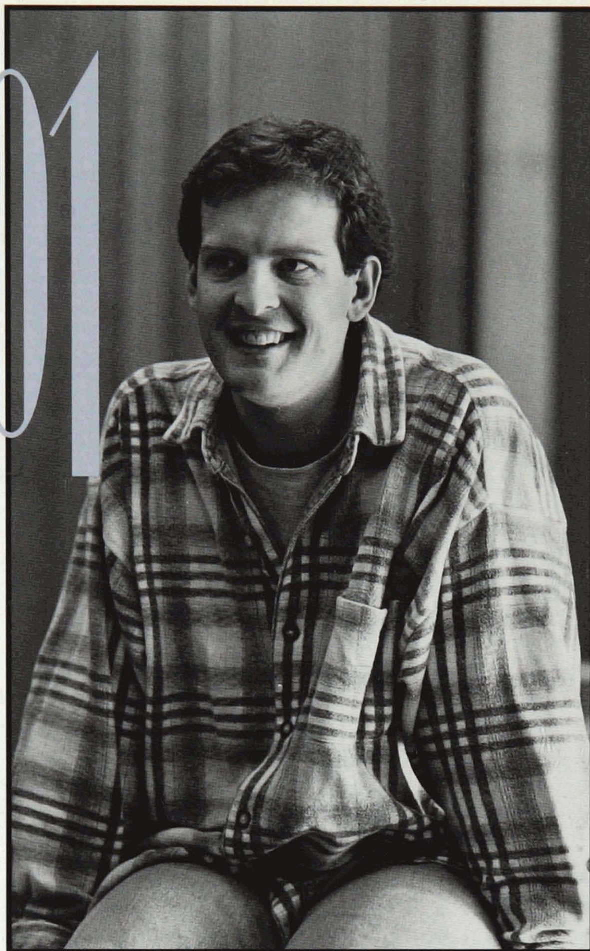
attorney in New York City, and friends who are lawyers.

"During my last semester of college I took a history course in which we studied the philosophical foundations of American constitutional democracy," he explains of his decision to come to the Law School. "While I had always been interested in law school for practical reasons, this course piqued my interest in the more theoretical areas of the law. Michigan appealed to me because of its intensely theoretical legal pedagogy and its emphasis on interdisciplinary education."

"The environment here is very collegial," he continues. "I think the Lawyers Club fosters a camaraderie among first-year students that is unique. The professors present the material in an engaging fashion and they all seem to really enjoy teaching law."

The field of law is filled with options, and Diller says that at this early stage he still is exploring them. "I have not decided to specialize in any area of the law just yet, but I am particularly interested in constitutional law, as well as the intersection of law and political philosophy. I am very interested in teaching law some day, but I also would like to do public interest work."

2001



John G. Knepper

Working with then Senate Minority Whip Alan Simpson and Tennessee Senator Fred Thompson has convinced John G. Knepper that he wants to return to Wyoming — and that spending three years in the Law School on his way back offers the best chance at satisfaction once he gets there.

"I want to go back to Wyoming and do economic development work there," says Knepper, who worked for Republicans Simpson and Thompson for a total of nearly six years after earning his bachelor's degree from Harvard University. He majored in an interdisciplinary program of history and political philosophy called Social Studies. His senior thesis wrestled with the excesses that characterized the Salem witch trials in Massachusetts in 1692.

Knepper credits his certainty about his future career to his work in Washington, D.C., in the successful gubernatorial campaign of Don Sundquist in Tennessee, and to his five-month car-camping tour of the United States in 1993.

He started that trip by doing flood relief work after the devastating Mississippi River floods of 1993; later, during the star-filled quiet of an overnight at Chincoteague-Assateague National Seashore, he sensed the kind of unspoiled, daunting newness that the earliest colonists must have felt; still later, he marveled at the expanse of Big Bend National Park and the antiguity of life at Joshua Tree National Monument. "I visited places I'll probably never get back to," he says now.

Wyoming, with fewer than 500,000 residents, has the smallest population of any state. Knepper says that fact contributes enormously to the kind of life that he expects to live there, a life in which neighbors know each other and problems are handled and solved by those who are closest to them.

That's not to say the state hasn't got problems, he warns you. Young people are leaving in greater numbers than they are arriving; tourism is a growing industry but it yields mostly low-paying jobs; the state's coal industry faces a bleak future; range-raised beef, once part of every American's regular diet, has seen its appeal shrink.

Knepper's political experience is considerable. He worked in the gubneratorial campaign of Tennessee Governor Sundquist. He spent four years with Wyoming Senator Simpson working on political duties and legislation involving immigration, crime, health care and

welfare, and spent nearly two years with Thompson, who headed the campaign finance investigation of Clinton and other Democrats.

Early on in Washington he got what he calls "a really bad piece of advice" — a veteran attorney on a lawmaker's staff told him that "If you want to be a lawyer, go to law school, but if you don't want to be a lawyer, you don't need to go to law school."

Within a couple of years Knepper realized how bad that advice was. He realized that he was one of the few people working with the Senate Judiciary Committee who did not have a law degree. He realized that "there are a lot of things I want to do, that I'm interested in, and that law school is a good way to explore them." For example, he says, he's interested in how people relate to one another, and on a larger scale, how different groups in society relate to one another.

So why Wyoming?

His roots there reach deep. His great grandmother, riding in a covered wagon, moved there at the age of eight during the 1890s. He spent his boyhood there, graduated from high school there, and went back during college whenever he could.

"It's where I'm from. I grew up there. Even during my college years I lived there, too. I spent my time in Simpson's office working on Wyoming issues, and Wyoming values, to the extent that an office in Washington represents those values. It's always been where I call home."

Chad Omar-Jai Langley

Chad Omar-Jai Langley agrees that summer starters share a special attachment to each other and the season that they began their legal studies. It was his summer work with AT&T's law and government affairs division that convinced him to come to law school. And he believes that starting his study at the Law School in the summer was "invaluable to both my professional and social development."

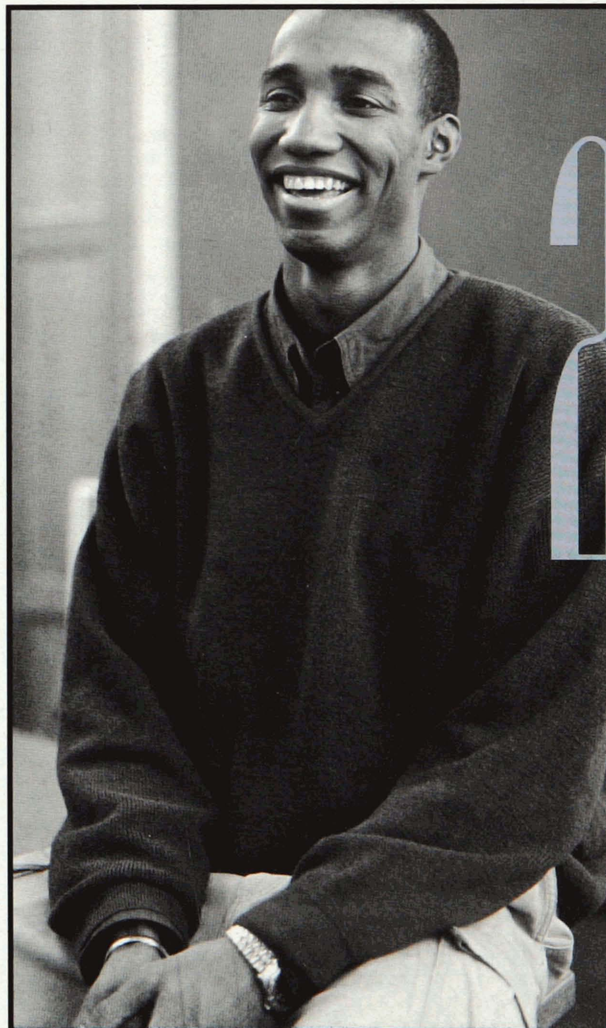
Langley graduated from the University of Virginia with a major in finance and marketing. Those studies had little impact on his decision to attend law school, he says, but in the future he expects them to fuse with his legal education to create a satisfying career. "I am very interested in working with innovative new businesses and the entrepreneurs who start them," he explains.

The turn toward law came for Langley during the summers that he worked with AT&T while the communications giant was trying to help shape the Telecommunications Act of 1996. "During those few summers, I developed a fascination with the legislative process that led me to pursue a law degree," he explains.

His father is a lawyer, so Langley already had a sense of what legal practice demands. To get to that profession, "I chose the University of Michigan because of its diverse student body, its renowned faculty, and its impeccable reputation," he says. "I have found the environment to be incredibly stimulating and accommodating, both academically and socially.

"The faculty have lived up to their reputation for providing a rigorous and challenging academic environment while fostering camaraderie among the students."

As for starting in the summer, "I believe that beginning during the summer, with such a small group, allowed me to develop lasting friendships with many of my classmates in the summer section. It also facilitated my transition into a relatively new environment."



2001

Wei-Drin Lee

"Diversity in thought is extremely important to me," explains first-year law student Wei-Drin Lee.

"I completed my undergraduate degree at Princeton University, where I studied music with a focus in composition, writing mostly piano music, computer music, and some works for small chamber ensembles. While composing music fulfilled me in a very particular way, I missed engaging other aspects of my mind. Sitting in front of the piano all day often kept me from the experience of engaging with the outside world, and I really wanted to do something to return.

"The J.D., renowned for its flexibility, seemed like a good choice. Law school would allow me to push myself intellectually while maximizing my opportunity for interdisciplinary thought."

This doesn't mean that she has left music behind, however. She expects to work in copyright law, "perhaps eventually evolving into an interest in entertainment law as my life, at least the hidden parts of it, still remains rather devoted to the arts. It is my intention to practice law when I graduate, but I can easily see myself 10 years later sculpting my J.D. into some other kind of tool benefiting another area of life."

Lee described her previous contact with the legal profession "as any experience an average person might have, struggling with the esoteric language of the law. I perceived law everywhere around me, but was frustrated with the relative lack of access available to the layman. So going to law school had some overtones of a pursuit of empowerment, I suppose."

The University of Michigan Law School attracted her because of both "the quality of what would be taught within the walls of the school and the quality of the people who would be within the walls. . . . Studying law is not just a walk in the park, and it is important to know that my colleagues are people who have positive bearing on my life, outside of being merely fellow law students."

Sharing her first year with such students has been helpful. Like most entering law students, Lee has found herself in basic training for a rigorously educated profession.

"First semester first year is not a sweet cow that will lick your hand. It is a temperamental bull that will try to gore you if you loiter around the fence. I speak mainly of the aura surrounding the first year experience in general, not Michigan in particular. Many of my fellow students have described it as boot camp, and I am still unsure why our initiation into law school should be one that has the potential of embittering wide-eyed enthusiasm. I chalk it all up to tradition."

Alessandra Testa

For Alessandra Testa, it was her work with women prisoners that led her to the Law School. She had earned her bachelor's degree in psychology at Columbia College, Columbia University, and was working as a researcher for a Columbia psychology professor.

"During some of this time, I also worked as an interviewer in a women's maximum security prison for a research project investigating the interaction between drug/alcohol use and family violence," she explains.

"I had worked on a similar family violence project in a hospital setting, but working in a prison setting gave me a different perspective on the issue. Oddly enough, I felt that the correctional facility was the first safe place that some of these women had experienced. It was very sad to me that prison was often the first legal intervention in their lives, which started me thinking about the different ways the legal system could have intervened to protect them at earlier points in their lives. That experience put the thought of going

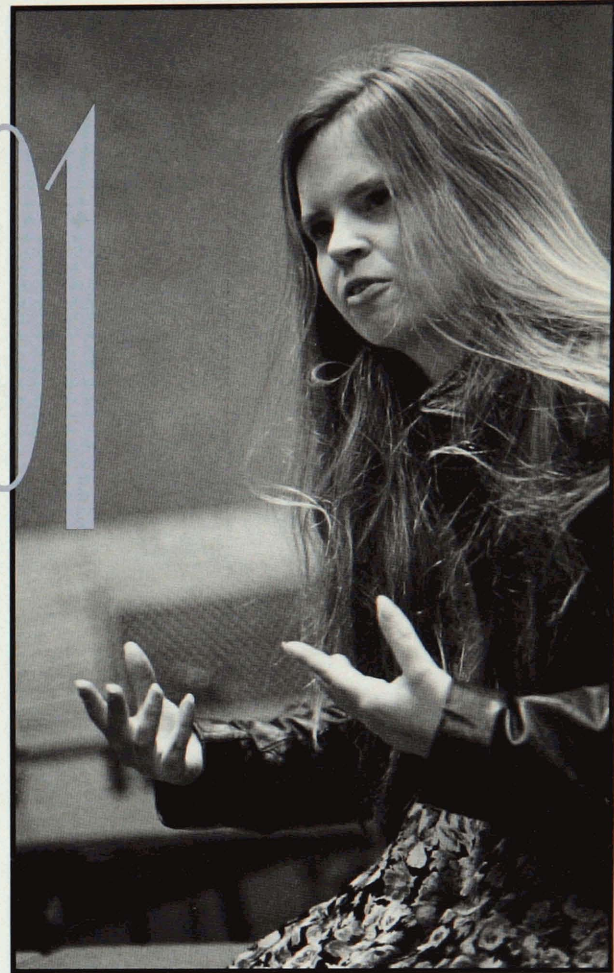
to law school into my head. When I finally decided I didn't want to pursue a graduate degree in psychology, it was very easy for me to make the decision to pursue an education in law."

Testa began her legal studies last summer — "I was influenced by the prospect of being in Ann Arbor in the summer, starting with only three classes, and finishing in December 2000" — and quickly became an active member of the Law School community. She represents her first-year section on the Law School Student Senate, has been part of the Family Law Project, which aids domestic violence survivors in obtaining Personal Protection Orders, and has been working on the *Michigan Journal of Gender and Law.*

"It was especially great to start with Professor White's (Robert A. Sullivan Professor of Law James J. White, '62) Contracts class," she says. "His technique of calling on students to discuss cases that had something to do with their background made the classes come alive. I think it made the students more involved in the readings, trying to determine if Professor White could connect them to the readings in any way."

"I think the diversity of my classmates' experiences has really added to the material we have studied," she remarks. "They bring a perspective to the class that highlights the complexities of the topics we study when they are applied in the 'real world'."

2001



Bonnie Heather Walker

Bonnie Heather Walker saw her teaching of English composition and English literature at the City University of New York (CUNY) as a way of "giving a voice" to her students. Many used English as their second language, and others had enrolled without the speaking and writing skills that college work requires.

It was working with those students that led Walker to enter law school. She had graduated from Bryn Mawr College with a major in English and French, and taught undergraduates for six years while earning her master's of philosophy in English literature at the CUNY Graduate Center. Slowly, she came to appreciate how her students' classroom difficulties often reflected other longstanding problems.

"It wasn't a very easy decision to come to," she says of her own move to the study of law. "It wasn't something that had occurred to me when I was an undergraduate."

At CUNY, "In my class I was encountering a lot of people from disadvantaged backgrounds, who hadn't been treated fairly by the education system, who hadn't had access to other social resources that they should have had access to.

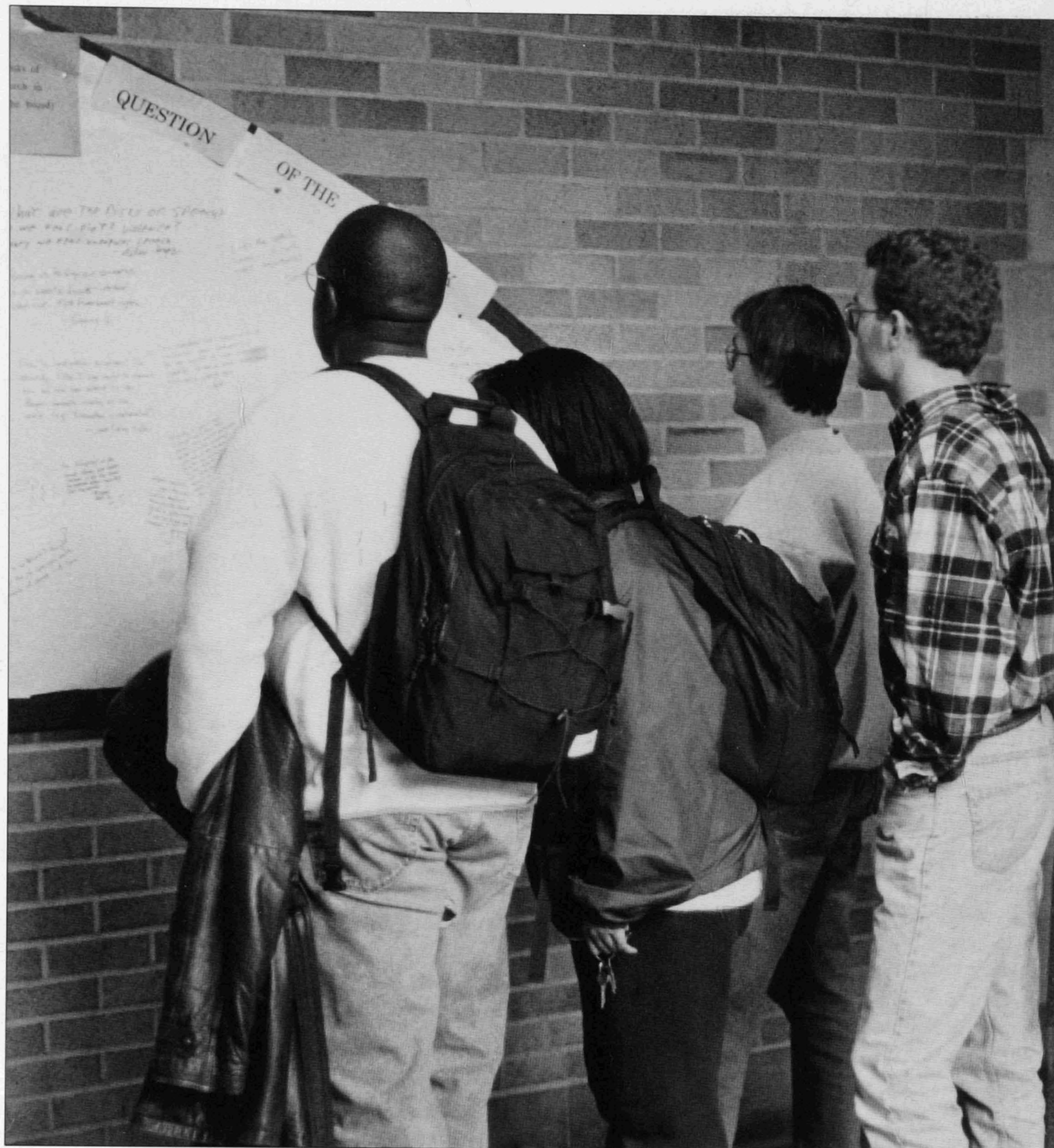
"I felt that what I was doing was giving them a voice, in a sense, but I felt that there was a limit to what I could do about the issues in the classroom. . . . I thought there's more potential for addressing these public policy issues that have to do with equal opportunity through the law."

After working a year as a paralegal staffer for a New York City law firm, she began studies at the Law School last fall. "It's a lot different from graduate study," she reports.

"In graduate study you go in depth, do a lot of independent work. In law school, you're asked to take a problem and look at it from as many sides of the problem as could possibly exist. You're asked to look in ways you'd never dreamed of before, asked to think in ways that aren't comfortable. It's a much more disciplined form of study."

"In a sense, the whole thing is a sort of immersion process," she adds. "Before you know it, it shapes how you think."

A new role for the 'weeping wall'



Law students check responses to the current week's question on the "weeping wall" in Hutchins Hall. Usually reserved for the posting of final examination grades, the space became home during the fall term to weekly questions posted by students working with the student group Perspectives of Women.

Law students call it the "weeping wall" because the bulletin board on the south wall of the first floor of Hutchins Hall is where final examination grades are posted at the end of each term.

During the recently ended fall term, however, the wall took on a new life as the site of a weekly posting of questions for student comment. "We're a law school. Let's talk," encouraged a big sign at the right side of the open white sheet of paper posted for student comments.

Fourteen questions appeared during the term, a new one each week. The queries were the work of the student group Perspectives of Women and initiated by third-year law student Hilary Taylor with the help of Jessica Silbey, '98, a doctoral candidate at the University of Michigan.

"We don't have a space where we can get together and find out what people think" and wide ranging debate is not always possible within the classroom, explained Taylor, so a public place that students pass by daily offered great potential for a student dialogue for all to see. "This wall was an attempt to uncover the differences in opinions and often submerged perspectives, to bring them out and to enable conversations around them. It was a chance for the students to be more proactive, to plant the seeds of discussions, and encourage students who are often not participating in the first place."

Students responded throughout the term, with contributions that reflected the full arc of social, political and personal beliefs. Answers ranged from sage to sarcastic. Some were whimsical. Some generated responses of their own.

Taylor confessed to being anxious whenever she walked past a new question and its responses. But by the end of the term she considered the wall to be a success. Overall, she said, "people think that it's been a positive thing." Respondents were asked to sign their remarks.

"I think that all sides are speaking on the wall," Taylor explained. "I also like the idea of students being proactive and going beyond what happens in class. . . They read the wall and talk about the wall. I just want people talking."

Here are some answers to the question "What's your ideal job? (Pretend student loans are not an issue.)":

- "Student loans aren't an issue? Student for life."
- "First black female Supreme Court Chief Justice."
- "Federal Prosecutor."
- "Public Defender."
- "Independent Counsel."
- "To be . . . J.J. White [Robert A. Sullivan Professor of Law James J. White, '62]."
- "Ben and Jerry flavor tester!"

And here's an answer to the question asking for students' favorite lawyer jokes: "You can always tell a lawyer (but you can't tell him much)."

Following is a sampling of other questions that appeared during the term.

- What does it mean to be an intern? If Bill Clinton had been Monica's teacher, would it have been harassment?
- What does Ally McBeal do for the image of lawyers?
- Does the Socratic method work?
- The current debate seems to center around affirmative action as an issue of race. Do you regard it as an issue of gender as well?
- Against "popular" opinion, Congress is proceeding with impeachment hearings. What would President Clinton's removal from office signify for the country?
- Is it constitutional to restrict marriage to partners of the opposite sex?
- Is there equal access to opportunity at this law school? Should there be? How does this affect opportunities outside the school?
- Reform Party candidate and former professional wrestler Jesse "The Body" Ventura is governor-elect of Minnesota. What does this say about our two-party system?
- Regardless of what the law says, should juries always do what they think is right?
- For what Supreme Court decision are you most thankful?
- Are the risks of anonymous speech in this context (the board) too great?

Hilary Taylor stands at the bulletin board display where she posted weekly questions for student comment throughout the fall term. "I wanted to encourage discussion," she says.

Finding food for thought in the 'brown bag'

Time is as precious for law students as it is for practicing attorneys, as anyone who has been either will testify. What attorney hasn't conducted business or plotted strategy over lunch? And what law student hasn't brown bagged his lunch at least once in order to squeeze in a chance to hear a special visitor speak or a faculty member expand on regular classroom programs?

The Law School's Office of Student Services capitalizes on the academic tradition of brown bag lunches to offer special programs that cut across classroom enrollments and bring special visitors to the Law School to share their experiences. Two of these programs during the fall term included talks by Elizabeth Pollard Hines, '77, Chief Judge of the 15th District Court of Washtenaw County, and Paul Reingold, Director of the Law School's Michigan Clinical Law Program.

Both sessions took place in October in the informal atmosphere of the Lawyers Club Lounge, as do most of the midday brown bag programs presented by the Office of Student Services. Hines and Reingold took seats with students arrayed in a semi-circle in front of them to listen and then ask questions.

"I like to think of it as the emergency room of the court system," Hines explained of her court, which handles cases ranging from landlord-tenant disputes and traffic tickets cases to first hearings for felony offenses. She and the court's other two judges expect to handle 44,000 cases during 1998, she predicted. In any half day, there may be 70-150 cases. "One day it ranged from illegal possession of a skunk to murder."

Hines, who was a county prosecutor before becoming the first woman elected to the Fifteenth District Court bench in 1992, said that she enjoys her work because of the variety of people and issues that come before her. She said she tries to decide cases promptly because "I know that people come to court and want to be heard."

Students are welcome to attend court to see how county courts work, she said, and she invited interested law students to accompany her on one of her regular trips to the county jail for first hearings there. She had three tips for future lawyers or judges:

1. Your integrity is the most important thing.
2. Keep your sense of humor.
3. It's important to be involved in the community.

In contrast to Hines' description of her work, Reingold focused tightly on part of a complex case that involved prisoners' rights issues in all four states of the federal Sixth Circuit.

The case involved a jailhouse lawyer named Thaddeus X and his client, Bell. Thaddeus X argued, among other complaints, that prison administrators and guards had retaliated against him for his legal efforts by giving him cold food, denying him pencils, moving him to harsh living quarters and harassing him in other ways. An Ann Arbor magistrate recommended dropping many of the claims, but not the charge of retaliation. But the judge rejected the magistrate's decision and rejected all of the plaintiff's claims. Thaddeus X appealed.

The Law School Experience —

Asian Pacific American Law Students Association (APALSA) members Kevin Pimentel, 3L, Marita Etcubañez, 2L, Wei-Drin Lee, 1L, and Tushar Sheth, 1L, outline their preparation for law school and their experiences at the University of Michigan Law School during a session for undergraduates on "How to Get into Law School" that was part of the Association for Asian American Studies' East of California Conference at the Law School October 30-November 1. Focusing on the subject "Mapping the Geographies of Asian American Studies," the conference drew 250 participants. APALSA was one of the conference sponsors. Visiting Professor Maria Ontiveros moderated the panel on "Asian Americans in the Law."

Before the appeal could be heard, Congress passed the Prison Litigation Reform Act (PLRA), which makes it harder for inmates to sue by requiring the exhaustion of administrative remedies before filing suit and prohibiting the waiver of filing fees. Soon the question arose whether PLRA was retroactive and applied to cases that were filed and moving through the judicial system at the time the law went into effect.

At the request of the Sixth Circuit, law clinics in Ohio, Tennessee and Michigan, and a private lawyer in Kentucky took up the case of PLRA's retroactivity for prisoners' cases that already were in the judicial system when the act became law. "They gave us close to 90 minutes to do the argument," an unusually long time and a measure of the importance that the court attached to the issue, Reingold said. "We won in a 2-1 decision." The U.S. Supreme Court denied *certiorari* last spring.

That ruling left Thaddeus X's retaliation case as an active one. "I thought that on the merits this was a case that should not have gone down on summary judgement," Reingold said. "The question for me as a lawyer was how do I make the argument on the merits when I've only been appointed to brief and argue the retroactivity of the PLRA?"

His answer was an "extremely argumentative statement of facts" in the brief. A panel of the court reversed on the merits, but the full court granted re-hearing *en banc*. Reingold argued to the *en banc* court in December 1997 in Cincinnati. With the Court's 16 judges arranged in a horseshoe around him, "it's like being in a shooting gallery" for the attorney making his argument, Reingold said. The court's decision had not been announced by deadline time.

In cases like this one handled by the Law School's clinics, law students perform the full range of attorneys' activities, from discovery and brief writing to courtroom litigation. "In my view, students should have the chance to do some complex litigation while in the clinic," said Reingold, who handled federal court cases as a Legal Aid lawyer and as an Ann Arbor assistant city attorney before coming to the Law School in 1983.

ABOVE: *The three judges of Washtenaw County's Fifteenth District Court are handling 44,000 cases a year, the Hon. Elizabeth Pollard Hines, '77, Chief Judge of the Court, tells students in a lunchtime program on "The View From the Bench," presented in October by the Office of Student Services.*

TOP: *Paul Reingold, Director of the Michigan Clinical Law Program, discusses the clinical law program and a case that its staff handled, during a lunchtime brown bag program presented by the Office of Student Services in October.*

Helping —

Volunteer law students pack food items at Food Gatherers in Ann Arbor during the Fall Community Service Day that was part of orientation for new students in August. Food Gatherers collects perishable and non-perishable food from more than 200 local food businesses and distributes it to nearly 140 community programs. Each orientation session for new students at the Law School includes a community service day in which students may volunteer to work at one of a variety of area agencies. In August, community service day volunteers also worked at Baldwin Center in Pontiac, Dawn Farm in Ypsilanti, Detroit Cannery in Farmington Hills, Detroit Zoo, Focus: Hope and St. John Cantius Church in Detroit, and the Salvation Army in Ann Arbor.

Japanese Supreme Court justice says quasi-judicial commissions would help courts

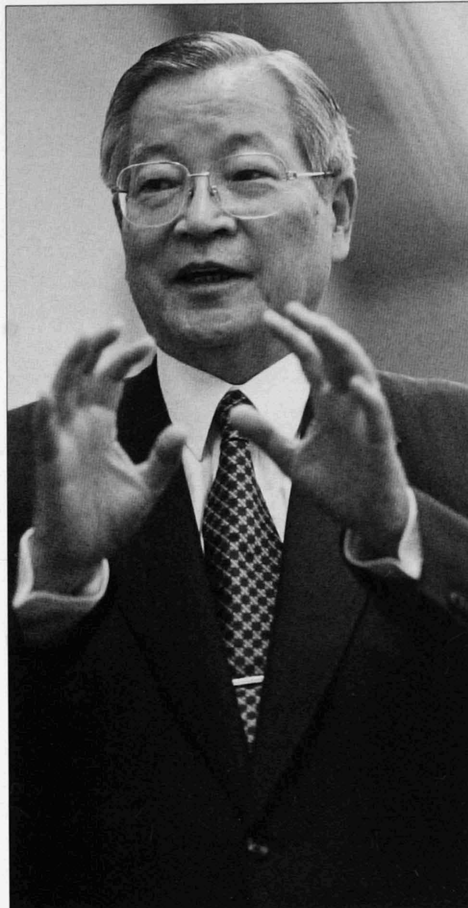
Gazing out from his vantage point of nearly 10 years on the Supreme Court of Japan, Itsuo Sonobe applauds the role of quasi-judicial commissions like the Fair Trade Commission, Civil Rights Commission and others — and wishes that Japan had such commissions.

The Supreme Court alone annually handles more than 1,200 civil cases and more than 300 criminal cases, he says, and Japan's overall court system is overloaded. "We have only national courts. We have no state courts, no county courts or municipal courts." Japan's court system includes one Supreme Court; eight Appellate or High Courts; 50 District Courts; 50 Family Courts; and 438 Summary Courts.

Commissions that hear disputes and use "substantial evidence" procedures to resolve them would relieve overcrowding in the courts and speed decision-making, says Sonobe, who studied the Washtenaw County and other judicial systems when he was a Research Scholar at the Law School in 1957-58.

Much of Japan's legal system is "imported" from the United States, he notes, and "probably we should import the administrative commission system.

"We should have some such quasi-judicial system. We have only administrative action by the government. . . . People should [be able] to appeal to the administrative commission. The problem is that in the Japanese system we have only the Fair Trade Commission that has a substantial evidence system that is a quasi-judicial system." On the other hand, for example, the Prefecture Committee of the government's Labor Committee and the Central Commission of Labor Relations are not governed by evidence rules in their deliberations.



Japanese Supreme Court Justice Itsuo Sonobe, 1957-58 Research Fellow, discusses his "Reflections on the Japanese Supreme Court" in the Dean's Distinguished Lecture to the International Law Workshop at the Law School in September.

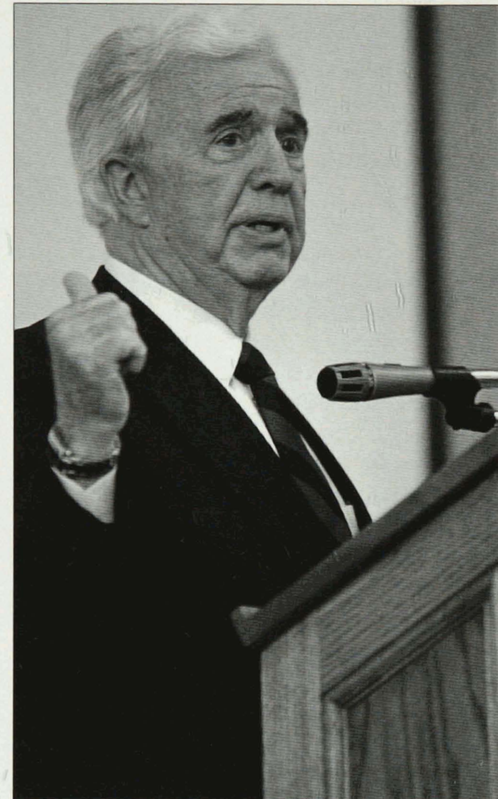
Sonobe visited the Law School in September to deliver the Dean's Distinguished Lecture to the International Law Workshop, a series of lectures that features guest speakers as well as permanent and visiting faculty members who are experts in international legal issues. In his talk, "Reflections on the Japanese Supreme Court," Sonobe urged that Japan adopt a system of cooperation between courts and administrative commissions or tribunals that would reduce court overcrowding by shifting some cases to quasi-judicial administrative proceedings.

He also discussed the Japanese legal system's development of the "supplemental opinion," which allows justices to write separate opinions while maintaining the technical result of a unanimous opinion, and noted that Japan's courts use experienced judges as researchers instead of using clerks, like U.S. courts do.

Sonobe turns 70 on April 1 — he's an April Fool's Day baby, he jokes — and according to Japanese law must leave the bench then. His 10-year tenure is double the average length of time that a justice remains on the Supreme Court. He expects to return to teaching after leaving the court.

Sonobe taught administrative law at Kyoto University from 1956-70, and later at Tsukuba University and Seikei University. His experience as a judge began at the Tokyo and Maebashi District Courts and Tokyo High Court, where he served in 1970-78 and 1983-85. He was a research judge at the Supreme Court from 1978-83 and was appointed to the Supreme Court of Japan in September 1989.

Michigan State Attorney General Frank Kelley, below, and Gail Warden, left, CEO of Henry Ford Health Systems, address participants in the symposium "What's the Prognosis: Managing Care in the Next Century," held at the Law School in October.



BELOW: *Assistant Professor Peter Hammer, '89, right, in his role as moderator, provides the context for discussion of "Industry Self-Regulation." Hammer noted that managed care has changed traditional medical care by bringing providers and insurers together into a single organization. From left, panelists are: Norman G. Tabler, Jr., Senior Vice President and General Counsel, Clarian Health Partners; William M. Sage, Columbia Law School; Mark Hall, Wake Forest University School of Medicine; Susan M. Wolf, University of Minnesota Law School; Susan D. Goold, University of Michigan Medical School; and John G. Day, Senior Vice President and Chief Counsel, CIGNA Corporation.*

How will medical care be managed?

Veteran Michigan Attorney General Frank Kelley put it this way: "Every advanced industrial nation in the world has made the decision that health care should be a public responsibility. We are the only nation going the other way, that health care should be for profit."

And Henry Ford Health System CEO Gail Warden put it this way: "We're suffering from a managed care backlash. Quality is at the top of the agenda, and that is driving what we're doing."

The different approaches taken by Kelley, who the previous week had brought a case against a Detroit nursing home where a patient had been scalded to death, and Warden, a member of the Advisory Commission on Consumer Protection and Quality in the Health Care Industry, which delivered its final report to President Clinton in 1998, mirror the knottiness of the health care questions that face Americans now and in the next century.

Kelley and Warden were keynote speakers for the symposium "What's the Prognosis: Managing Care in the Next Century," held at the Law School in October. The symposium was presented by the *University of Michigan Journal of Law Reform* and the University of Michigan Health Law Society and sponsored by the Law School and the University of Michigan's Medical School, School of Public Health and Horace H. Rackham School of Graduate Studies.

Through two days of talks and panel discussions, participants fulfilled organizers' hopes of providing "a forum for discussion of oversight and regulation in managed care" and wrestling with "the important questions of who should have the authority to monitor healthcare delivery and what any such control should entail."

Assistant Professor Peter Hammer, '89, neatly summed up the setting in his introduction to the panel discussion on industry oversight. "Who is the 'self' in self-regulation?" he asked. "The public? The market? Professionals? The spheres overlap. The HMO changes the nature of the firm that provides health care. Fiduciary obligation may play the role that ethics used to play. . . . Self-regulation in the future will not remember the ethics of the past. . . . We're going to be trusting the market to make the price/quality tradeoff and to make the quality/quantity tradeoff."

Noting the "apparent conflict of interest" that characterizes managed care organizations' united role of "providing and financing health care service," Hammer predicted three changes:

- Greater emphasis on information for accountability.
- Movement toward a tiered system of quality.
- Movement toward licensing or credentialling of health care provider organizations.

"I could never have imagined the depth of the backlash to managed care . . . because it is doing what it's supposed to do — deliver quality care at a reasonable price," said panelist John G. Day, Senior Vice President and Chief Counsel of CIGNA, a health care provider agency. Managed care has made "major progress in rationalizing a segment of the economy that had been long overdue."

But "the consumer is in a particularly vulnerable situation" when he must seek care through a managed care agency that is both provider and insurer, countered Susan Door Goold of the University of Michigan Medical School. In addition, Goold said, "the consumer is not the purchaser" of health care, the employer is.

Other panels dealt with "Government Direction of Healthcare Relationships" and "Stakeholders Shaping Healthcare." Smaller "breakout" groups grappled with "Fitting the Vulnerable into Managed Care: Children's Health, Mental Health and the Impoverished" and "Maintaining Health Care as We Know It: Graduate Medical Education, Biomedical Research and Hospital Integration."

Warden, in his Saturday morning keynote address, noted that quality in health care is "a function of the interplay between the individual consumer, caregivers, the system that organizes the services, the purchasers and payors who buy, and the private and public agencies that handle oversight/compliance." The result is achieved through "an interplay of the different constituencies that have something at stake."

He recounted the work of the Advisory Commisson and outlined the Consumer Bill of Rights and Responsibilities that it devised. The Bill of Rights and Responsibilities says consumers are entitled to information, a choice of providers and plans, access to emergency services, participation in the treatment decision, respect and nondiscrimination, confidentiality, and a procedure for handling complaints and appeals.

Among consumers' responsibilities are to maximize healthy habits, to work collaboratively with health care providers to develop and carry out treatment plans, to disclose relevant information, to "recognize the reality of risks and limits of the science of medical care and the human fallibility of the health care professional" and to "be aware of a health care provider's obligation to be reasonably efficient and equitable in providing care to other patients and the community."

"There will be attempts to eliminate managed care," Warden said, "and that is possible in some places, but it won't happen if managed care does what it needs to do."

Kelley, speaking the previous afternoon, said that in recent years "nothing has the potential of affecting a person's life more" than health care. He recounted how his office rebuffed Columbia HCA Corporation's attempt to take over a nonprofit hospital in Michigan by taking over some of its assets and entering into a joint venture with it. The Lansing-based Michigan Capital Health Center's $90 million in assets had been accumulated as a tax-exempt charity, and these assets could not be taken over by a profit-making enterprise without paying taxes on them, he said. The Ingham County Court ruled that Michigan law forbids a non-profit hospital from entering into a joint venture with a profit-making enterprise.

To Kelley, who left the Attorney General's office in January after serving 37 years in the post, health care providers, nursing homes, and other parts of the health care system need to be monitored by government agencies that retain a professional distance from the organizations that they regulate. Regulatory agencies have been told "we are becoming consumer friendly" with those they regulate, he said. "I can't get information from regulatory agencies because they're in bed with the people they regulate."

"I don't have all the answers," Kelley said, "but I can tell you the answer is not to stabilize HMOs by making them more profitable."

"Every advanced industrial nation in the world has made the decision that health care should be a public responsibility. We are the only nation going the other way, that health care should be for profit."

— Frank Kelley

Cook Lectures speaker:

science and religion need not do battle

Harvard Professor Stephen Jay Gould knows how murky we can make the dividing line, so he likes to keep things simple when he's parsing the boundary between science and religion.

Science, he says, "deals with the factual characteristics of the empirical world." Religion, on the other hand, is "an entirely different discipline that deals with moral and ethical meaning."

Sounds simple enough, doesn't it? But the two "are always sitting next to each other," and sometimes their boundaries blur. And of course science is younger than religion, so "when there was no science these questions fell into the domain of religion."

Gould discussed the conflict of such issues in the first of the two talks that he delivered in September as the William W. Cook Lecturer on American Institutions. The annual lectures, sponsored by the Law School and the College of Literature, Science and the Arts, were established by William Wilson Cook, the Law School graduate whose gifts also included funds for the William W. Cook Law Quadrangle and the Martha Cook Building, a residence for women students.

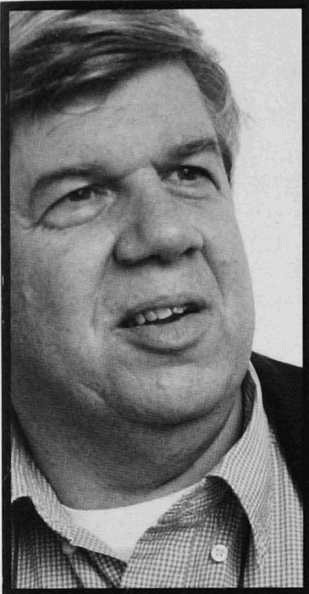
Paired as a program on "The Non-Conflict of Science and Religion," Gould's lectures dealt respectively with "Science and Religion in the Fullness of Life" and "Inherit the Wind Revisited: A History of Creationism in the Courtroom." The contest between science and religion has been fought harder in the United States than perhaps in any other country, Dean Jeffrey S. Lehman, '81, noted in introducing Gould. American institutions have

Bigger Can Be Better —

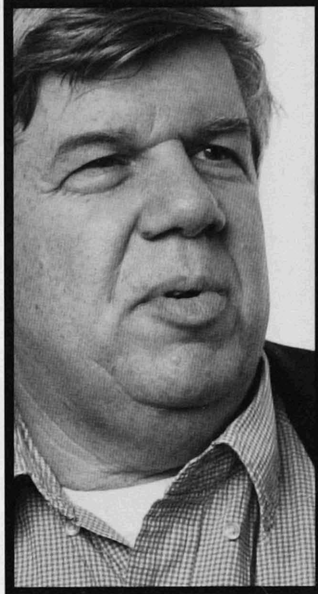
Legal practice with a large firm offers you a large body of experience to draw on, support staff and a variety of people as colleagues, Robert Jackson, '94, right, of Seyfarth, Shaw, Fairweather and Geraldson in Chicago, tells listeners during a program in September that featured five representatives of the Chicago Committee on Minorities in Large Law Firms. With Jackson is fellow committee member Sylvia Stein, '92, of Latham and Watkins in Chicago. Practice with a large firm is "a good job" and "hard work," Stein said. "You have to negotiate, you have to juggle. . . .You have to deal with the idiosyncracies of people you are supervised by." The program was presented by the Office of Academic Affairs; other participants included:

- *Dorian Williams, of Rudnick and Wolfe, who served as moderator. Committee programs like this one are "to make our particular practices better, our firms better and your lives better," Williams said.*
- *Asheesh Goel, of Sidley and Austin. Goel, who recommended that young associates take* pro bono *cases when they can. "You have to be proactive about managing your schedule and you have to be proactive about getting the world you want," he said. Mostly, "You have to be true to yourself."*
- *Dan Hurtado, of Jenner and Block, who noted that minorities make up only 8-10 percent of the attorneys with most large law firms. He recommended that minority candidates investigate a firm's support of public service work and minority bar associations as part of their application process.*

Formed in 1987 and involving more than 50 minority partners at Chicago's 50 largest law firms, the Chicago Committee on Minorities in Large Firms helps firms recruit minority associates, organizes annual meetings of minority partners in large Chicago law firms, holds on-campus discussions with minority law students at schools in the Chicago area, presents seminars for minority lawyers and works in other programs to assist minority lawyers and to help law firms identify, recruit, hire, retain, and promote minority lawyers.



"Nobody gives up territory without a struggle."



"Science, being the study of the empirical world, can't give all the answers to that angst and uncertainty."

"I have no quarrel with anybody for different beliefs."

Stephen Jay Gould

witnessed and been part of the battle more than those in any other country, he said.

Gould is Professor of Geology at Harvard University, Curator of Invertebrate Paleontology at Harvard's Museum of Comparative Zoology, and a prolific writer. His monthly column, "This View of Life," has appeared for more than 25 years in *Natural History* magazine. He is the author of 17 books, among them *The Panda's Thumb*, which received the National Book Award in Science, *Wonderful Life*, which was nominated for a Pulitzer Prize in nonfiction, and most recently, *Questioning the Millenium: A Rationalist's Guide to a Precisely Arbitrary Countdown*.

Religion grudgingly has given ground to science, Gould said, and in fact church leaders have been further out front in accepting the change than is widely known. So why the struggle?

"It's just human nature," Gould said. "Nobody gives up territory without a struggle." If it had been the other way, if science were older but found itself losing ground to religion, "it would have given up territory very reluctantly."

There's also a psychological side to the struggle. "This is a tough world. Life's hard, it's difficult, [and] we want it to have meaning. . . . Science, being the study of the empirical world, can't give all the answers to that angst and uncertainty."

In his second lecture, Gould focused the spotlight of historical context on the famous 1925 Scopes trial in Dayton, Tennessee, where former Law School student Clarence Darrow, for the defense, faced William Jennings Bryan in a case over teaching evolution in public schools.

Legally, Darrow lost to Bryan, but Scopes never was arrested and the publicity effort to draw attention — and income — to Dayton reaped its gain. Hundreds of journalists had descended on the small town above the Tennessee River. Today, the Scopes Trial that most Americans know best is the version of the book, play, and movie *Inherit the Wind*, in which Darrow emerges victorious and Bryan in the trappings of a fool.

Actually, Gould said, the two were quite evenly matched. And Bryan's opposition to teaching evolution was consistent with his progressive philosophy, which earlier had led him to support women's suffrage and other progressive issues. Bryan turned against the teaching of evolution because he read of what was occurring in Germany, where some intellectual and political leaders were using the doctrine to justify unjust treatment of some classes of people.

The kind of law that Scopes was convicted of transgressing stayed on the books until 1968, when an Arkansas teacher successfully challenged it. Later, in 1987, another challenger succeeded in getting a similar law in Louisiana overturned in the Supreme Court.

"This is the way that issues like this should be resolved. . . . I have no quarrel with anybody for different beliefs," Gould said.

This year's Cook Lectures were presented in the auditorium of the Rackham Building to accommodate the large audiences that Gould drew.

Senior Day 1998

Senior Day in December always is balmy in spirit if not outdoor temperatures, and festive in outlook even though overshadowed by still-to-be-taken final examinations. And so it was on December 5, with a special gift from Mother Nature of spring-like temperatures that teased at 60 and offered participants the chance to mill about comfortably throughout the Law Quad.

At the Michigan Theater, where commencement ceremonies took place, family members and well wishers stood as graduates entered to the processional music of a brass quintet. Camera flashes were frequent, as they would be again as each graduate crossed the stage to the individual reading out of his or her name. The program listed 82 J.D. and LL.M. recipients. A reception followed at the Lawyers Club.

Dean Jeffrey S. Lehman, '81, told the graduates that "you have become ever more deeply reflective people" and encouraged them to make a "commitment to integrate your role as lawyer with your role as citizen."

Taking note of the "wondrous cohesiveness" of the summer starters who make up most of the graduates in December, Law School Student Senate President Yolanda McGill advised: "Hang on to this day, because it is of serious import." This is the last time that this group of friends, colleagues, and fellow students all will be together in one place at the same time, said McGill, a third-year student who will graduate in May.

"We wish you well and we hope you are able to take full advantage of all the opportunities that will come your way," she told the graduates. "Congratulations."

James Birge, chosen by his fellow graduates to speak at the ceremonies, bundled reminiscences of Law School life into a delivery that drew frequent laughter from listeners. For example, here he is on the practice class for beginning law students conducted by Professor James J. White, '62: "Surely, only an affable Midwestern law professor would be charitable enough to shepherd us through these first, trying days. Well, by the end of this mock class,

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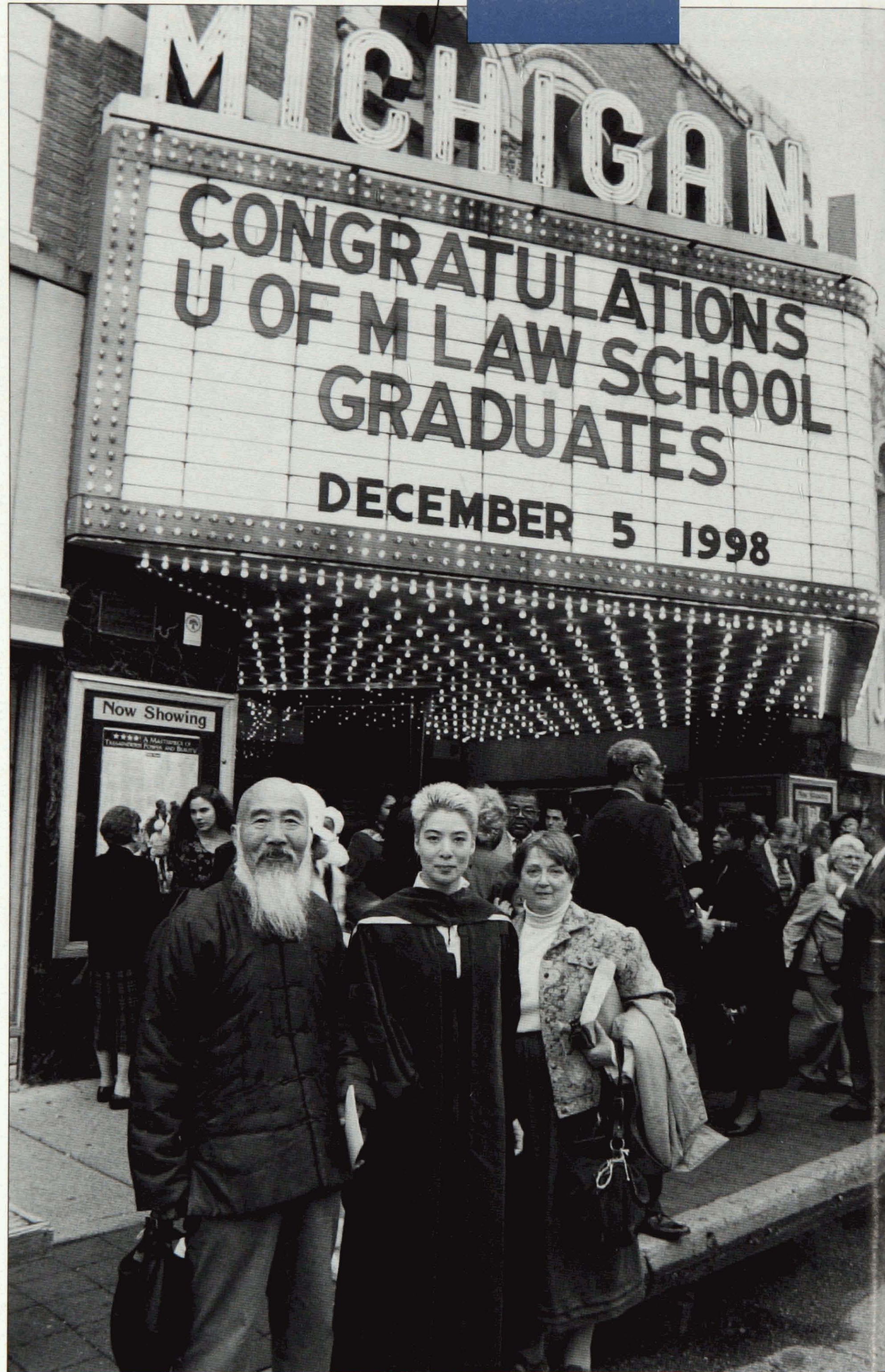
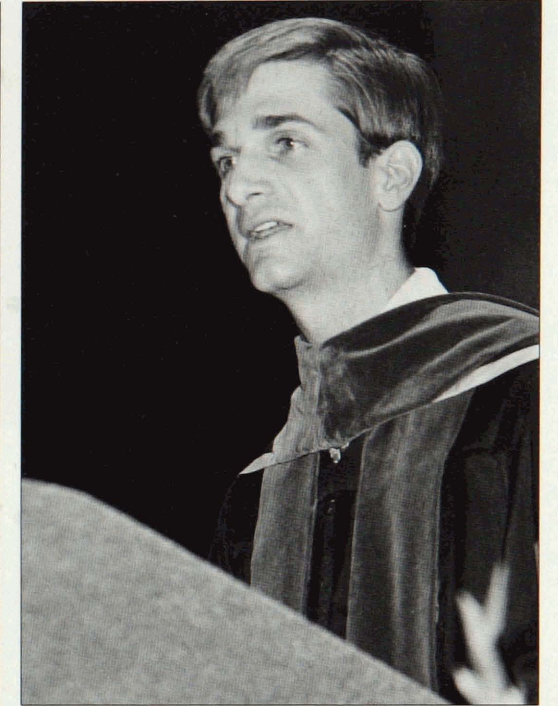
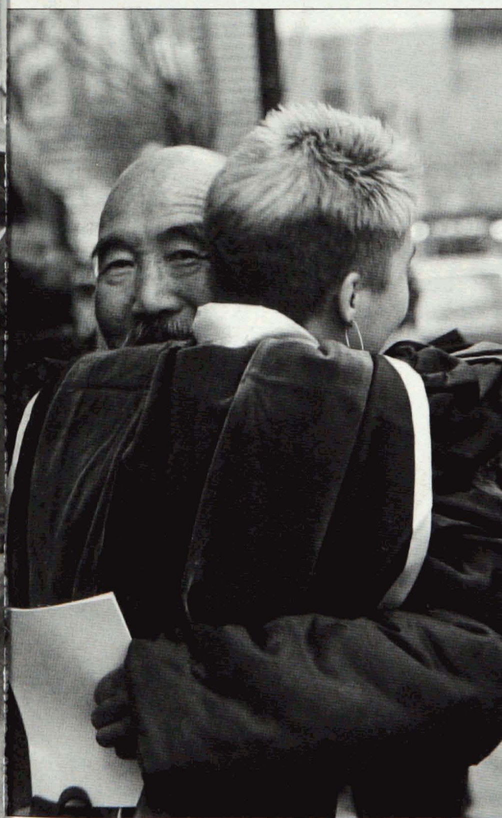


Graduate Eleanor Chin poses with her parents, Gabriel and Janet Chin, outside the Michigan Theater, whose marquee congratulated Law School graduates.

Shima Ray makes final adjustments to the placement of her mortarboard before the processional.

James Birge, chosen by his fellow graduates to address them, recaps the anxieties and accomplishments that have accompanied graduates' three years of study at the Law School. Birge expressed hope that graduates find "as much that is right" in their futures as they have found during their time at the Law School.





Eleanor Chin hugs proud father Gabriel after commencement ceremonies at the Michigan Theater.

Laughter and smiles are major parts of commencement — even though final examinations will follow.

Watching Lake Michigan —

"We have a choice in how we use our shoreline," for public access or private development, Cameron Davis, Executive Director of the Chicago-based Lake Michigan Federation, tells a Law School audience in November. Davis, who formerly taught in the Law School's Environmental Law Clinic, spoke under sponsorship of the Environmental Law Society. He said the Federation's three-pronged approach includes land use planning, habitat protection and reducing pollution in Lake Michigan, which is the largest lake in the United States and the only one of the five Great Lakes that does not share a border with Canada. Lake Michigan is "essentially the most thoroughly studied aquatic system in the world," he said. In the near future, the Lake Michigan Federation and other environmental groups hope to bring together many of the scientists who have studied the lake to share their approaches and findings. The Great Lakes are "essentially a sink" that collects and holds drainage and pollutants from a huge area, he said. "In Lake Michigan we have about a 100-year retention time" before a drop of water that comes into the lake is replaced. Among his other points:

- *Land development in the six Illinois counties that touch Lake Michigan is proceeding 10 times as fast as population growth.*
- *80-90 percent of original wetlands have disappeared from the four states that border Lake Michigan.*
- *Michigan has the largest assemblage of freshwater sand dunes in the world, but they are "disappearing at an enormous pace," mostly to sand mining.*
- *Increasing percentages of pollution entering Lake Michigan is airborne.*
- *Although litigation often can be successful and is more apt to attract attention from polluters, it is costly and many nonprofit groups cannot afford to use it very often. "I think over time we need federally enforceable standards."*

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Professor White had indeed shepherded us — right into the Socratic slaughterhouse. A classmate, Matt Brissenden, emerged dazed and confused after over an hour of one-on-one questioning, only later discovering that he had just been grilled on the most difficult case any of us would encounter in our three years of law school."

Here he is on Professor Yale Kamisar's Constitutional Law class: Kamisar "was apparently under the belief that all convicted felons are in prison due to either police misconduct or physician-assisted suicide. Nonetheless, at Matt Norton's prompting, Professor Kamisar attempted to provide a full portrait of our criminal justice system, covering robbery, murder, and most other crimes on the last day of class."

And, finally, on each other: "On a more personal level, we sought each other out for friendship, camaraderie, and counsel. In the process, we frequently celebrated together, lived together, and even vacationed together. Of course, being good lawyers, we also argued together, but only once we were confident that the other person knew as little as we did regarding the disputed topic."

"Rather than finding all that could be wrong with law school," he concluded, "we found much that was right — challenging professors, impressive classmates, spouses, friends, Rose Bowls, and, when all the stars were perfectly aligned, even a parking spot on Monroe Street. May I be so fortunate to find as much that is right in the years ahead as I have found during my three years with you in Ann Arbor."

A.W. Brian Simpson, the Charles F. and Edith J. Clyne Professor of Law, delivered the commencement address, a light-hearted look at the wit and wisdom that accompany the study and practice of law.

Simpson recalled his own studies at Oxford University Law School in England, where "my fellow students were just as important an educational resource as faculty, libraries and so forth."

"You will, I am sure, have benefited, as I did, from the rich variety of experience which your fellow students have brought to the Law School," Simpson said. "That is why we need a generous and flexible policy over admissions. Your friends in law school can become your friends for life; you need to follow old Dr. Samuel Johnson's advice if that is to happen: Keep your friendships in constant repair."

"What you are really commencing, or about to commence, of course, is your career in the profession of the law," he told the graduates. "And at this *rite de passage* many of you are temporarily repossessed again by your parents, families and friends.

"They are here, as we in the faculty are here, first to congratulate you on your achievements, and secondly, to wish you well for the future. We hope that you will keep in touch and, over the years, look back at your time amongst the ivy clad walls, and the obese squirrels of the Law Quad, through rosier and rosier tinted spectacles."

Holden Fund underwrites continuation of pediatric law programs

The James and Lynelle Holden Fund has made a $550,000 gift to the Law School to continue operation of the Child Welfare Law Resource Center, which helps train law students for work in children's law cases and assists practicing attorneys with their cases. The gift also supports stipends for summer fellowships and a third faculty position for the Child Advocacy Law Clinic.

The Holden Fund, named for the late James Holden, '38, and his wife, Lynelle, has been a major supporter of the University of Michigan and its medical center. This is the fund's first gift to the Law School.

"We emphasize helping children through a lot of our gifts," said Holden Fund Trustee Donald J. Miller, '53, managing partner of Helm, Miller & Miller of Detroit. Miller, who is one of three trustees of the fund, said that his daughter and law partner, Beth Anne Miller, often deals with cases involving juvenile law and contributed her insights to his consideration of the great need for training lawyers to work in this field.

The Holden Fund gift is a major boost to the Law School's preparation of students for careers in pediatric law, according to Suellyn Scarnecchia, '81, Associate Dean for Clinical Affairs. Scarnecchia said the Law School's effort to develop careers in pediatric law is three-fold:

- The Child Advocacy Law Clinic, which the Law School has operated since 1976, enrolls 30-40 law students each year. The students work under faculty supervision and "provide direct representation of children, parents and the state child welfare agency in civil child abuse and neglect cases."
- The Child Welfare Summer Fellowship, in which about 20 law students, including four from the Law School, undergo special training at the beginning of the summer and then disperse to work at a variety of summer placements around the United States.
- The Child Welfare Law Resource Center, which capitalizes on its connection with the Law School and the Child Advocacy Law Clinic to provide training and publications to pediatric attorneys and judges throughout Michigan. The center uses law students as research assistants to provide support to judges and attorneys in the field.

The Holden Fund gift ensures continued operation of the Child Welfare Law Resource Center, Scarnecchia said. "The Resource Center's mission is 'to improve the legal system's handling of child-related cases through professional development'," she explained.

"The generosity of the James and Lynelle Holden Fund makes it possible for us to continue to offer high quality training for future pediatric attorneys and much needed support for attorneys and judges in the field," she said. "The need for such training and support never has been greater, and we at the Law School are elated that we can play a significant role in meeting that need."

Welcome —

Dean Jeffrey S. Lehman, '81, welcomes the Law School Deans Delegation from the People's Republic of China during their visit to the Law School in November. Next to Lehman is Virginia Gordan, Assistant Dean for International Programs. The deans and other officials visited the United States from October 30-November 13, stopping at San Francisco, Boston, Washington, D.C. and New York as well as Ann Arbor. They visited private firms, the U.S. Supreme Court, the American Association of Law Schools and law schools associated with Stanford University, the University of California at Berkeley, Harvard University, Georgetown University, City University of New York, Columbia University and Yale University. At the University of Michigan Law School, they met with faculty and top administrators to discuss organization and governance of the Law School, student administration, curricular development, and faculty hiring and development. Their visit at the Law School was arranged through the Center for International and Comparative Law. The delegation included: Zeng Xianyi, Dean of the Law School, Renmin University; Zhang Wenxian, Professor and Vice President of Jilin University; Wu Zhipan, Professor and Dean of the Law Department, Beijing University; Yu Jingsong, Professor and Dean of the Law School, Wuhan University; Xy Xianming, Professor and Dean of the Law School, Shandong University; Wu Handong, Professor and Dean of the Law School, Zhongnamn Instititue of Law and Political Science; Wang Yajie, Deputy Director-General, Office of Academic Degrees, State Council; Liu Fengtai, Deputy Director-General, Department of Higher Education, Ministry of Education; Li Jing, Program Officer, Department of Higher Education, Ministry of Education; and Fang Jun, Deputy Director, Department of International Cooperation and Exchanges, Ministry of Education. The visitors toured at the invitation of the U.S. Department of Education to obtain "a comprehensive understanding of the American system of legal education including areas such as management, administration, curriculum development, faculty and student recruitment, teaching methods, and the use of technology."

Bernard Petrie, '52, launches Sperling Seminars

"I asked Bernard to speak for about 20 minutes about this question of character and lawyers," Dean Jeffrey S. Lehman, '81, told the 15 invited students gathered for the first Sperling Seminar last fall. "And then I thought we could open things up in a more casual format where you can feel free to follow up on any of the points he makes or to ask him more about his own career."

"Bernard" was Bernard Petrie, '52, a U.S. Military Academy graduate and renowned solo practitioner in San Franciso. For the first-year law students invited for the occasion, it was an opportunity to hear from and then talk with a recognized and respected practitioner about the practical, sometimes nagging questions of ethics and professionalism in the practice of law.

Petrie has practiced in New York with Cravath, Swaine and Moore, and in San Francisco with the firm now known as McCutcheon, Doyle. He also served as an assistant United States attorney in California before opening his own firm. He "has enjoyed an unusual and elite solo practice since then, doing litigation and corporate work, including some high profile antitrust work and libel litigation, borrowing backup support from other firms whenever it was needed," Lehman said.

The dean also noted that Petrie has received two of the highest honors a litigator can receive: election as a Fellow of the American College of Trial Lawyers and election as a member of the American Law Institute. Petrie also chaired the San Francisco Bar's Ethics Committee.

Petrie "fits Mr. Sperling's vision precisely," Lehman explained of the California attorney's role in inaugurating the series of seminars. The seminars are made possible through the Sperling Project on Character-Building and Civic Responsibility, which is supported by a gift from George E. Sperling, Jr., '40, of Buckley & Sperling in Santa Monica.

The seminars are designed to "coordinate and implement numerous presentations and/or discussions on practicing law in today's legal environment while maintaining principles of character and responsibility."

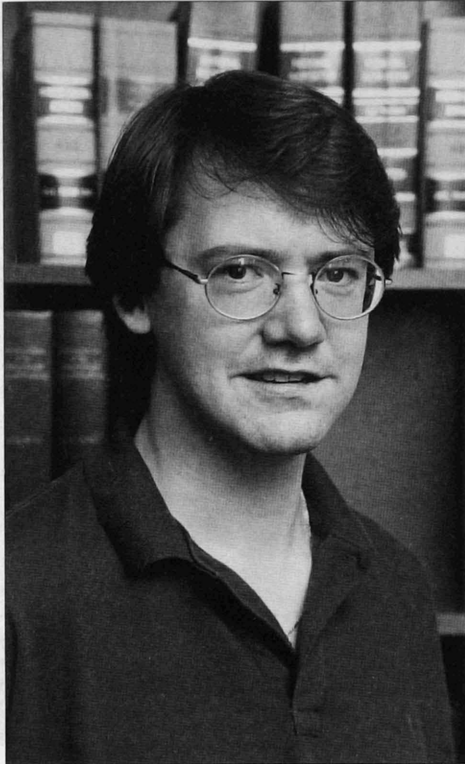
The seminar series is for first-year law students. It is modeled after the Dean's Forum series, which brings together Law School graduates who have succeeded in fields other than the practice of law with mostly upper level students who share an interest in the guest's field of endeavor. Both programs are held throughout the academic year.

Other fall term Sperling Seminar speakers were Yvonne Quinn, '76, a litigation partner with Sullivan & Cromwell in New York, and former Whitewater Special Prosecutor Robert B. Fiske, Jr., '55, of Davis, Polk & Wardwell, New York. Both visited the Law School in December. At deadline time, Howard N. Nemerovski, '57, of Howard, Rice, Nemerovski, Canady, Falk, Rabkin in San Francisco, was scheduled to be the Sperling Seminar speaker on March 18.

ABOVE: *Bernard Petrie, '52, the first speaker in the new Sperling Seminar series for first-year students, chats with seminar participants prior to joining them for lunch in October.*

BELOW: *Other Sperling Seminar speakers during the fall term are shown greeting students prior to their luncheon conversation. At left is Yvonne Quinn, '76, of Sullivan & Cromwell, New York; at right is former Whitewater Special Prosecutor Robert B. Fiske, Jr., '55, of Davis, Polk & Wardwell, New York.*

Hammer receives Investigator Award in Health Policy Research


Peter J. Hammer, '89

Assistant Professor of Law Peter J. Hammer, '89, and a co-researcher have been awarded a two-year, $250,000 grant from the Robert Wood Johnson Foundation to study how policies on competition can affect quality in the increasingly market-dominated American health care system.

Hammer will work with William M. Sage of Columbia Law School on the project. In addition to their law degrees, Hammer has a Ph.D. in economics and Sage has an M.D. Their proposal, "Competing on Quality of Care: Comparing Antitrust Law to Market Reality," was one of nine selected to receive Investigator Awards in Health Policy Research through a competitive peer review process. The foundation received more than 300 letters of intent and requested 45 full proposals in making its decision on the nine recipients of the Investigator Awards.

"As American health care moves from a professionally dominated to a market-dominated model, concerns have been voiced that competition, once unleashed, has focused on price to the detriment of quality," Hammer and Sage wrote in their proposal.

"Although quality has been extensively analyzed in health services research, the role of quality in competition policy has not been elucidated. The goals of our proposed project are to determine what is meant by quality as a potential benefit of competition in health care, and how best to structure oversight of the competitive marketplace so as to advance quality and generate appropriate price/quality tradeoffs."

Hammer and Sage say their project has four parts:

1. To develop a "standardized vocabulary for quality-based competition."
2. To create and analyze "a database of quality issues that have come to the attention of antitrust enforcement."
3. To compare "legal constructs of quality to market preferences and behavior."
4. To fashion recommendations for policymakers on the role that competition policy can play in achieving goals concerned with quality.

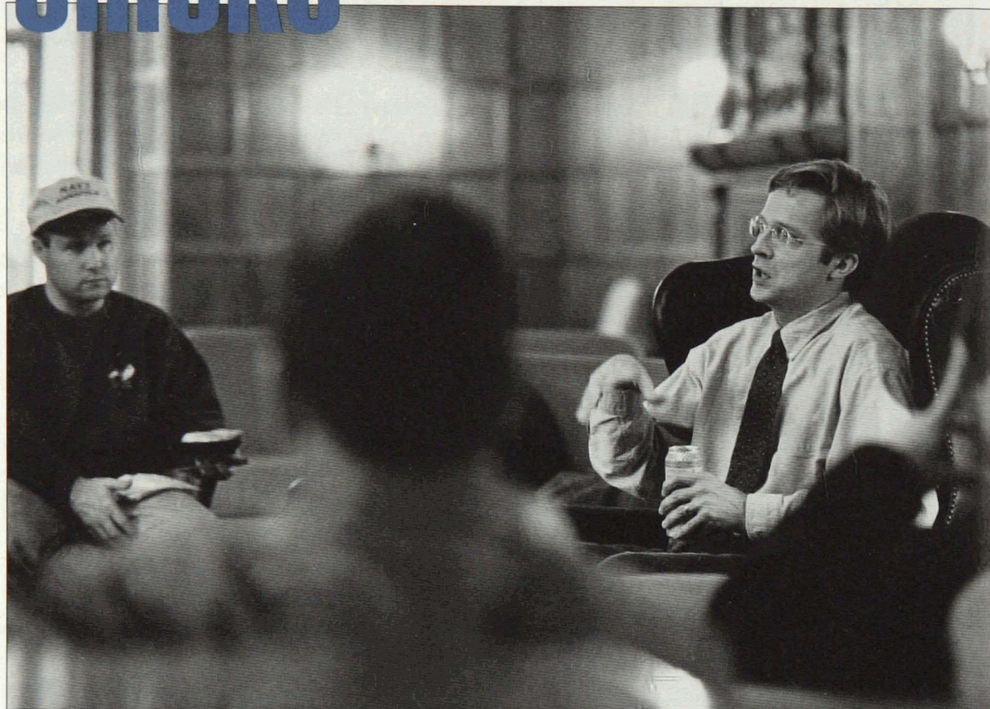
Hammer and Sage will approach the issue "through the lens of antitrust law, which represents government's principal tool to promote competition" in health care and other industries. "Our prescriptions will include changes to both antitrust law and the surrounding regulatory environment, and will attempt to resolve the tradeoffs between price and non-price competition, and between competitive objectives and non-competitive objectives" in health law and policy.

"We anticipate that the results of our research will be of broad interest to health policymakers and scholars, judges, health and antitrust regulators, practicing lawyers, health economists, health care providers and purchasers," the researchers say.

"In particular, our conclusions regarding the optimal legal framework for quality competition, and the relationship between antitrust law and other forms of consumer protection, should prove useful to the Health Care Financing Administration and other federal and state health regulatory agencies, both in performing their substantive roles and in promoting dialogue with the Department of Justice and the Federal Trade Commission."

Hammer and Sage also expect their findings to help enforcement agencies and yield "potential applications beyond health care to other sectors of the economy, such as the computer, information services and telecommunications industries, which are likely to present similar challenges."

Peering through the smoke



Lawsuits and settlements involving the tobacco industry have made prominent headlines recently, and during November two law professors presented programs that took their audiences deeply into the questions that surround the tobacco settlement issue.

Professor Kyle Logue, in a program sponsored by the Office of Student Services, discussed tobacco regulation legislation and his proposal for a Smokers' Compensation Program modeled after Workers' Compensation. A week later, James J. White, '62, the Robert A. Sullivan Professor of Law, discussed how the proposed National Tobacco Settlement that failed in Congress may have been an effort to protect the tobacco industry from individual claims and perhaps eventual bankruptcy. White's talk was sponsored by the student chapter of the Federalist Society for Law and Public Policy Studies.

One way to shoulder the economic burden that tobacco products cause, according to Logue, is a "Smokers' Compensation Program." The plan, put forward in testimony to a congressional committee in 1997 and in journal articles with co-author and former law classmate Jon Hanson, is modeled after Workers' Compensation programs that now are in effect. The goal of the plan is to force cigarette manufacturers to internalize the costs of smoking in a way that creates incentives to make safer cigarettes.

According to Logue, critics of the tobacco industry, among them the many state attorneys general whose suits against tobacco companies in the mid-1990s led to the $365 billion tobacco settlement bill that Congress failed to pass in 1997, often want merely to tax cigarettes to raise funds to offset the medical costs created by smoking. But such a move doesn't give the tobacco companies any incentive to create a safer cigarette, because all of the companies would bear the same prorated share of the tax regardless of how relatively dangerous their product is.

Logue's proposal would provide benefits to smokers, or the family members of smokers, who can demonstrate that they have been smoking for a given period of time and are suffering from one or more (of several) smoking-related diseases, such as lung cancer, emphysema, or esophageal cancer. Smokers' Compensation benefits would be limited to the sorts of benefits that are awarded under Workers' Compensation, such as medical expenses and lost wages. Punitive damages would be excluded. Under the proposal, the cost of providing these benefits to smokers and their families would be borne by cigarette manufacturers (and ultimately by smokers), and some effort would be made to apportion the cost among the manufacturers according to the relative dangerousness of the cigarettes they manufacture. Manufacturers would raise the funds to pay for these benefits by raising cigarette prices. As cigarette prices would rise to cover these expenses, health insurance costs for nonsmokers would fall, since insurance companies would, through rights of subrogation, be able to recover from cigarette companies for smoking-related health care costs they have incurred in connection with their insureds.

Professor Kyle Logue, left, and, below, James J. White, '62, the Robert A. Sullivan Professor of Law, discuss tobacco issues during separate programs at the Law School in November. Logue, speaking under sponsorship of the Office of Student Services, outlined the recent history of lawsuits against tobacco companies and the failed National Tobacco Settlement and discussed his own proposal for creating a Smokers' Compensation Program. White, in a session sponsored by the student chapter of the Federalist Society for Law and Public Policy Studies, discussed aspects of the proposed National Tobacco Settlement and other questions associated with the tobacco settlement issue.

Logue turned to the proposal as he completed his discussion of recent legislative and other changes that have affected the social climate in which cigarette companies find themselves operating. Traditionally, he said, individual plaintiffs have not succeeded in winning against cigarette companies. But a number of factors in the 1990s — including revelations that cigarette companies had long known of the danger of their products and had manipulated the nicotine levels in their cigarettes — combined to change the social, political, and judicial attitude toward cigarette companies.

The Liggett group's decision to break ranks with other cigarette makers and release its documents also "broke the united front that the tobacco industry previously had," he said, "which also helped to change the legal climate."

Further prodded by a number of state lawsuits seeking reimbursement for medical funds spent on tobacco-related health problems, and an aggressive Food and Drug Administration effort to classify nicotine as a regulated drug, in summer 1997 the tobacco companies fashioned the National Tobacco Settlement, which would have dropped state cases, eliminated class actions and punitive damages, imposed numerous marketing restrictions, and, overall, required tobacco companies to pay $365 billion over 25 years.

The bill failed to pass in Congress, however, and it remains unclear whether any national legislation in this area will be forthcoming. "Whenever we get back to regular lawmaking we'll hear about cigarette regulation again," Logue predicted.

One way to interpret the tobacco companies' negotiations with state attorneys general is to see the failed National Tobacco Settlement as a way for cigarette makers to get the state officials to approach Congress to protect the companies from individual lawsuits, White offered in his talk a week later.

Tobacco companies may have read the writing on the wall and decided that a predictable, agreed-upon pay-out was a good investment to put a cap on tobacco-related benefits and prevent growing numbers of individual lawsuits, according to White. Using state attorneys general to approach Congress was a way of getting the congressional ear, White said.

Individual lawsuits have been filed against tobacco companies for 50 years, but the companies never have had to pay out damages, he said. Despite recent rulings in Florida and elsewhere in state cases against tobacco companies, "I think it still is true that no tobacco company has ever paid a dollar to an individual plaintiff as a result of an adverse decision," he said.

Since the legal theories asserted by the states against the tobacco manufacturers were at best questionable and, in the view of some, completely without merit, it is unclear why the tobacco manufacturers recently agreed to pay more than $200 billion to the states to settle the states' suits.

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Perhaps — notwithstanding the weakness of the states' claims — the manufacturers believed their total liability would exceed $200 billion. White suggested that it is also conceivable the $200 billion payment is a subtle invitation to the states to be the manufacturers' allies in an attempt to get Congress to pass a law that would restrict the rights of individual smokers to sue the manufacturers.

The public relations claim that the states have put forward concerning the costs imposed upon them (as Medicaid insurers) is, in White's view, even less persuasive than the states' legal theories. The average state tax on a package of cigarettes is now $.31; the federal Centers for Disease Control estimate of the state Medicaid costs attributable to a pack of cigarettes is far less than $.31. Disregarding public health issues and looking only at the raw economic costs and benefits, the states suffer no economic injury from their citizens' smoking. In fact, the taxes the smokers pay over their lifetimes substantially outweigh the insurance cost they impose on the states — "the states with the largest number of smokers are the largest gainers not the largest losers."

"...the states with the largest number of smokers are the largest gainers not the largest losers."

White noted that some tobacco manufacturers, particularly RJR Nabisco, are not heavily capitalized and it is conceivable that a significant class action judgment against RJR could drive it into bankruptcy. The prospect of a tobacco manufacturer's bankruptcy raises a variety of interesting legal issues. For example, one might question whether RJR can spin off its Nabisco subsidiary without committing a fraudulent conveyance, and one wonders what priority the states' claim from the settlement would enjoy in the bankruptcy of RJR or Philip Morris. Would the creditors of the tobacco subsidiaries be able to reach assets held by the parent, the shares of the food subsidiaries, Kraft and Nabisco?

These and other questions await a bankruptcy that may never occur. And, according to White, "the ultimate irony of such a hypothetical bankruptcy is that shareholders of any reorganized tobacco manufacturers will be the widows of smokers."

VISITING FACULTY

To some, becoming a visiting faculty member at the Law School is a return to the school where they learned their legal trade. To others, it's a chance to renew their acquaintance with the energy and spontaneity of law students. To all, it's a chance to share their experience and wisdom with the next generation of lawyers, judges, and legal scholars.

For these and other reasons, visiting faculty members are part of the hearbeat of Law School life. Here are those who are teaching here in this winter term:

Robert H. Abrams, '73, is teaching Water Law. A member of the Wayne State University Law School faculty since 1977, Abrams enjoys a national reputation as an expert in the water law field. He is co-author of the casebook *Legal Control of Water Resources*, now in its second edition, and of the casebook *Environmental Law and Policy: Nature Law and Society*. He is an elected member of the American Law Institute, Vice Chair of the American Bar Association Water Resources Committee, and a contributing editor of the preview of *United States Supreme Court Cases*. He earned his bachelor's degree from the University of Michigan.

Elizabeth Secor Anderson is teaching Race, Gender and Affirmative Action. The Arthur F. Thurnau Professor of Philosophy and Women's Studies at the University of Michigan, she is the author of *Value in Ethics and Economics*. She earned an A.M. and Ph.D. from Harvard University, where she received the Emily and Charles Carrier Price Award for her Ph.D. dissertation, and her B.A. in philosophy with a minor in economics from Swarthmore College. She has taught at the University of Michigan since 1987.

Kichimoto Asaka is teaching part of Japanese Law with Assistant Professor Mark D. West. A member of the University of Tokyo Faculty of Law, Asaka earned his bachelor of law and master of laws at the University of Tokyo and his LL.M. from Duke University Law School. His book, *The Current Judicial System in the United States*, is to be published in Japanese this year.

Elizabeth M. Barry, '88, is teaching Higher Education Law. She currently serves as the University of Michigan's Associate Vice President and Deputy General Counsel. She represented colleges and universities in her private practice at Ropes & Gray, a Boston law firm, and worked as a university attorney for Harvard University prior to coming to Michigan. Barry has taught higher education law in Harvard's Graduate School of Education and is a frequent presenter at conferences and meetings on legal topics relating to higher education. She received her B.A. *summa cum laude* from the University of Michigan.

Raj K. Bhala is teaching two courses, International Business Transactions and Advanced International Trade Law. Bhala, a member of the faculty of the College of William and Mary College of Law, has published extensively in the fields of world trade law, foreign

exchange, foreign bank regulation, wire transfers and risk-based capital. A professorial fellow at the University of London, he has served as a consultant to the International Monetary Fund and the World Bank.

Andrew P. Buchsbaum is teaching Federal Litigation: Environmental Case Study. Buchsbaum, who has taught at the Law School previously, is water quality project manager for the National Wildlife Federation's Great Lakes Natural Resource Center at Ann Arbor, where he supervises attorneys doing innovative litigation to protect the Great Lakes. He previously was principal staff attorney for the midwest office of the National Environmental Law Center (NELC) and program and legal director for PIRGIM, the Public Interest Research Group in Michigan, with which NELC is associated. A graduate of Harvard College and the University of California at Berkeley Law School, Buchsbaum has done considerable litigation under the federal Clean Water Act and Michigan's Environmental Response Act.

Sumi Cho is teaching two courses, Employment Discrimination and Race, and Racism and U.S. Law. Cho, whose research examines sexual harassment, racial discrimination and higher education, is a faculty member of DePaul University College of Law. She holds a J.D. from the University of California at Berkeley Law School and a Ph.D. in ethnic studies from UC-Berkeley.

Julie E. Cohen is teaching Copyright and Cyberspace and the Law. A member of the faculty of the University of Pittsburgh School of Law, she teaches and writes about intellectual property law, with a particular focus on computer software and digital works and on the intersection of copyright, privacy, and the First Amendment in cyberspace. She formerly practiced with McCutchen, Doyle, Brown & Enersen in San Francisco and clerked for the Hon. Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit. She earned her bachelor's degree from Harvard-Radcliffe and her J.D. from Harvard Law School.

Lori L. Cohen is teaching Immigration Law. She is a graduate of Yale College and Yale Law School. She is also an advisor for the Law School's Student Asylum Project. In recent years, she has been a lecturer for the Law School's Selected Problems in Immigration Seminar and the Asylum and Refugee Law Seminar and Trial Practice Workshop. Cohen litigates asylum matters for the Archdiocese of Detroit, Immigration Legal Services, where she was the Director from 1995-97. Previously, she was a litigation associate for Heller, Ehrman, White & McAuliffe in Los Angeles and clerked for the Hon. Consuelo B. Marshall of the Central District of California. She chairs the *Pro Bono* Committee of the Michigan Chapter of the American Immigration Lawyers Association, is on the Advisory Board for Farmworkers' Legal Services, and has served as president of the Michigan Coalition for Immigrant and Refugee Protection.

Alyson Cole is teaching Politics of Recognition. Cole is a member of the Political Science Department faculty at the University of California, Berkeley, where she teaches European and American political theory, feminist theory, women and politics, constitutional law, legal institutions, American government and public policy. She earned her M.A. and Ph.D. from UC-Berkeley and her bachelor's degree from Smith College.

Patricia M. Curtner, '78, is teaching Business of Law. Curtner is a partner at Chapman & Cutler in Chicago, where she practices in the firm's Public Finance Division. She earned her A.B. at the University of Michigan.

Tsilla Dagan is teaching International Tax Policy. She holds multiple graduate degrees in law and teaches at the College of Management School of Law in Rishon Le-Zion, Israel. She writes in the fields of strategic aspects of international tax policy.

Gennady Danilenko is teaching International Environmental Law. A Senior Research Fellow at the Institute of State and Law, Academy of Sciences, Moscow, Danilenko formerly was head of the Center of International Law at the Institute and at the same time practiced law as an associate at a Moscow firm. He has written seven books on topics in Russian law, international law and international environmental law and has been a visitor at several U.S. law schools. Danilenko was a visiting professor at the Law School in 1990-92 and a Research Scholar at the Law School in 1992-93.

Roderic M. Glogower is teaching Jewish Law. He is Rabbinic Advisor to the University of Michigan B'nai B'rith Hillel Foundation, Rabbi to the Ann Arbor Orthodox Minyan, and Scholar-in-Residence at Midrasha, agency for Jewish education, in Southfield. He holds a graduate degree in Jewish philosophy from Brandeis University and in Jewish philosophy from Yeshiva University. He earned his B.A. in English literature at Loyola University. He earned his Rabbinic Ordination with distinction at Midrasha of Machon Harry Fischel in Jerusalem.

Karthigasen Govender, LL.M. '88, is co-teaching Constitutionalism in South Africa with Wade H. McCree, Jr., Professor of Law David Chambers. Govender, who has taught at the Law School previously, is a Professor of Public Law at the Univeristy of Natal-Durban in South Africa and a member of the constitutionally established South African Human Rights Committee.

Ulrich Haltern is teaching two courses, European Community Law and Citizenship. He holds a Doctor of Laws *summa cum laude* from Ruhr-Universitat Bochum in Germany and a Master of Laws from Yale Law School, clerked for Justice Dieter Grimm of the German Federal Constitutional Court,

Continued on page 40

VISITING FACULTY, *continued*

has been a Visiting Researcher at the European Law Research Center at Harvard University, and has lectured in public international law at the Institute on International and Comparative Law at the University of San Diego.

David A. Harris is teaching two courses, Criminal Law and Legal Profession and Legal Ethics. A Professor of Law at the University of Toledo College of Law, Harris has published in the fields of criminal procedure, especially Fourth Amendment search and seizure issues, and the effect of poverty and race on criminal justice. He earned his bachelor's degree at Northwestern University, his J.D. at Yale and his Master of Laws at Georgetown.

Alison E. Hirschel, an Arthur Liman Fellow in Advocacy for Residents of Long Term Care Facilities at Yale Law School, is teaching Law and the Elderly. A graduate of the University of Michigan and Yale Law School, Hirschel clerked for the Hon. Joseph S. Lord, III of the United States District Court for the Eastern District of Pennsylvania, has taught an annual seminar on the legal rights of the vulnerable elderly at the University of Pennsylvania Law School, and served with Community Legal Services, Inc., in Philadelphia, Pennsylvania, as Co-director of the Elderly Law Project and as Director of Planning.

Harold K. Jacobson is teaching the course International Law and International Relations. A specialist in international institutions and international politics, Jacobson is Professor of Political Science and a senior research scientist at the Center for Political Studies of the Institute for Social Research (ISR) at the University of Michigan. He previously was chair of the University's Political Science Department, directed the Center for Political Studies and was acting director of ISR. He was a leader in creation of the International Human Dimensions of Global Environmental Change Program.

Orit Kamir, LL.M. '95, S.J.D. '96, is teaching a seminar on Women and Law in Cultural Narratives. She teaches courses in jurisprudence and women in law at Hebrew University in Jerusalem and writes in the areas of law and culture, law and Israeli society, and women in law. Her book, whose working title is *Stalking: Legislating a Moral Panic*, is to be published by University of Michigan Press.

Joan Larsen is teaching Introduction to Constitutional Law. A graduate of Northwestern University School of Law, she clerked for Judge David B. Sentelle of the U.S. Court of Appeals for the District of Columbia and for Justice Antonin Scalia of the U.S. Supreme Court. She has practiced with Sidley & Austin and taught at Northwestern University School of Law.

Jürgen Mensching is teaching European Community Antitrust. He is Head of Division in the antitrust section of the German Directorate General for Competition, where he has responsibilities in the areas of agriculture, food, pharmaceutical products, textiles, and other consumer goods.

Yasuaki Onuma is teaching part of Japanese Law with Assistant Professor Mark D. West. Onuma is a member of the University of Tokyo Law Faculty.

Steven W. Rhodes, '73, is teaching Advanced Chapter 11 Bankruptcy. Rhodes, who previously has taught at the Law School, is Chief U.S. Bankruptcy Court Judge for the Eastern District of Michigan. Rhodes earned his B.A. at Purdue University.

Mark D. Rosenbaum is teaching Fourteenth Amendment and a course in Public Interest Litigation. General Counsel for the American Civil Liberties Union in Los Angeles, Rosenbaum specializes in poverty and homelessness legislaton, immigrants' and workers' rights, civil rights and First Amendment issues. He has taught at the law schools at Harvard and Loyola and at the University of Southern California Law Center.

Phillip Rudge will co-teach the Comparative Asylum Law seminar with Professor of Law James Hathaway. Rudge served as General Secretary for the European Council on Refugees and Exiles and as Senior Project Manager for World University Service, both headquartered in the United Kingdom. He also has served as a technical assistance officer to governments in the United Kingdom and Southeast Asia. He holds a bachelor's and a master's degree from London University.

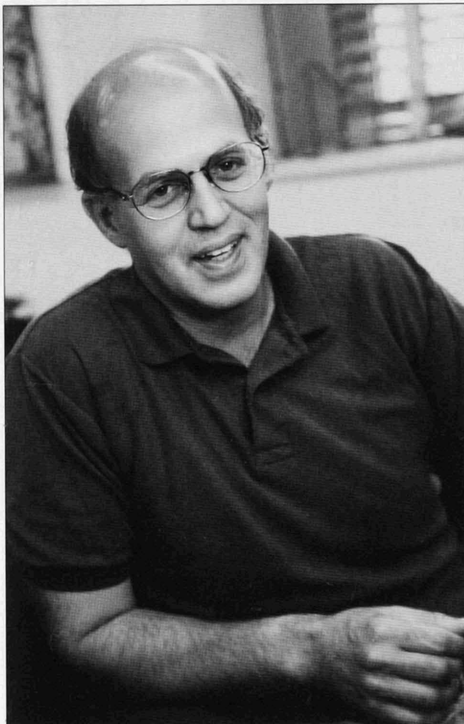
Marc S. Spindelman, '95, is teaching Assisted Suicide in Context. Spindleman earned his B.A. at The Johns Hopkins University and has studied at the University of St. Andrews in Scotland. He was Reginald F. Lewis Fellow at Harvard Law School 1997-98, clerked for the Hon. Alice M. Batchelder of the United States Court of Appeals for the Sixth Circuit and has practiced with Cadwalader, Wickersham & Taft.

Edward R. Stein, '66, is teaching Trial Practice. He is with Stein, Moran, Raimi & Goethel in Ann Arbor, where he specializes in civil litigation. He has taught previously at the Law School and has served as associate director of the National Institute for Trial Advocacy. He frequently has taught in programs of the Institute for Continuing Legal Education and the National Institute of Trial Advocacy. He is the author of the chapter on direct examination in *Expert Witnesses* (1991) and co-author of *Trial Practice Problems and Case Files* (1990).

Friedman abroad: a voice of America for British viewers

Professor Richard Friedman always has appreciated the help that his colleagues can offer. He became especially appreciative of that help when he was in England and their help was only a trans-Atlantic telephone call away.

Hark back to fall 1997 and the highly publicized "nanny trial" of Louise Woodward. It's November 4. Friedman is headed back to the hospital to pick up his wife and their newborn son, Daniel, who had arrived at 9:16 p.m. on November 3. The family is in England because Friedman is doing research there. They're based at Oxford.



Richard Friedman

Friedman takes a call from an English wire service asking him to provide the American perspective on the Woodward trial. "I'll talk for two minutes," he tells the caller. "I spoke for four minutes," he reports later.

Friedman has been keeping up with the trial in a general way, but now he realizes that he needs to learn much more about the trial's details, background and context.

When Friedman and his family got back home and the phone rang "we thought it was to congratulate us on the birth of our son. Instead, I got various media calls. Thanks to a helpful mother-in-law, an indulgent wife, and a sweet-tempered baby, I was able to cooperate.

"Then I realized I needed to know more about the trial, and thought, 'Can I reach Jerry Israel?'" A nationally recognized authority on criminal law, Jerold H. Israel is Alene and Allan F. Smith Professor Emeritus of Law at the Law School. He referred Friedman to a number of others who could help him with the particulars of Massachusetts law. Friedman also sought out the help of Gabriel "Jack" Chin, '88, then of Western New England Law School, now at the University of Cincinnati College of Law.

Their advice, coupled with news reports and his own knowledge of American legal practices, quickly made Friedman a frequently sought commentator for English news organizations as they followed the case. Eventually, Friedman appeared on Rupert Murdoch's B-Sky network, the American MSNBC, Britain's ITN, the BBC, and others. He kept up with the case through the "pretty intense" coverage that the British press gave it. He also got the trial stage briefs through NBC, and "did some research at Oxford Law Library, the best American law library in Europe."

During oral arguments before the Supreme Judicial Court (in March 1998), he was the voice of America among a group of British commentators. "When the argument was held, I was on air with a producer who had done a documentary on the case. We were like color commentators on a sports show — commenting in 'real time'."

In many ways the "nanny trial" was a bizarre case. On October 31, 1998, Judge Hiller Zobel of Massachusetts had received the jury's verdict that nanny Louise Woodward was guilty of murder in the death of one of the youngsters she was watching. In Massachusetts, the sentence for murder is life imprisonment with no parole for 15 years.

The prosecution previously had asked that manslaughter be presented as an option for conviction along with first- and second-degree murder. Defense attorneys opposed the request. Zobel ruled in favor of the defense and instructed the jury only to consider the murder charges. The jury convicted Woodward of second-degree murder and declared her not guilty of first-degree murder.

But on November 10 Zobel reduced the conviction to manslaughter. Then, later the same day, he sentenced Woodward to the 279 days she already had served and released her. She promised to stay in Massachusetts pending appeal. She returned home in summer 1998 immediately after Massachusetts' Supreme Judicial Court affirmed the judgment of the trial court.

Massachusetts law gives judges the unusual power to enter a conviction for a crime lesser than the one for which the jury found the defendant guilty. This quirk of Bay State law is unusual even in the United States, but in England it is unheard of. British judges have no such power. "My role was to explain what was going on as somebody knowledgeable in American law," Friedman explained.

"The role was a rather delicate one. The British had a tendency to see the case as the manifestation of some horrible flaws in the American system, which of course they recognize as descended from their own. In my view, the case was more of an aberration. Massachusetts has a very broad definition of murder, and very tough

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penalties. Much of the passion over the case was attributable to the sentence she initially received.

"But the jurors likely would have found Woodward guilty only of manslaughter if the judge had sent the manslaughter count to them, as he should have done. And he compounded the appearance of a system out of control when he imposed the result that he had not allowed the jury to reach."

Friedman's on-air comments even got him into a letter writing exchange in *The Times* of London with Sir Brian Barder, a former ambassador and the father of a friend of Friedman and his wife. In the final letter of their exchange, Friedman wrote on June 30:

"Sir Brian shares the feeling of much of the British public — and many Americans as well — that the verdict was inaccurate. He may well be right. But the opinion of the clinicians who treated Matthew, and of the many pediatricians who concluded that this was a standard case of death arising from a recently caused injury, is entitled to some weight. A jury, charged with determining facts in dispute, will always disappoint partisans on one side or the other; this does not mean that it has failed in its duty."

"I do not mean to suggest that Woodward got a perfect trial; trials, on either side of the Atlantic, rarely are," Friedman concluded in his response to Barder. "The judge's decision, later rectified after a fashion, not to submit the manslaughter charge to the jury was bizarre, but that was a decision invited, for valid tactical reasons, by the defense. One looking for unfairness might well begin with the fact that Woodward, through the fortuity of deep-pocketed sponsorship, had representation, in terms of quality and resources, that few defendants on either side of the Atlantic could plausibly dream of having."

"It was fun" and "part of the educational function," Friedman says of his time in the Mother Country's media glow. "I regard it as an important function that legal academics can play to try to explain what is going on to the interested public."

Lunch-Time Learning —

In the arbitration of a dismissal case, "the starting point generally is that the employer is confined to the reason originally given for the dismissal," Theodore J. St. Antoine, '54, explains in the second session of his three-part "short course" on arbitration, presented at the Law School in October. The Employment Law Association asked St. Antoine, the James E. and Sarah A. Degan Professor Emeritus of Law and a nationally recognized arbitrator, to present the short course, which was held during the lunch hour on three consecutive Mondays. Attendance was voluntary. The three sessions focused on "The Legal Framework of Arbitration: Current Hot Issues Before the Courts," "The Conduct of the Arbitration Hearing" and "Preparing and Presenting an Arbitration Case." Only 1-2 percent of arbitration rulings ever face court challenge, St. Antoine explained. "Most of the time the awards will be enforced by the courts." The world of arbitration is different from the world of the courtroom, however. Procedural practices rely on common sense more than on established rules. "Most of the arbitrators go along in an informal way with rules of evidence," St. Antoine explained. "I would say [that] arbitrators lean toward admissibility rather than exclusion."

Why did voters reject Michigan's physician-assisted suicide initiative?

The following essay is based on op-ed pieces that appeared in the New York Times *on November 4, 1998 and the* Detroit Free Press *on November 5, 1998 after voters defeated Michigan's Physician-Assisted Suicide voter initiative by a 2-to-1 margin.*

— BY YALE KAMISAR

In November 1997, when Oregon voters reaffirmed their support for doctor-assisted suicide, some commentators called it a turning point for the "right to die" movement. But the lopsided defeat of a similar proposal in Michigan is a better barometer: in general, assisted suicide continues to fare badly in the political arena.

Ballot initiatives failed in both Washington State and California in the early 1990s, and though bills to legalize doctor-assisted suicide have been introduced in some 20 state legislatures in the last decade, not one has passed.

Oregon appears to be a striking exception to this trend. The most plausible explanation for the large margin by which Oregon voters supported assisted suicide in 1997 was their resentment that the state legislature had forced them to vote on the issue again after it was narrowly approved 51-49 percent initially. This was the first time in state history the legislature had tried to repeal a voter-passed initiative.

Several months before the Michigan vote (as was true in Washington and California), polls indicated that the measure would pass easily. What happened?

Proponents of Proposal B, as the measure was known here, will tell you that "big money" did them in. It's an understandable explanation.

Proposal B supporters spent most of the money they raised getting the issue on the ballot. They complain that late in the campaign they were overwhelmed by the TV ads of their much better-funded adversaries, who raised five times as much to defeat the initiative as supporters raised to pass it. This explanation would seem to make sense. The initiative was opposed by 30 groups, including the Catholic Conference, Right to Life, the state medical society, the state hospice association, and a disability rights group.

Money, though, is not the whole story. The Michigan experience shows that it is much easier to sell the basic notion of assisted suicide than to sell a complex statute making the idea law.

The wrenching case where a dying person is suffering unavoidable pain is the main reason there is so much support for the concept of assisted suicide in this country (as opposed to support for specific laws). All too often, a reporter thinks the way to treat the issue in depth is to give a detailed account of someone who is begging for help in committing suicide. But such cases — which are relatively rare — blot out what might be called societal or public policy considerations, like how to tell if the patient actually has treatable but hard-to-detect depression.

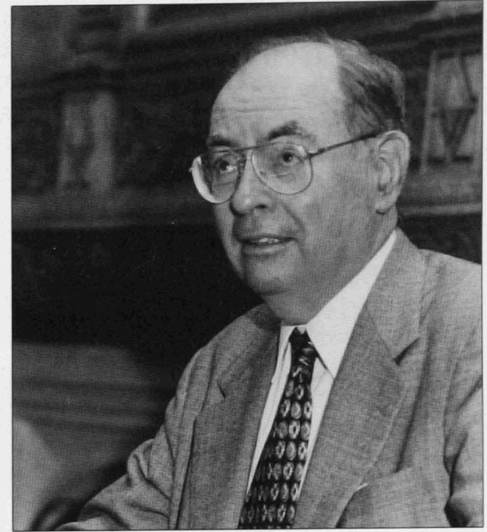
When pollsters ask about the issue, most people, I suspect, focus on the poignant case. But when people are asked to approve a complex, 12,000-word initiative, as in Michigan, the focus shifts.

Now people start worrying about whether the measure provides too few procedural safeguards, or too many. They worry about whether it would impose too many burdensome requirements on dying patients and their loved ones.

For example, many Michigan voters seemed disturbed that the proposal included no requirement that family members be notified of a patient's decision to seek assisted suicide. Critics argued that a child might go to visit her father in a nursing home, only to discover that he had committed suicide the previous day. But if the proposal had required that all members of the immediate family be informed, that provision, too, would have been criticized as hindering a person's right to assisted suicide.

When Ed Pierce, the retired Ann Arbor physician who led the group that got Proposal B on the ballot, realized a few weeks before the election that support for the measure was eroding, he tried to explain why his cause had lost momentum. He argued that opponents' "attack ads" were "ignoring the central issue" — whether a terminally ill person should have the right to physician-assisted suicide.

Yale Kamisar



But the idea of assisted suicide was no longer the central issue. The main debate had shifted — it was now about how the complex measure would actually work in a state where more than a million residents have no health insurance. Another concern became whether and how the proposal would change the way seriously ill patients and their loved ones view their lives — and the "hastening" of their deaths.

Perhaps a few opponents of the measure acted in bad faith. But not all.

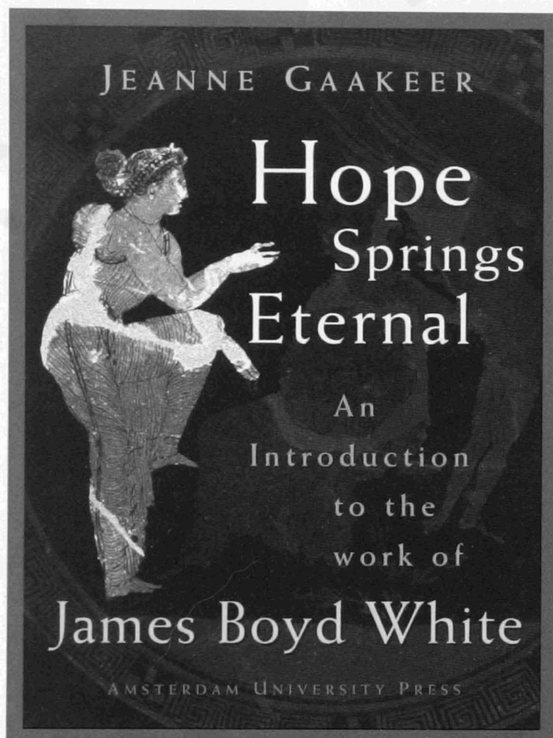
The *Detroit Free Press* and the *Ann Arbor News* had supported the basic idea of physician-assisted suicide. But alarmed by various provisions in the measure, both newspapers urged their readers to reject it. Newspapers all over the state especially disliked exempting the committee that would oversee the procedures from the state's Open Meetings and Freedom of Information acts, which would promote secrecy and a lack of accountability to the public.

Anecdotes about individual cases and strong rhetoric about personal autonomy and self-determination are one thing; concrete and detailed proposals intended to cover thousands of cases are something else. As the noted ethicist Sissela Bok has observed, "No society has yet worked out the hardest questions of how to help those patients who desire to die, without endangering others who do not."

Yale Kamisar is the Clarence Darrow Distinguished University Professor of Law.

New book uses White's work to analyze law and literature movement

A central figure in the establishment of the interdisciplinary study of law and literature, L. Hart Wright Professor of Law James Boyd White has both fueled and reflected the field's development. His work provides the lynchpin for Jeanne Gaakeer's newly published analysis of the law and literature field, *Hope Springs Eternal: An Introduction to the Work of James Boyd White* (Amsterdam University Press, Amsterdam, The Netherlands, 1998).

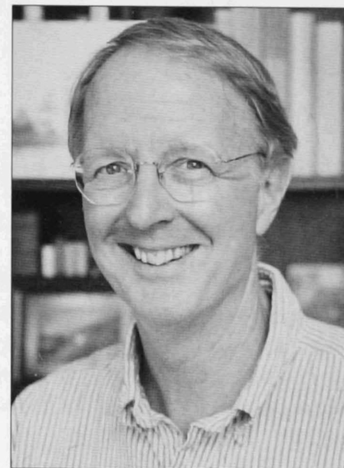


Gaakeer, associate professor of law at Erasmus University in Rotterdam and judge in the District Court of Midelburg in The Netherlands, writes that since his 1973 publication of *The Legal Imagination: Studies in the Nature of Legal Thought and Expression*, "White has consistently taken the similarities between law and literature as his object of study."

Her own path begins with the chapter "The Humanist Tradition," followed by chapters called "A Local Habitation and a Name," "And Justice Shall be Law, Not Power," and "Hope Springs Eternal." Her bibliography of White's writings since 1965 at the end of the book fills more than three pages.

White's aim "is not to build an all-encompassing theory," writes Gaakeer, who began her book as a doctoral dissertation at Erasmus University. "The value of his work lies primarily in his reflection on the common bond of law and literature in language by means of a study of the actual performances in literary texts. In a sense, his work reveals a skeptical attitude with respect to theory, or even a certain hostility to theory. It is rooted in his rejection of those forms of scholarship that have abandoned actual experience in favor of autonomous, abstract theory. For White, the term 'theory' as a product of reflection should be taken much more in the original meaning of the word, found in classical Greek, where the verb *theorein* meant 'to review a situation and try and learn something from it'."

"White's continuous effort to direct our attention to the importance of that essentially literary quality of resisting closure for law and legal discourse, is to my mind his greatest contribution to legal theory," Graakeer concludes. "Both his accomplishment and the diversity within Law and Literature as a movement show the necessity for law of an attitude that works of literature and the literary view of the world in the best form can teach us. It is the acknowledgment of the value of the singularity of any specific text, or the value of the uniqueness of any individual human being, and of any possible claim of meaning, while preserving an open mind on other possibilities, and resisting the urge towards any form of closure."


James Boyd White

White said that he is pleased and complimented by the book's discussion of his work. "It is a great honor to have my work be made the object of sustained and intelligent attention in this way," he said. "But the greatest benefit to me of this book is coming to know Jeanne Gaakeer, an extraordinary person, and to learn something about the continental context in which she is placing the kind of work in law and humanities that is being done all over the English-speaking world."

Hope Springs Eternal: An Introduction to the Work of James Boyd White is being distributed in the United States by the University of Michigan Press. For price and ordering information, contact: University of Michigan Press, P.O. Box 1104, Ann Arbor, Michigan 48106-1104. Telephone: 734.764.4392. The University of Michigan Press catalog is available online at www.press.umich.edu.

White has written many journal articles and five books. In addition to *The Legal Imagination*, his books include: *Constitutional Criminal*

Procedure, with Scarboro, 1976, supplement 1980; *When Words Lose Their Meaning: Constitutions and Reconstitutions of Language, Character, and Community*, 1984, paperback 1985; *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law*, 1985, paperback 1989; *Justice as Translation: An Essay in Cultural and Legal Criticism*, 1990, paperback 1994; *Acts of Hope: Creating Authority in Literature, Law, and Politics*, 1995, paperback 1995; and *"This Book of Starres": Learning to Read George Herbert*, 1994, paperback 1995. His upcoming book, *From Expectation to Experience: Essays on Law and Legal Education*, is to be published this fall by the University of Michigan Press.

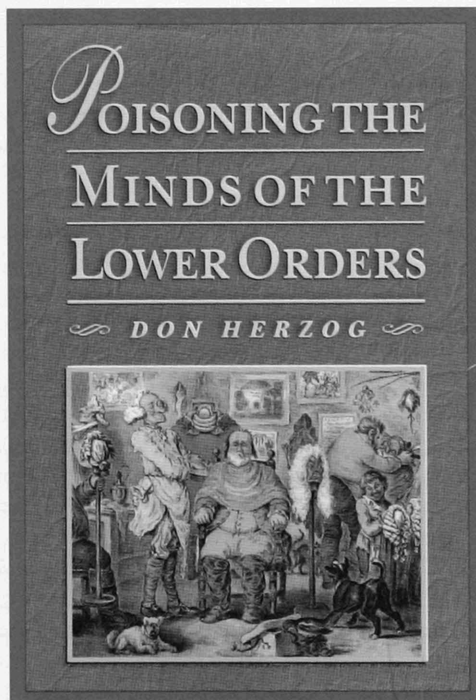
Herzog on the stepping stones to democracy

Professor Don Herzog's new book, *Poisoning the Minds of the Lower Orders* (Princeton University Press, 1998), began as a book on conservatism.

"But along the way I found myself working on a book on conservatism and democracy," he confesses in the preface. Conservatism, he discovered, "was locked in combat with democracy" and "was best understood as a fundamental assault on the possibility and desirability of democratic politics."

Poisoning the Minds of the Lower Orders focuses on the tumultuous period between the French Revolution of 1789 and 1834, when England passed a major poor law. Herzog consults "the usual suspects" — well-known historical intellectual figures like Bentham, Blake, Burke, Byron, Priestley, novelist Mary Shelley and poet Percy Shelley, Wollstonecraft, Wordsworth and others. "I've also drawn on newspapers, pamphlets, cartoons, sermons, letters, diaries, trashy novels, trashier poems, periodicals, parliamentary proceedings, and more. Crucially, I've incorporated social and political history. . .

"To put it bluntly, I don't trust the distinction between intellectual and social history. So I've ignored it. In these pages, Burkean appeals to tradition rub shoulders with workers plotting in alehouses; paeans to enlightenment jostle against contemptible hairdressers."



Herzog divides the book into three parts: Enlightenment, Contempt, and Standing. Throughout, he portrays the stubborn tension between the upper, ruling classes and those they turned into and tried to maintain as social pariahs. He leads his reader on a thought-wrenching, sometimes unpleasant journey. "Those seeking a guiding thread through the labyrinth might wish to focus on the transformation of subjects into citizens," he offers. "Or — to restate the point — on how it became possible to credit the lower orders with dignity and political agency, to deny that they were the lower orders in the first place, and to do so without being cranky or going into mourning."

Herzog's other books include *Happy Slaves: A Critique of Consent Theory* (1989) and *Without Foundations: Justification in Political Theory* (1985). An excerpt from *Poisoning the Minds of the Lower Orders* appeared in 41.2 *Law Quadrangle Notes* 80-83 (Summer 1998).

Schneider examines autonomy in medical decision-making

You're sick. Seriously, wearily sick. Do you want to shoulder the task of remaining aware of the progress of your illness and deciding the course of your care? Or do you want someone else to take that knowledge and make that decision for you?

There are no straight-forward answers to such questions, as Professor of Law Carl E. Schneider, '79, details in his new book, *The Practice of Autonomy: Patients, Doctors, and Medical Decisions* (Oxford University Press, 1998).

"This inquiry yields some unexpected results," Schneider writes. "Much of what autonomists want for patients, many patients want for themselves. At least some patients crave and contend for all that lawyers and bioethicists

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The Practice of Autonomy

Patients, Doctors, and Medical Decisions

Carl E. Schneider

Continued from page 45

advocate — the authority and the ability to make their own medical decisions. Yet many patients reject the full burden of decision autonomists would wish upon them."

In the end, after "looking more broadly at autonomy's role in its time of triumph," Schneider asks new questions. "If some patients want autonomy and others do not, if patients should sometimes make decisions but at other times need not, patients should presumably allocate decisional authority case by case. But while that principle is attractive, it is also problematic.

"First, it is hard to implement. Second, the bureaucratization of modern medicine seems to be shifting the authority to make medical decisions away from both doctor and patient and toward the organizations that increasingly dominate American medical care. Finally, perhaps reformist energies in medicine are no longer best directed at perfecting the exercise of patients' autonomy. Patients want more from doctors than autonomy; they want competence and kindness."

Schneider, who also is Professor of Internal Medicine at the University of Michigan Medical School, divides *The Practice of Autonomy* into six chapters: "The Autonomy Paradigm"; "Patients' Preferences About Autonomy: The Empirical Evidence"; "The Reluctant Patient: Can Abjuring Autonomy Make Sense?"; "How Can They Think That?: Of Information, Control, and Complexity"; "Reconsidering Autonomy: Evaluating the Arguments for Mandatory Autonomy"; and "Beyond the Reluctant Patient: Autonomy in New Times".

An excerpt from the book, "The Life of the Sick," appeared in 41.3 *Law Quadrangle Notes* 98-105 (Fall/Winter 1998).

Schneider also is the author of *An Invitation to Family Law: Principles, Process, and Perspectives* (with Margaret Friedlander Brinig, 1996).

Faculty featured in AALS programs

Focusing on the theme "The Professional Responsibilities of Professional Schools," the programs at the annual meeting of the American Association of Law Schools (AALS) in January included faculty members from the Law School as speakers and discussants. The annual meeting was held January 6-10 in New Orleans.

David Chambers, Wade H. McCree, Jr. Professor of Law, moderated the panel on "Expanding the Opportunities for *Pro Bono* Service by Law Students," presented by the AALS Executive Committee. Professor Deborah C. Malamud spoke as part of the program "Organizing a Diverse Workforce: Class Consciousness, Law and Unionism."

Suellyn Scarnecchia, '81, Professor and Associate Dean for Clinical Affairs, and Chambers were speakers for the panel discussion portion of the program "From Partners to Parents: Toward a Child-Centered Family Law Jurisprudence."

Grace Tonner, Clinical Assistant Professor and Director of the Law School's Legal Practice Program, was a speaker for the section on "Reading Briefs" that was part of the Workshop on Reading Critically.

Assistant Professor Sherman Clark spoke on "Legal Argument and Social Meaning" at the University of Michigan Law School Alumni Breakfast on January 8.

Lawrence W. Waggoner, Lewis W. Simes Professor of Law, was a speaker for the program "Interpreting Different Texts."

Members of the Law School community also play significant roles in the AALS' governance and planning work. Dean Jeffrey S. Lehman, '81, serves on the Committee on Academic Freedom and Tenure; Christina B. Whitman, '74, Associate Dean for Academic Affairs, is a member of the AALS House of Representatives; and Chambers serves on the AALS Executive Committee.

ACTIVITIES

Professor **José Alvarez**, who spent the fall term as a visiting professor at Columbia University Law School, presented talks on Rwanda and the prosecution of war crimes to the faculties at the law schools at Columbia, St. John's and Villanova. He spoke on international criminal tribunals at an international conference in October at New York University Law School, at the International Law Association's annual International Law Weekend in November and the same month for Professor Oscar Schachter's interdisciplinary evening seminar on "The Problem of the Peace." He also spoke at Columbia to workshops for human rights fellows and for LL.M. candidates, and served as commentator to Ian Johnstone, assistant to UN Secretary General Kofi Annan, on the subject of "Modern UN Peace Operations." In November he addressed the New York Bar Association's Inter-American Affairs members on "Multilateral Investment Regimes." He also served on the Nominating Committee of the American Society of International Law.

Kirkland and Ellis Professor of Law **Phoebe Ellsworth** has been named Distinguished Lecturer for 1999 by the American Psychological Association; the honor involves presenting lectures at regional conventions, including at the Western Psychological Association in California in April and the New England Psychological Association in October. She, Thomas and Mabel Long Professor of Law **Samuel R. Gross**, Associate Dean for Clinical Affairs **Suellyn Scarnecchia**, '81, and Associate Dean for Academic Affairs **Christina B. Whitman**, '74, were speakers for the Diversity and the Legal System section of the Michigan Media Seminar "Representing America: New Questions, New Sources," presented by the University of Michigan Institute for Research on Women and Gender in November.

Gross also delivered a paper, "Lost Lives: Miscarriages of Justice in Capital Cases," at the National Conference on Wrongful Convictions and the Death Penalty at Northwestern University School of Law in November. (An excerpt begins on page 82.) In October he spoke on "American Public Opinion on the Death Penalty" at a conference on "Crime and Punishment" at Oberlin College.

Professor of Law **James C. Hathaway** in December delivered the keynote address, "Resuscitating the Right to Seek and to Enjoy Asylum," at the meeting of the International Association for the Study of Forced Migration in Jerusalem. In November, he organized and taught a two-day advanced course in Paris, "Refugee Law as a Response to the Failure of State Protection," under the auspices of the European Council on Refugees and Exiles. In October he spoke on "Human Rights and the Refugee Convention: Stocktaking on the 50th Anniversary of the Universal Declaration" to the International Association of Refugee Law Judges meeting in Ottawa, and in September, in Brussels, he delivered the keynote speech, "The Refugee Convention on the Eve of the 21st Century," at a conference organized by the Belgian Commissioner General for Refugees and Stateless Persons.

Assistant Professor of Law **Michael Heller**, with Professors **Deborah Malamud** and **Richard Pildes**, served as discussants in December for papers delivered at the conference on "Honor, Status, and Law in Modern Latin America." The Law School was one of nine sponsors of the conference, which was held in Hutchins Hall.

For the 20th consecutive year, Clarence Darrow Distinguished University Professor of Law **Yale Kamisar** was one of three principal speakers at the U.S. Law Week's annual two-day conference on constitutional law in September in Washington, D.C. The same month he presented a paper on "Police Interrogation and Confessions, Search and Seizure and the Rehnquist Court" at a three-day conference on the Rehnquist Court at the University of Tulsa College of Law.

Thomas E. Kauper, '60, the Henry M. Butzel Professor of Law, in October chaired and was principal lecturer for the Antitrust Short Course offered by the Southwest Legal Foundation at Dallas and lectured at the Golden State Antitrust Institute in Los Angeles. In June he taught at Tokyo University and in May he lectured at Lisbon, Portugal, as part of a program sponsored by the Lisbon Bar Association.

Francis A. Allen Collegiate Professor of Law **Richard O. Lempert**, '68, served on the Test Development and Research Committee and the Grants Review Subcommittee of the Law School Admission Council. He is spending the 1998-99 academic year writing and doing research as a Fellow at the Russell Sage Foundation in New York City.

Professor of Law **Deborah C. Malamud**, a Visiting Professor at the University of Arizona during winter term 1999, in December presented the paper "Engineering the Middle Classes: The Origins and Early Development of the 'White-Collar Exemptions' to the Fair Labor Standards Act," at the New York University Law School workshop on Labor and Employment at the Center for Labor and Employment Law. In October she presented the paper "The Race Jurisprudence of Justice Blackmun" at Hastings Law School at the Symposium in Honor of the Hon. Harry A. Blackmun.

Professor of Law **Sallyanne Payton** has been named a Fellow of the National Academy of Public Administration, an organization chartered by Congress to assist federal, state, and local governments to improve their effectiveness, efficiency and accountability. The academy's nearly 500 fellows, which include former and current public officials, business executives, public managers and scholars, serve on project panels and guide other endeavors of the academy. Fellows are chosen for their "sustained contribution to the

ACTIVITIES, *continued*

field of public administration through public service or scholarship."

Associate Dean for Clinical Affairs **Suellyn Scarnecchia**, '81, in November lectured on the Baby Jessica case for classes at Washington University in St. Louis. In October she spoke on the use of a cultural defense in family violence cases for the Washtenaw County Bar Association's Bias Awareness Week and was keynote speaker for the annual meeting of Hear My Voice, a national child advocacy organization based in Ann Arbor.

Professor of Law **Carl E. Schneider**, '79, presented a series of seminars on American bioethics at the University of Tokyo in February last year.

A.W. Brian Simpson, the Charles F. and Edith J. Clyne Professor of Law, spoke on the international law aspects of the case of extradition of General Augusto Pinochet from England during a roundtable discussion of "Pinochet and International Law" sponsored by the Center for European Studies and Latin American and Caribbean Studies at the University of Michigan in November.

Eric Stein, Hessel E. Yntema Professor Emeritus of Law, addressed the Mellon Seminar at Columbia University in December on "Retroactive Justice in Central Europe." In November he was a member of the panel on "The Fortieth Anniversary of the Entry into Force of the Treaty of Rome" at the International Law Weekend in New York. In October he was elected to a three-year term as a counsellor for the American Society of International Law.

Lewis M. Simes Professor of Law **Lawrence W. Waggoner**, '63, has completed Division I of the Restatement (Third) of Property (Wills and Other Donative Transfers), which will be published as the first hardbound volume of the Restatement Third.

L. Hart Wright Collegiate Professor of Law **James Boyd White** spoke on "Crossing Lines: Law and the Humanities" at Oberlin University in October.

Robert A. Sullivan Professor of Law **James J. White**, '62, conducted a Negotiation Seminar at Wayne State University Law School in October. In September he conducted a five-day Negotiation Seminar in Portugal. He presented seminars on "UCC Update: Recent Case Developments and Code Revisions in UCC Articles 2, 2A, 2B and 9" in September at Troy, Michigan, for the Institute of Continuing Legal Education and in June for the Oregon State Bar Continuing Legal Education program.

VISITING FACULTY:

Visiting faculty member **Laurence D. Connor**, '65, a senior litigation member of Dykema Gossett in Detroit who teaches Alternative Dispute Resolution and Mediating Legal Disputes, is a member of the Michigan Supreme Court Alternative Dispute Resolution Task Force, established to study and provide recommendations for integrating dispute resolution processes into Michigan trial courts. He also serves on the Product Liability Committee of the CPR Institute for Dispute Resolution and has written a chapter on Michigan alternative dispute resolution for the upcoming Institute for Continuing Legal Education publication *Michigan Civil Procedure*.

Visiting Professor **Hanoch Dagan**, of the Buchman Faculty of Law at Tel-Aviv University, is editor of the forthcoming book, *Land Law in Israel: Between Private and Public*, to be published in Hebrew this year.

Visiting Professor **Roberta Morris** spoke on the No Electronic Theft Act (NET) in September for the Intellectual Property Section of the State Bar of Michigan at its annual meeting in Lansing. In July she spoke on "Lost in_Cybor_Space" as part of a panel discussion on Structuring Patent Trials sponsored by the Federal Bar Association, Eastern District of Michigan.

Lyon receives Justice for All Award

Clinical Assistant Professor of Law Andrea D. Lyon, founder of the Capital Resource Center in Illinois and a veteran defense attorney in capital cases, was one of four recipients of a Justice for All Award at the National Conference on Wrongful Convictions and the Death Penalty at Northwestern University School of Law in November.

Lyon, who successfully has fought more than 40 capital cases and tried more than 130 homicide cases, has been a member of the attorney team in five cases in which death row inmates have won reversal of their convictions or a retrial of their cases. As lead counsel, she has won freedom for four clients who were wrongfully convicted but did not face death sentences.

Lyon earned her law degree at Antioch School of Law. She worked with the Office of the Cook County Public Defender and became Chief of the office's Homicide Task Force. She founded the Capital Resource Center in Chicago in 1990 and served as the Center's first Director.

Lyon has continued her active role in capital cases and in continuing legal education since joining the Law School faculty in 1995.

Clinical Assistant Professor Andrea D. Lyon, winner of a Justice for All Award, introduces Stephen Bright, winner of the Thurgood Marshall Award from the American Bar Association, prior to his talk at the Law School in November. Bright, Executive Director of the Atlanta-based Southern Center for Human Rights, had introduced Lyon and presented her Justice for All Award at the National Conference on Wrongful Convictions and the Death Penalty at Chicago just a few days earlier.

In addition to Lyon, who received her award for "lifetime achievement," the Justice for All Award was presented to Rob Warren for his journalistic efforts in the capital offense arena, attorney Thomas M. Breen for an individual case, and Rubin "Hurricane" Carter as an exonerated inmate. The Justice for All Award pictures an electric chair with 74 check-off marks above it, and the words "74 innocent people have been wrongly sentenced to death. Come meet them."

Many of the 74 death row prisoners who have won freedom since the death penalty was reinstated in 1976 attended the conference. Their attendance helped highlight "the magnitude of the problem and the very real possibility of executing the innocent," according to the conference program. Participants in the November 13-15 conference took part in a variety of sessions, among them "Keeping Open Avenues of Post-Conviction Relief in the States," "The Sheppard Case: Righting the Wrong 45 Years Later," "Wrongful Convictions and the Death Penalty: World Perspectives on American (In) Justice," "Ensuring Meaningful Federal Habeas Corpus," "Working with the Released: Understanding the Effects of Incarceration" and "Understanding DNA."

Thomas and Mabel Long Professor of Law Samuel R. Gross delivered a paper, "Lost Lives: Miscarriages of Justice in Capital Cases" and took part in the panel on "The Decision to Seek Death: Prosecutorial Discretion, Race and Local Passion." (An excerpt of his paper begins on page 82.)

Stephen Bright, Director of the Southern Center for Human Rights in Atlanta, introduced Lyon, whom he considers "one of the oustanding death penalty lawyers in the country," and presented her award. "I think Andrea has been extraordinary in terms of the inspiration and the guidance that she has provided for people all over the country," Bright said. "She teaches in the Continuing Education Program, at the Death Penalty College in California and the National College for Defense Attorneys — a two-week intensive course for lawyers who are defending poor people."

Lyon also is highly regarded by her students, Bright added.

Lyon returned the favor a few days later at the Law School when she introduced Bright, who recently received the American Bar Association's Thurgood Marshall Award, as the speaker in a program sponsored by the Office of Student Services. Lyon is a member of the board of the Southern Center for Human Rights.

The reasons that people sometimes are wrongly convicted of capital crimes remain the same as they were prior to 1972, when the U.S. Supreme Court declared the death penalty unconstitutional, Bright said. The reasons include the poverty of defendants and the token fees often paid to court-appointed attorneys who defend them; racial factors — "What bothers me is that the criminal law system has been the least affected by the civil rights movement"; and too little recognition of many defendants' mental illness, retardation, or their legal status as minors.

Minority defendants make up the bulk of capital defendants, Bright said. However, they often are tried in jurisdictions where juries do not include minority members.

Bright described a number of cases in which capital defendants were inadequately represented, including a Texas case in which the court-appointed defense attorney slept through much of the trial. On appeal, the judge upheld the conviction, saying that the defendant was entitled to an attorney, but that the attorney need not be awake, Bright told his listeners.

In some states, like Alabama, state law puts a $2,000 cap on what court-appointed attorneys can be paid for their work in capital cases, he continued. The result is that representation often is poor because most attorneys do not want to take such cases.

"Unless we do something about this," Bright concluded, "we might as well sandblast 'Equal Justice Under Law' off the front of the Supreme Court Building."

PHOTO COURTESY MUNGER, TOLLES & OLSON

Ronald L. Olson, '66

Ron Olson, '66, named California's **most influential lawyer**

Ronald L. Olson, '66, of the Los Angeles firm Munger, Tolles & Olson, has been named the "most influential" attorney in California by *California Law Business*, a supplement to the *Los Angeles Daily Journal* and the *San Francisco Daily Journal*. Olson garnered the most votes in a field of 160,000 candidates to top the list of the 100 most influential attorneys that the magazine published last fall.

"Selecting the 100 most influential attorneys in the state from a candidate pool of 160,000 was bound to not please everyone," *California Law Business* reported in introducing its list. "To arrive at a fair list, we called on more than 200 attorneys from a cross-section of the state's legal profession, asking them to name the most 'influential' lawyers. Their results form an interesting list of superstar trial lawyers, public interest heroes, and corporate titans."

Olson said he is especially pleased to be honored by his peers. "I've always been highly respectful of and appreciative of the lawyers I practice with and around in the State of California, and to have them identify me is very meaningful and very special," he said.

Highly regarded for his success in high stakes cases, Olson has a client list that reads like a who's who of corporate giants — Salomon Bros., Merrill Lynch, MCA, Alyeska Pipeline Service — as well as others like the Republic of the Philippines in its litigation against the Marcos family.

"A veritable poster boy for the American Dream, Ronald L. Olson, 57, has grown from an Iowa farm boy into one of the nation's premier trial lawyers — with a Midas touch in the area of rainmaking," began the *California Law Business* article that announced Olson's selection.

"Unlike most litigators, Olson . . . doesn't like to talk about himself," writer Pearl J. Platt continued in the piece. "However, he's developed a reputation among his peers for handling high-profile matters with creativity and aplomb."

Even Olson's opponents praise his skills. Said Los Angeles plaintiffs lawyer Thomas V. Girardi, in the *Los Angeles Daily Journal*:

"Look at all the people that flock to his door — be it Southern California Edison, Shell, Unocal — the list is endless. Whenever these companies have a large problem, the person they seek out is Ron Olson, and they've done this for a very, very long time. Quite honestly, I would much prefer if they wouldn't seek him out."

Olson and his wife, Jane, have close ties to the Law School. Ronald chairs the Committee of Visitors and Jane is a member of the Advisory Board of the Center for International and Comparative Law. The couple's most recent gift to the Law School provides support for the School's efforts in international legal education (story on page 3).

The Olsons were on campus in December for the graduation of their daughter, Amy, the youngest of their three children and the second to graduate from the Law School. Their son, Steven, graduated in 1995 and now is an associate at Latham & Watkins in Los Angeles. Their other daughter, Kristin, is pursuing a doctorate in economics at the University of Southern California.

The list of "The Top 100" attorneys included two other Law School graduates, second-term Los Angeles Mayor Richard J. Riordan, '56, and "Soccer Czar" Alan I. Rothenberg, '63, a partner at Latham & Watkins. Mark D. Rosenbaum, legal director of the American Civil Liberties Union of Southern California and a frequent visiting professor at the Law School, also was on the list.

"Unlike most litigators, Olson . . . doesn't like to talk about himself. However, he's developed a reputation among his peers for handling high-profile matters with creativity and aplomb."

Stuart Ho, '63: Hong Kong is China's 'golden egg'

Hawaii-based and Philippines-born, business leader Stuart Ho, '63, brings a special perspective to the recent stalling of many Asian economies, especially Japan's. And he's watching them closely.

"Being out in the Pacific and in a multicultural society really does give you a broader perspective than the average American of what's going on in Asia, and perhaps even a sympathy for these societies," he explained during a visit to the Law School in October.

Ho, Chairman of Capital Investment of Hawaii Inc., was visiting the Law School as the guest speaker for a Dean's Forum. The Dean's Forum programs, hosted by Dean Jeffrey S. Lehman, '81, are held throughout the academic year to bring outstanding graduates who have succeeded in fields other than the practice of law together with students who have expressed an interest in the guest's field of endeavor. The other Dean's Forum guest during the fall term was Stephen C. Brown, '69, Vice President-Labor Relations/International Human Resources of McDonald's Corporation.

Ho said he relished the idea of using the Dean's Forum to share with students "an idea of how my legal education at Michigan helped me in my non-legal career."

His career has been varied and successful. "I began practicing law and that evolved into a political career and that in turn evolved into a business career," he explained. "I practiced in New York briefly in the mid-60s, then went back [to Hawaii] and was recruited to run for state office. [Ho served two terms, 1966-70, as a state representative and Democratic floor leader in the Hawaii state legislature.]

"It was satisfying work, but I soon realized it wasn't going to put food on the table for a growing family, so I got out and went back to law. I soon found myself drawn into business more and more, and eventually I left active practice altogether."

In 1975, Ho became President of Capital Investment of Hawaii Inc., the company founded by his father in 1944. He became its Chairman in 1982. In addition, he is a director of Aloha Airgroup, Pacific Century Financial Corp., and Gannett Co. Inc., which he also serves as Chairman of Gannett Pacific Corp., the publisher of newspapers in Hawaii and Guam. He is a former Chairman of the University of Hawaii Board of Regents and is a trustee of College Retirement Equities Fund.

Stuart Ho, '63, and law students greet each other as they gather for their Dean's Forum luncheon in October. Ho, Chairman of Capital Investment of Hawaii Inc., and the students discussed his career and their plans during the hour-long gathering. The Dean's Forum programs, held throughout the academic year, bring together outstanding graduates who have succeeded in fields other than the practice of law with students who share an interest in the guest's professional field.

Ho's company has done business in Hong Kong in the past, and he doesn't believe there has been a real change there since "the transition" to China.

"I think former Hong Kong Governor Chris Patten had it right," Ho said. "Hong Kong became successful not just because the Chinese are talented at business but also because the Chinese benefitted hugely from the protection and predictability provided by the British rule of law.

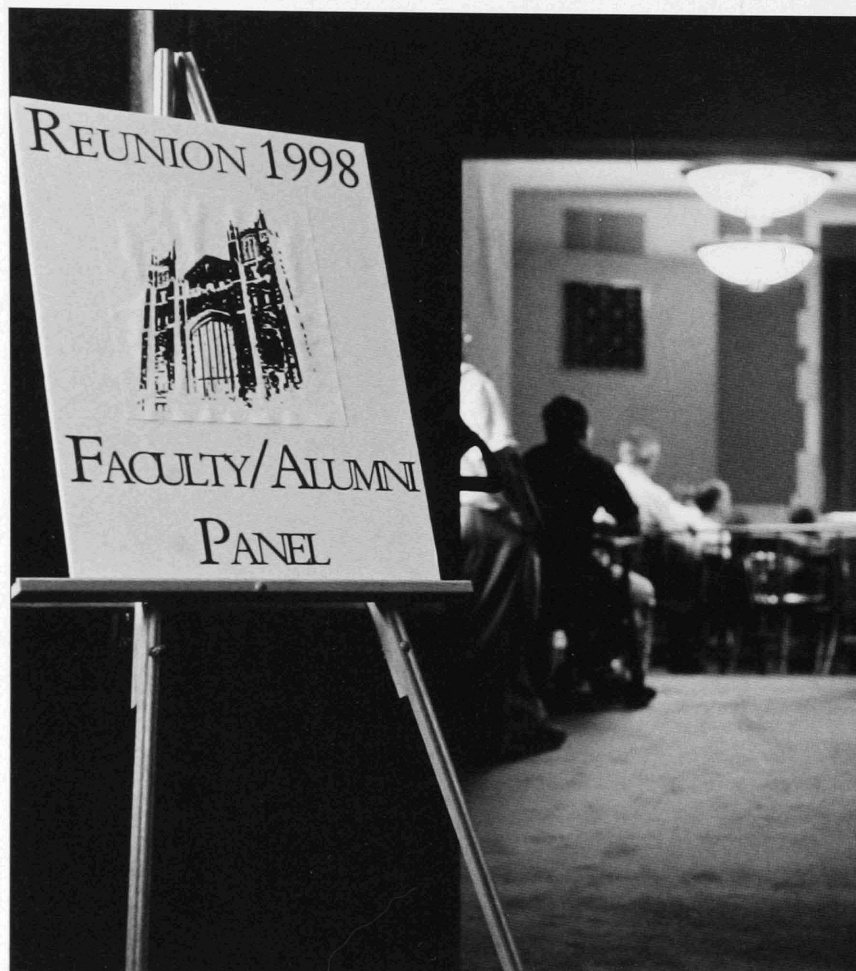
"Under the British, Hong Kong Chinese have thrived in a way that would not have been possible under Chinese leaders of the past. Beijing knows that. How to become a modern state is a problem that has eluded China for centuries, and Hong Kong is one transitional model that has worked. So, short of a direct affront to its internal security, I think China will run Hong Kong pretty much the way the British did while everyone studies and tinkers with the model."

As for Japan's economic ills, he sympathizes with the job the Japanese have in righting their economy. "The Japanese are not just being asked to change the way they do business, they are also being asked to change deeply held cultural values.

"To right their banking system, Westerners are basically asking Japan to replace an every-man-for-the-group system with an every-man-for-himself style of doing business that really goes against the Japanese grain," he explained.

"Globalization, way down deep, really means subordinating your laws and cultural beliefs to a single standard for doing business. IMF rules are rooted in Western values. A lot of Westerners don't understand how hard it is for Japan to change centuries-old ways to make way for these rules."

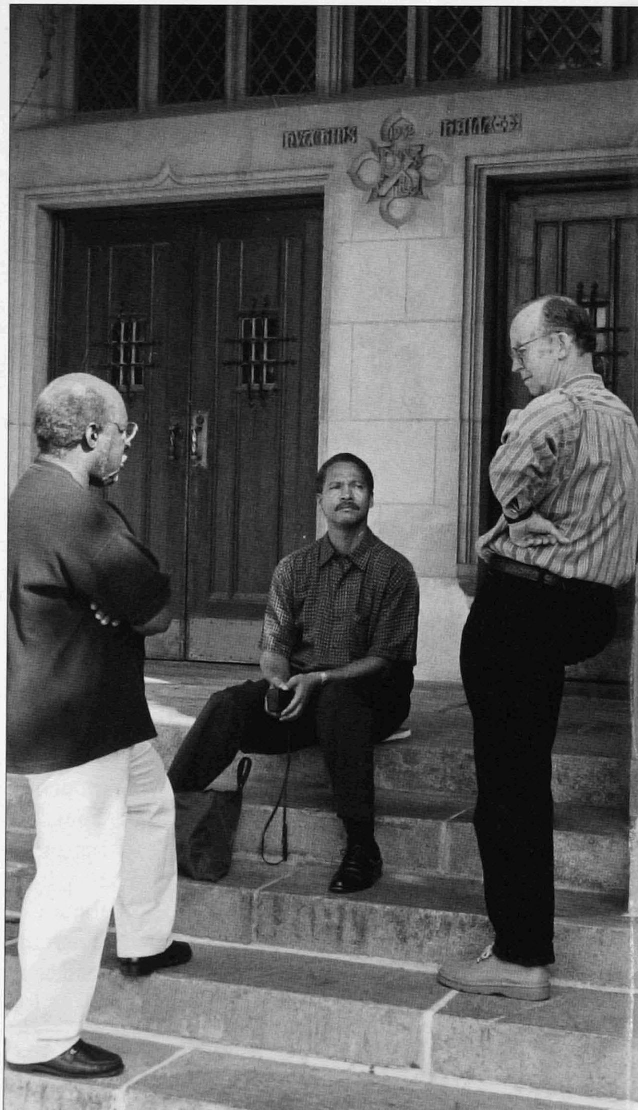
ALUMNI



Jeffrey and Hart Suskin, sons of Howard S. Suskin, '83, and Lydia Stux, discover the intricacies of making figures from balloons under the tutelage of Poonski the Clown, aka Mary Ann Baillargeon. Baillargeon and husband and magician Ron Baiullargeon make up Mr. B's Magic Show, which provided entertainment for children of all ages returning for an alumni weekend at the Law School.

Paul K. Villarruel, '80, of Hertz, Schram & Saretsky, PC, in Bloomfield Hills, follows daughter Katee's direction as she points out a feature of the Law Quad during their visit to the Law School for a reunion weekend in September.

Coming back to the Law Quad



Professor Emeritus Whitmore Gray, right, shares memories and conversation with David Lang and P.M. Smith, both '73.

Frank W. Jackson III, '73, makes a point during a reunion program on changes in legal education.

Watching the Current — Reed Benson,'88, President of WaterWatch Oregon, combined his class reunion at the Law School with presenting a talk for current law students. Here, he describes the educational and professional path that led him to public service environmental law. Called "A Look at Environmental Careers," the program was sponsored by the Environmental Law Society. WaterWatch Oregon works to protect Oregon's rivers.

Graduates who gather for reunions revel in their reminiscences, but seldom do they get a chance to see how their experiences were part of the ever-changing nature of legal education. This year, many graduates who returned to the Law School for reunions had the chance to do that — via a panel discussion that examined more than a quarter century of changes in legal education.

As he looks back over nearly 35 years of teaching at the Law School, former Law School Dean Theodore J. St. Antoine, '54, says there are two major shifts that have occurred in legal education over that time:

1. Legal education reaches out much more to embrace other disciplines. Subjects like history, economics, medicine and others now regularly become part of the discussion in law classes, and these classes more often are taught by professors who incorporate such subjects into their research and teaching.

2. Legal education now includes more clinical training and other hands-on practical experience to help students when they graduate. The Law School's roll of clinical faculty has grown and the school has augmented its required skills training by adding a Legal Practice Program, begun in 1996, that requires first-year students to learn the varieties of legal writing.

Legal education is moving in two directions at once, according to St. Antoine, the James E. and Sarah A. Degan Professor Emeritus of Law: inward to incorporate other disciplines across the spectrum of the university, and outward toward the profession's practitioners. "But there are costs," he warned. "Tuition is in the $24,000 a year range," and this is "of concern."

These and other topics were part of the look at "25 Years of Legal Education" that St. Antoine and his fellow panelists

Continued on page 54

Coming back

PHOTO COURTESY KATHY WARD, '77

London Gathering —
Members of the Law School family in England gather in October for dinner and conversation during the visit of Dean Jeffrey Lehman, '81, standing. From left are Carolyn Toulmin; His Honour Judge John Toulmin, LL.M. '65, CMG, QC; Lehman, David Bunker, '57-58, a solicitor; Peggy Bunker; and Walid Labadi, '86, counsel for the European Bank.

Continued from page 53

discussed during a program sponsored by the Class of 1973 during its reunion at the Law School in September. Other classes holding reunions at the Law School on September 10-13 or September 17-20 included: 1953, '58, '63, '68, '73, '78, '83, '88 and '93.

St. Antoine's fellow panelists included Professors Sherman Clark, Ronald Mann, and James J. White, '62. Ronald Allen, '73, of the Northwestern University School of Law, moderated.

Despite the changes that have occurred, "I hope that this law school never loses the teaching of the arrogance that we can make a difference," said Frank W. Jackson III, '73, of Blue Cross-Blue Shield of Michigan.

Dean Jeffrey S. Lehman, '81, also referred to the establishment of the Legal Practice Program and the expansion of clinical law programs in his "Report from the Dean."

The Legal Practice Program, taught by seven clinical assist professors, has replaced the former Case Club system, which used upperclassmen to teach underclassmen, Lehman explained. In the clinical law area, there now are nine long-term faculty members and "we are almost at the point where everybody who wants to take a clinic can." The program is "a big program and very, very high quality."

Lehman also cited the Law School's instruction in ethics and alternative dispute resolution, faculty achievements and new faculty members. In the area of international law and legal education, there is "tremendous interest" from foreign law schools in Japan, England, Germany and China in having exchanges with the University of Michigan Law School, he said.

Reunion participants also got to see firsthand some of the recent changes at the Law School, like the addition of staff and faculty office space in the former alcoves of the Reading Room and the heavy use that characterizes the Law School's improved computer facilities for students.

In other reunion activity, Douglas A. Kahn, the Paul G. Kauper Professor of Law, spoke on "The Myth of Tax Neutrality and the Fallacy of the Underpinning of the Tax Expenditure Budget Concept." During each of the reunion gatherings, returnees could meet with faculty members, attend classes, tour the Law School and Ann Arbor area, and take part in individual class activities and "tailgate" luncheons prior to the football game that precedes each weekend's class banquets.

(Scores? Michigan trounced Eastern Michigan University 59-20 on September 19, but the Wolverines lost 38-28 to the Orangemen of Syracuse University on the preceding Saturday.)

Breck, '57, and Darrow, '48, win Michigan Bar Awards

PHOTOS COURTESY STATE BAR OF MICHIGAN

David Breck, '57

Two graduates of the Law School have been honored by the State Bar of Michigan. Michigan Sixth Circuit Court Judge David Breck, '57, last summer was named one of six "Champions of Justice" by the State Bar of Michigan Board of Commissioners, and in September Ann Arbor attorney Peter P. Darrow, '48, received the 1998 John W. Cummiskey *Pro Bono* Award from the State Bar of Michigan.

The "Champion of Justice" award is given for extraordinary accomplishment in support of "equal justice under law." Breck "has been an ardent supporter of civil rights throughout his career, and as a jurist has led the development of legal principles in Michigan in the areas of assisted suicide, handicapped rights, civil rights, and the 'drug lifer law'," the State Bar said in announcing his award.

Breck was the first judge to question the constitutionality of the "drug lifer law" by labeling the life sentence that the statute required "cruel and unusual punishment" and refusing to impose it. His decision, although eventually overturned, signaled the beginning of the debate that led to major modifications of the law. Breck also was among the first attorneys to represent African American clients in housing discrimination cases and has lectured on the subject since 1972. He was the first dues-paying member of the African American Bar in Oakland County known as the D. Augustus Straker Bar Association and served for six years as one of its directors.

Peter P. Darrow, '48, left, receives the State Bar of Michigan's 1998 John W. Cummiskey Pro Bono *Award from Cummiskey, center, and then-Bar President Edmund M. Brady, Jr., '69.*

Breck, who won the Leon Hubbard award from the Oakland County Bar Association "for fostering awareness of cultural diversity and enhancing the quality of life for all people, was named Alumnus of the Year last year by Cranbrook School. He is a director of Horizons Upward Bound, which Cranbrook designed to encourage underprivileged students to attend college. He is a life member of the NAACP and a recipient of the NAACP Presidential Award for Judicial Service.

Among the high profile cases that he has handled is that of physician-assisted suicide advocate Jack Kevorkian. Breck presided over the first assisted suicide prosecution of Kevorkian, in which he ruled that assisted suicide is not a crime in Michigan. The Michigan Supreme Court reversed Breck's decision and Kevorkian was found not guilty by a jury in the trial.

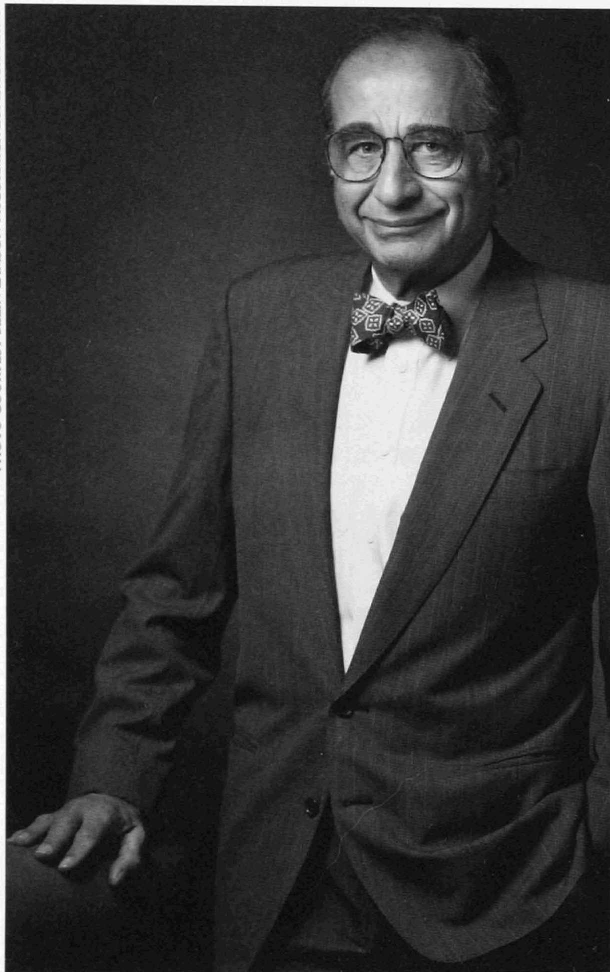
The Cummiskey Award is given to the attorney who best exhibits the spirit of "giving back to the public" that is embodied in the oath taken by every Michigan lawyer: "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice."

During the 1950s Darrow was deeply involved in the civil rights movement and worked with a group that purchased homes in white neighborhoods and then sold them to African Americans on a land contract basis. In the 1960s he helped draft legislation that became the National Housing Act. He was part of the Washtenaw County Bar Association's original Legal Aid Committee, established in 1960, and has been a member of its successor, the *Pro Bono* Committee, since its founding in 1981.

In 1993, Darrow was appointed a co-guardian *ad litem* for Jessica DeBoer in the Washtenaw County custody trial in which Law School students participated as part of their clinical training. In his capacity as co-guardian *ad litem*, Darrow also arranged for an attorney to represent Jessica DeBoer in order to file a case in her own name.

A tribute to
David W. Belin, '54

PHOTO COURTESY BELIN LAMSON McCORMICK ZUMBACH FLYNN



David W. Belin, '54

David W. Belin, '54, an assistant counsel to the Warren Commission that investigated President John F. Kennedy's assassination and an outspoken critic of those who questioned the commission's finding that a single gunman killed the president, died January 17 in Rochester, Minnesota. Belin, 70, died after suffering a fall in his hotel room in Rochester, where he had come for a physical at the Mayo Clinic.

Belin had "an extraordinary career," said former Law School Dean Theodore J. St. Antoine, '54, a Law School classmate of Belin and a long-time friend. "He was a very special guy. I think one would say that David was the most brilliant guy in our class."

At his death, Belin was senior partner of Belin Lamson McCormick Zumbach Flynn of Des Moines, Iowa, where he had practiced law since the 1950s. In recent years, he divided his time between Des Moines and New York City, where he also had offices. He specialized in corporate law.

Belin was most widely known for his work with the Warren Commission and for his dedication to re-affirming its findings in the face of the criticism and skepticism that it drew. He wrote two books on the subject, and was a stalwart critic of popular culture criticism of the commission that surfaced in books and movies like Oliver Stone's film "JFK."

"Those of us who worked with David are indebted to him for his contributions to the Warren Report and for his determined efforts to rebut the pernicious distortions that have been directed against the report for over 30 years," said Norman Redlich, who worked with Belin as an assistant counsel to the Warren Commission. "David was an effective spokesperson for the truth."

Belin also was executive director of the Rockefeller Commission that investigated the CIA during the 1970s. In 1987 he established the Jewish Outreach Institute to help bring together Jews and non-Jews. He also was a charter board member of the Jewish Foundation for the Righteous, which cares for Christians who risked their lives to rescue Jews during the Holocaust. After the death of his first wife, Connie, in 1980, he established the Connie Belin and Jacqueline Blank International Center for Gifted Education and Talent Development at the University of Iowa.

In 1992 he married Barbara Ross, president of Barbara Ross Interior Design Inc., of New York.

Born in Washington, D.C., Belin moved to Iowa as a child. He served in the U.S. Army in Korea and Japan. In addition to his law degree, Belin earned his bachelor's and MBA degrees at the University of Michigan. One of Belin's five children, James M. Belin, is a 1983 graduate of the Law School.

Belin retained his ties with the Law School and the University. He worked closely with Law School Campaign National Chairman Terrence Elkes, '58, and was instrumental in the recent campaign's efforts in the New York City area. In 1995 Belin, a Phi Beta Kappa, established the David W. Belin Phi Beta Kappa Merit Scholarships at the Law School. The scholarships "honor Mr. Belin's deep commitment to liberal education and academic excellence: students selected demonstrate outstanding qualities, including exceptional scholarship in undergraduate studies, extraordinary character, extracurricular activities, and promise of a distinguished career."

He also supported the University of Michigan's Judaic Studies Program and Humanities Institute, and served as one of a small group of experts that

advised the University on management of its investments.

St. Antoine recalled that during his deanship in the 1970s Belin once accompanied him to New York to assist in discussion of the management of the Law School's Cook Endowment funds. Belin bluntly told the managers of his unhappiness with returns on the funds, and "within six months there was a complete rollover of our accounts," St. Antoine said. "They did everything that David suggested."

It was Belin who "is responsible for my joining the Michigan faculty," added St. Antoine, who became James E. and Sarah A. Degan Professor Emeritus of Law last year after more than 30 years on the Law School faculty. St. Antoine had been practicing law in Washington, D.C., and "was absolutely having the time of my life," he recalled. He also had been writing articles, filling speaking engagements and teaching part-time, and the idea of teaching was growing more attractive to him. "David hit me at exactly the right moment" when he suggested that St. Antoine call then-Dean Allan Smith about coming to Michigan.

Belin also was an accomplished violinist, and those who heard him play said that he could have been a concert violinist had he chosen to be. The practice of law took too much time for him to continue playing at the level he demanded of himself, but in recent years Belin had resumed playing for personal relaxation and enjoyment.

At the helm of the National Association of Manufacturers

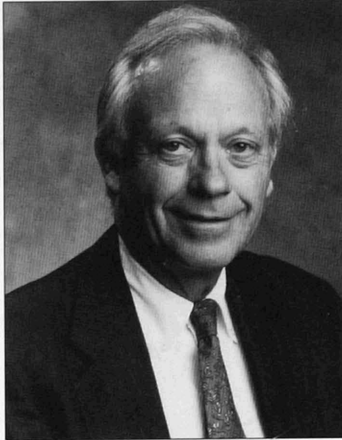


PHOTO COURTESY OF GOODMAN EQUIPMENT CORPORATION

Calvin A. "Tink" Campbell, Jr., '61

Four T's chart the immediate agenda for Calvin A. "Tink" Campbell, Jr., '61: trade, technology, taxes and training.

These four Ts are the guidons for legislative, lobbying and outside-the-beltway efforts of the National Association of Manufacturers and its 14,000 member firms for the next year. And Campbell, Chairman, President and Chief Executive Officer of Goodman Equipment Corporation of Bedford Park, Illinois, is the standard bearer. He was elected Chairman last October as the first small company CEO in half a century to head the association. His term runs until October this year.

Campbell elaborated on the association's goals in an interview.

Trade: The importance of trade, according to Campbell, "cannot be overstated. Exports, for example, have accounted for one-third of U.S. growth in recent years. . . . We will do everything possible to move fast-track legislation forward and push for a more sensible approach to unilateral sanctions."

Technology: "Advances in this area account for nearly one-third of economic growth. The NAM will continue to seek enactment of patent law reform, to oppose unreasonable restrictions on encryption technology, and to promote electronic commerce with appropriate tax and legal policies."

Taxes: "We must replace the federal tax code with a new system that is simple and fair, enables working Americans to keep more of their hard-earned money, and encourages personal savings and business investment." Social Security reform is essential, and "governments and academic institutions are going to have to become as cost effective as we are in business."

Training: "The private sector must continue to take the lead in helping prepare workers for the high-tech economy, devoting, if possible, three percent of payroll to training."

A strange agenda for a Law School graduate? Not so, says Campbell. He thinks that legal training is a good foundation for success in just about any field. He confesses that the University of Michigan's football team attracted him more than the pigskin program at Harvard, and the U-M was closer to his Midland, Michigan, home than any "Michigan of the East." That was after Campbell earned degrees in economics from Williams College and chemical engineering from Massachusetts Institute of Technology (MIT).

"But more important, I wanted to go to a law school, not a business school. I felt the law was better training for business than business. . . . I swear by a legal education as being a very good education for many things. It teaches you how to think, how to analyze, how to sift out the important from the unimportant. I truly applaud Michigan."

Campbell likes to point out the critical role that small businesses of fewer than 500 employees play in the U.S. economy — they make up 10,000 of the Association's 14,000 member firms, representing 18 million employees nationwide — but says that his own association with a small company of fewer than 100 employees will not obscure the needs of larger firms and their role within the Association.

"Most big companies buy a fair amount to a lot from small companies, and therefore many small companies sell a lot to big companies, so we're both necessary," he says. "The University of Michigan is a large university, in enrollment and in acreage, and I dare say that the U-M buys a lot from small companies. And you also educate a lot of small company founders' and owners' children. So small companies are very important and this is now being recognized."

He also knows large firms, he says. He has worked for Exxon (then Enjay) Chemical Company, been CEO and

Continued on page 58

Continued from page 57

Chairman of the Board of Cyprus Amax Minerals Company Inc. and is a director of several companies, including Eastman Chemical Company. He also is a trustee of the Illinois Institute of Technology and has served as Chairman of the Illinois Manufacturers Association.

His own company, Goodman Equipment Corporation, produces underground mining and blow-molding machinery. It has fewer than 100 employees and has equipment operating in 35 countries.

In fact, Campbell says, technological breakthroughs and trade agreements have gone a long way toward leveling the international playing field for small firms. "As the world gets more global and borders get torn down more and more with free trade, the small company is no longer at the disadvantage that it once was for a long time."

Scott Hodes, '59, receives Federal Bar Association's top award

Scott Hodes, '59, a senior partner in the Chicago law firm of Ross & Hardies, has received the 1998 Earl W. Kintner Award for Distinguished Service from the Federal Bar Association (FBA). He was presented the award at the FBA's Annual Meeting and Convention in October in San Antonio.

Among his positions with the FBA, Hodes has chaired the Young Lawyers Division, Securities Law Committee, Council on Finance and Taxation, and the National Memberhsip Committee. He has been a member of FBA's National Council since 1967 and has been Director of the Foundation of the Federal Bar Association since 1981.

He is a founder of the FBA's Mutual Funds and Investment Management Conference and the Lawbooks, U.S.A. program, an international lawyer-to-lawyer program operated in conjunction with the U.S. Information Agency.

In addition to representing clients in financing and securities transactions, Hodes is one of the country's leading art lawyers. He is a founding member of Lawyers for the Creative Arts, an organization of more than 500 attorneys who provide *pro bono* legal services to artists in Illinois. Hodes also is a director of the State of Illinois Savings and Loan Board.

The Kintner Award is named for the late Earl W. Kintner, a former FBA president.

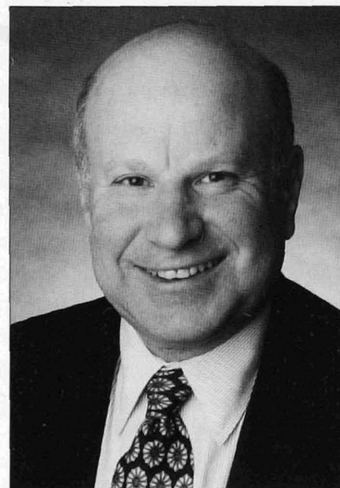


PHOTO COURTESY ROSS & HARDIES

Scott Hodes, '59

Lawmaker Perry Bullard, '70

Long-time Michigan State Representative and House Judiciary Committee Chairman Perry Bullard, '70, died October 15 at his home in Canton Township in Michigan. He was 56.

Bullard, who represented Ann Arbor in the State House from 1972-92, was known for his outspokenness and his steadfast championship of civil liberties. His proposals sometimes seemed radical, but many of the laws that resulted from his ideas now are considered to be standard operating procedure. Among them are the Open Meetings Act, the Michigan Freedom of Information Act, the Whistle-Blower Protections Act, the Polygraph Protections Act and the Statutory Will Act, which allowed people to write their own wills.

He also successfully blocked bills to loosen requirements for police wiretaps and to enter homes without warrants.

After leaving the legislature, Bullard ran unsuccessfully for a 15th District Court judgeship. After that electoral defeat he retired to Port Lucie, Florida, but recently had returned to Michigan.

Hoffa, '66, takes reins of the Teamsters

The second time was a charm for James P. Hoffa, '66, who captured the presidency of the International Brotherhood of Teamsters with 55 percent of the estimated 420,000 votes members cast last December. Hoffa narrowly lost to incumbent Ron Carey in 1996, but Carey was ousted early in his second term after investigators discovered an illegal fund-raising scheme that appeared to link the Carey forces with the Democratic National Committee. Both the 1996 and 1998 elections were run under federal supervision.

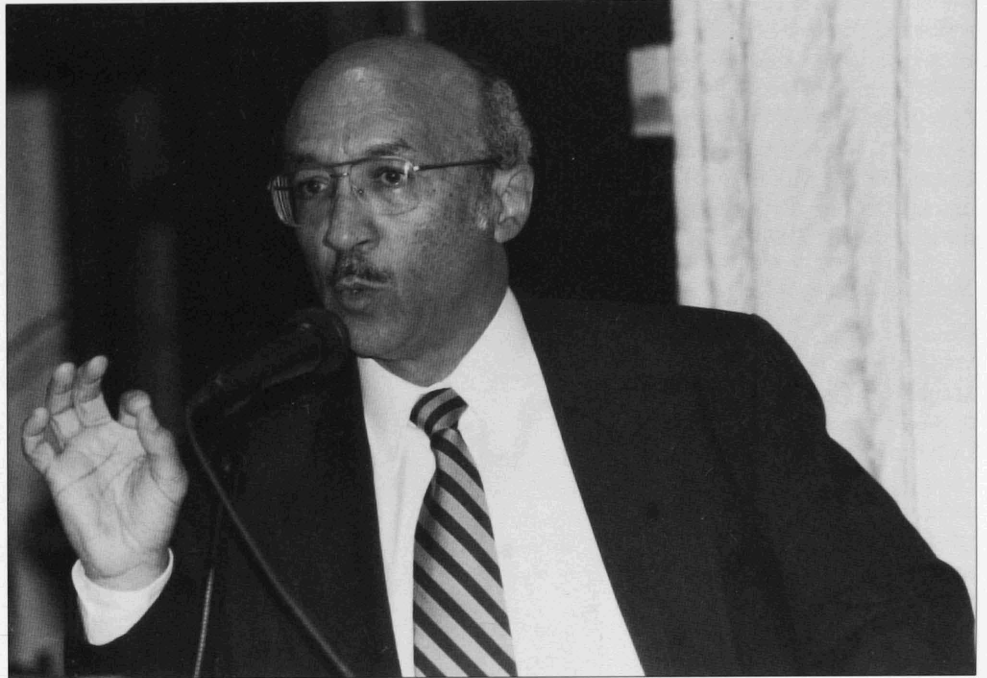
The newly elected Hoffa, a successful Detroit labor attorney, said his first goals will be to strengthen and re-unify the Teamsters, whose numbers have fallen to about 1.4 million from their high of 2 million members. "We have got to pull it together, we have got to restore the financial integrity of this union, we've got to restore confidence and hope in this union, get the people back to believing in their union," Hoffa said on NBC's "Meet the Press" the day after claiming victory in the three-way race.

"We're going to be bipartisan," he said. "We're going to try to find people on both sides of the aisle who support our agenda."

Edwards, '65: *Don't lose your ideals; your time will come*

Sometimes you fear that you may lose heart when you hear judge and law professor Harry T. Edwards, '65, catalog his criticisms of legal education and the legal profession: high ticket law schools; big firms where lawyers have little time to think of their families or communities; too little practical training in law school and too little time for mentoring in the working world of law practice.

You needn't surrender, however.



The Hon. Harry T. Edwards, '65, Chief Judge of the U.S. Court of Appeals for the D.C. Circuit, outlines his ideas for improving the image of the legal profession and legal education during a talk at the Law School in October. Edwards was one of four speakers in the fall term series "Inspiring Paths: Conversations with Lawyers," sponsored by the Office of Public Service.

Significant efforts are underway to solve such problems, as Edwards, Chief Judge of the U.S. Court of Appeals for the D.C. Circuit, told an audience at the Law School in October. The final speaker in the four-part series "Inspiring Paths: Conversations with Lawyers," Edwards told law students that they can fuel changes for the better as students, beginning attorneys and, later, as veteran lawyers.

"You may not have a lot of leverage initially, but your power grows," he told a questioner. "If you don't lose your ideals, your turn will come."

There are bright spots amid the problems, he said:

1. Although some people see a "glut" of lawyers and a consequent reduction in the goal of graduating high quality attorneys, the increase has "helped contribute to an opening of the profession. In 1960, only 3 percent of all lawyers were women; now women comprise 20 percent of all lawyers. This promising trend is likely to continue, as more than 40 percent of current law students are women. People of color have made similar (though less dramatic) progress. In 1970, only 1 percent of all attorneys were people of color; by 1990, that figure had risen to 7 percent. As with women, this upward trend is likely to continue, as people of color now make up 20 percent of the students in law school classrooms."

2. Some law schools have increased their practical training for law students. At the University of Michigan Law School, for example, clinical legal education programs have grown and in 1996 the Law School introduced its Legal Practice Program to teach first-year law students the varieties of writing that they will need to do as lawyers and to give them experience with courtroom tactics; the Law School also has instituted an Office of Public Service to help students gain public service experience and find jobs that focus on public service.

3. American Bar Association efforts to facilitate *pro bono* work by law firms "have met with some real success. In my own jurisdiction, I have witnessed leaders of the D.C. Bar Association call upon the city's law firms to increase their *pro bono* activities in light of the crisis in legal services. . . . What emerged was the D.C. Bar *Pro Bono* Initiative, the results of which have been heartening."

"It is undoubtedly true that the legal profession is troubled and we all have much work to do," he said. "But we have started some of that work, and those of you who have participated so far can report that there is real satisfaction in it."

Other speakers in the "Inspiring Paths" series included:

■ Bill Goodman, Executive Director of the Center for Constitutional Rights. Goodman formerly was with Goodman, Eden in Detroit and has been a leader in the National Lawyers Guild. The Center for Constitutional Rights is dedicated to advancing racial, social, economic and environmental justice, and indigenous, women's and gay/lesbian rights, and opposing government misconduct and political repression.

■ Martha Dicus, Assistant Public Defender, Charleston, S.C. She formerly was Public Interest Advisor at Yale Law School.

■ Mary K. Warren, '92, of Shearman and Sterling in New York. She litigated the Citadel sex discrimination case.

CLASS *notes*

1943

Retired Washington lawyer **Robert L. Ceisler** has been appointed co-chair of the Pennsylvania Bar Association (PBA) Senior Lawyers Committee. This year's recipient of the PBA Gilbert H. Nurick Award for Outstanding Service to Local Bar Associations, he also serves on the association's Editorial Board.

1953

Ohio Governor George V. Voinovich has re-appointed **Stanley M. Fisher** as a member of the Ohio State Board of Uniform State Laws for a term ending June 5, 2001. As a board member, Fisher is responsible for ensuring that Ohio's laws are uniform in form and execution with other states. Fisher is of counsel at the Cleveland law firm Arter & Hadden L.L.P., where he practices in the Business Litigation and ADR Group. He also was a panelist at the seminar "Arbitration: Preparing for the 21st Century," presented by the American Bar Association's Section of Dispute Resolution and The Association of the Bar of the City of New York. The panel discussed "Reform of the Uniform Arbitration Act and Possible Reform of the Federal Arbitration Act."

1954

Myron M. Sheinfeld is a member of the Collier on Bankruptcy Editorial Board and a senior shareholder at Sheinfeld, Maley & Kay in Houston.

1958

Eugene L. Hartwig has rejoined Butzel Long as of counsel after retiring as senior vice president/general counsel of Kelly Services, Inc. Prior to his time with Kelly Services, he was of counsel to Butzel Long from 1987-1990.

Graduates named to *The Best Lawyers in America*

Each new edition of *The Best Lawyers in America* includes many Law School graduates, and each year many let us know of their honor. Here are those whom we know to be in the 1999-2000 edition.

William C. Barnard, '61, of Sommer & Barnard of Indianapolis.

Virginia F. Metz, '75, a labor and employment specialist and a principal in Vercruysse Metz & Murray of Bingham Farms, Michigan.

Theodore R. Opperwall, '79, a labor law specialist for management who is with Kienbaum Opperwall Hardy & Pelton of Birmingham, Michigan.

Barbara Rom, '72, a partner with Pepper, Hamilton & Scheetz of Detroit who specializes in bankruptcy and commercial litigation.

Stanley Weiner, '67, a partner in the taxation section of Shook, Hardy & Bacon L.L.P. of Kansas.

Clay R. Williams, '60, shareholder with von Briese, Purtell & Roper, S.C. of Milwaukee.

Entries in *The Best Lawyers in America* are compiled from a nationwide survey of more than 14,000 lawyers, followed by scrutiny by leading attorneys and editors. The annual listing is published by Woodward/White Inc. of Aiken, South Carolina.

1961

Former Florida Congressman **Louis Frey, Jr.**, a partner with Lowndes Drosdick Doster Kantor & Reed, P.A., of Orlando, Florida, led a group of former members of Congress on a fact finding tour to Vietnam in October. Members of the group met with a variety of government and business leaders, American nationals living in Vietnam and others during their week-long stay. "It makes sense for the United States to pay more attention to Vietnam," Frey wrote in his draft report. He noted that "Vietnam has the fourth largest population in southeast Asia (77 million people) and is rapidly growing" and "even though there is a one party system, there is some dissension and discussion among the various factions of the assembly." The Vietnamese people do not retain ill will toward the United States for their long war between the two nations, Frey said. "They are attracted by the Yankee dollar and know-how. One member of the Vietnamese assembly summed it up when he said, 'What's past is past, we need to look forward and build a better future for both countries.'"

William Y. Webb, a partner at Ballard Spahr Andrews & Ingersoll, L.L.P., and secretary and general counsel of the Philadelphia Phillies, is president-elect of the Sports Lawyers Association. He will assume president's duties on May 20, when the association convenes in Washington, D.C., for its annual meetings and sports conference. The 1000-member association is an international professional organization that promotes the understanding, advancement, and ethical practice of sports law. Webb has represented the Phillies since 1981.

1963

Senior Associate Justice **Florenz D. Regalado**, LL.M., was honored by the chief justice and the associate justices of the Supreme Court of the Philippines with a reception in October on the occasion of his retirement from the court. Regalado visited the Law School in fall 1997 to speak on the Supreme Court of the Philippines as part of activities associated with the Law School's International Reunion.

1964

Richard A. Rossman has accepted a position as chief of staff to the assistant attorney general in the U.S. Department of Justice Criminal Division.

1968

Stephen B. Hrones is running for the Board of Overseers of Harvard University as a petition candidate for election in June 1999.

1969

John J. McGonagle, Jr., managing partner of The Helicon Group, was given the Fellows Award by the Society of Competitive Intelligence Professionals, in recognition of his outstanding contributions to the competitive intelligence profession. His 13th book, *Protecting Your Company Against Competitive Intelligence* (Greenwood Group) was released last year, and he has two more books in production.

Charles R. Oleszycki has been appointed by the Secretary of State to the position of U.S. Alternate Representative to the Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty Organization.

1971

Geoffrey L. Gifford was one of 10 finalists for the 1998 Trial Lawyer of the Year Award given by the Trial Lawyers for Public Justice, a national not-for-profit public interest law firm supported by the Trial Lawyers for Public Justice Foundation. The award is presented periodically to attorneys who win exceptional victories for the public interest. Gifford was recognized for his work in *Best v. Taylor Machine Works, Inc.* and *Isbell v. Union Pacific Railroad Co.* challenging massive tort reform legislation that was eventually declared unconstitutional by the Supreme Court of Illinois. He is a partner in the law firm Pavalon & Gifford of Chicago.

1972

John W. Allen has been re-named chair of the State Bar of Michigan's Standing Committee on Judicial and Professional Ethics, which concerns itself with expressing its written opinion concerning the propriety of professional and judicial conduct upon selected requests. Allen is a partner at the Kalamazoo office of the law firm Varnum Riddering Schmidt & Howlett L.L.P.

Murray A. Gorchow has been elected to the board of directors of the law firm Martens, Ice, Geary, Klass, Legghio, Israel and Gorchow, P.C., in Southfield, where he is a shareholder and has practiced law his entire career. He focuses his practice on plaintiff-side workers' disability compensation and is head of the firm's workers' compensation department.

Charles E. (Chuck) Ludlam is vice president for government relations for the Biotechnology Industry Organization (BIO), which represents 725 biotechnology companies in the areas of technology, medicine, agriculture, pollution control and industry. He is responsible for all government relations issues, including regulatory, tax, patent, bioethics, and other issues.

1973

Washtenaw County Probate Court Juvenile Judge **Nancy C. Francis** was awarded the Jerome Strong Civil Liberties Award by the Washtenaw County Branch of the American Civil Liberties Union for her long-time commitment to civil rights and community involvement. Francis, the first African American to hold a judgeship in Washtenaw County, was named to her seat in 1990. She since has won re-election to the judgeship. The award is named for a former Ypsilanti resident and long-time ACLU activist.

Theodore L. Hall has successfully completed the requirements for national certification by the American Board of Certification in both business and consumer bankruptcy law. The board's programs are accredited by the American Bar Association. Hall is a Mobile, Alabama, attorney.

1974

Bruce F. Howell has joined the Dallas office of Arter & Hadden, L.L.P., as a partner. He focuses his practice on regulatory and compliance issues for health care organizations. He was previously a partner in Dallas' Vial, Hamilton, Koch & Knox.

1975

Edsell M. Eady, Jr., has joined the San Francisco office of the law firm Foley & Lardner. He was previously with Musick, Peeler & Garrett.

Ronald S. Longhofer, a partner with Honigman Miller Schwartz and Cohn in Detroit, is co-author of *Courtroom Handbook on Michigan Evidence*, newly published by West Publishing Co.

Lawrence A. Moloney was one of six recipients of the Minnesota Legal Services Coalition's annual *Pro Bono Publico* Awards, which recognize lawyers who have provided "extraordinary and distinguished legal services" to low-income and disadvantaged Minnesotans. He was honored for his work in the class-action suit that sought to restore food stamp benefits to thousands of low-income elderly and disabled immigrants who were denied food stamps because of new federal welfare legislation. A senior partner with Doherty Rumble & Butler, Minneapolis, Moloney is chair of the firm's *pro bono* committee and focuses his practice on complex litigation.

1976

Andrew H. Marks, a partner in Crowell & Moring of Washington, D.C., is serving as president of the District of Columbia Bar Association. There are "several issues" that he would like to focus on during his presidency, Marks said in an interview in *The Washington Lawyer*. "I believe that we should take advantage of our unique chronological threshold, and that as we face a new century and a new millennium, we should reflect on where we want to be as a Bar and as a profession in the 21st century."

1979

Beverly Hall Burns, a principal in the Detroit office of the law firm Miller, Canfield, Paddock and Stone, P.L.C., was appointed chair of the State Bar of Michigan's Communications Committee. She is a member of the firm's Labor and Employment Law Practice Group and resides in Grosse Pointe.

1980

The name of the law firm Meganck, Cothorn & Stanczyk, P.C., has changed to Cothorn & Stanczyk, P.C., according to **John A. Cothorn**, LL.M. The firm remains at the same address in Detroit.

Mitchell H. Frazen and **Tracy C. Beggs** are two of the founding partners of Litchfield Cavo, a new 15-attorney Chicago law firm, with offices in Connecticut and New Jersey. The firm has a national practice in insurance coverage and defense litigation. Frazen, who practices litigation in state and federal courts throughout the country, was formerly a shareholder and director of the Chicago law firm

CLASS notes

of Burditt & Radzius. He and his wife, Mary, live in Hoffman Estates and have two adult children. Frazen and Beggs had practiced together at the Burditt firm since 1995.

Ronald I. Heller is completing his term as chair of the Tax Section of the Hawaii State Bar Association. A member of the Honolulu law firm Torkildson Katz, he has worked for legislation to improve the business climate in Hawaii, and has received the Outstanding Small Business Volunteer of 1998 award from the National Federation of Independent Business, Hawaii chapter.

Darrell W. Pierce has become of counsel to the Corporate and Finance Practice Group of the law firm Dykema Gossett in the Chicago office. He concentrates on commercial lending transactions, workouts and restructurings, mergers and acquisitions, corporate finance transactions, and corporate counseling for closely-held businesses. He resides in Evanston, Illinois.

1981

Kevin D. Anderson has rejoined the law firm Foley & Lardner as a partner in its Chicago office. He will practice primarily in the field of federal income tax law. He recently left the U.S. Treasury Department, where he served as an associate tax legislative counsel and was actively involved in the development of legislation and regulatory guidance in the areas of S and C corporation taxation, cost recovery, alternative minimum tax, and tax accounting.

1982

Matthew J. Kiefer has joined the Boston law firm Goulston & Storrs as a director in its Real Estate Group. He concentrates his practice in the areas of real estate development, land use and environmental law, with emphasis on obtaining site control and public approvals for complex urban projects and innovative housing projects. He was previously a partner in the real estate department of the law firm Peabody & Brown.

Michael P. McGee is one of four recipients of the Michigan Municipal League's 1998 Special Award of Merit, which recognizes his "many years of outstanding contributions and service" to the Municipal League. A Livonia resident, McGee is a principal in the Detroit office of the law firm Miller, Canfield, Paddock and Stone, P.L.C., where he practices municipal finance law.

1983

Helen Currie Foster has joined the law firm Graves, Dougherty, Hearon & Moody, in Austin, Texas, where she practices primarily in the fields of business litigation and environmental compliance. She was formerly a managing partner in the Birmingham, Alabama, firm Walston, Wells, Anderson & Bains, L.L.P., and is completing a term as president of the Alabama State Bar's Environmental Law Section.

Lawrence A. Huerta has become an approved mediator for the United States Postal Service, the National Association of Securities Dealers Inc., and the San Diego County Superior Court Business Panel. He offers private dispute resolution services through his firm, Huerta & Associates, in San Diego. He continues to focus his law practice on commercial litigation, real estate litigation, employment law, and unfair trade practices for Wells Fargo Bank, and under the general counsel contract for the San Diego Housing Commission.

Gordon, Feinblatt, Rothman, Hoffberger & Hollander, L.L.C., has announced the addition of **Timothy F. McCormack** as a member of the firm. He joins the firm's Litigation Department, where he will concentrate on complex commercial litigation matters with an emphasis on creditors' rights, employment, and banking litigation. An Ellicott City, Maryland, resident, he was previously a member of the law firm Shapiro and Olander, P.A.

Tower of Dreams, the third novel by **Jamil Nasir**, of Swidler Berlin Shereff Friedman in Washington, D.C., was published in January by Bantam Books. Nasir's previous novels are *Quasar* and *The Higher Space*.

Patricia Lee Refo, a partner in the Phoenix, Arizona, firm Snell & Wilmer, L.L.P., has been elected to the American Bar Association House of Delegates by the ABA's Section on Litigation. She will continue to sit on the Section's Executive Committee. She concentrates her practice in complex commercial litigation.

1984

Stephen H. Burrington has been appointed general counsel of the Conservation Law Foundation, a New England public interest environmental advocacy organization with offices in Massachusetts, Maine, New Hampshire, and Vermont. He is the author of numerous articles on environmental law, transportation reform and energy policy, and the chair of the Brookline (Massachusetts) Conservation Commission.

1985

Emil Arca co-authored an article entitled "Recent Developments in Auto Loan Securitization," which was published in the January 7, 1998, issue of *The Review of Banking and Financial Services*. A partner in the New York City office of Dewey Ballantine L.L.P., he has also spoken on related topics at several securitization conferences in the past year.

Charles M. Greenberg has joined the law firm Pepper Hamilton L.L.P. as a partner resident in the Pittsburgh office. He is a general business attorney who concentrates in the areas of sports and entertainment, real estate, and business counseling. He was previously a senior shareholder and director of Cohen & Grigsby, P.C., in Pittsburgh.

Kirsten Kingdon has been named as the new executive director of Parents, Families and Friends of Lesbians and Gays, a 400-chapter organization that promotes the health and well-being of gay, lesbian and bisexual persons, their families and friends, through support, education, and advocacy. She has been actively involved in the Washington, D.C., chapter of PFLAG since 1992.

Hilary Mason Rush has relocated her law firm to mid-town Manhattan, where she continues to practice primarily in the areas of commercial and residential real estate, estate planning and administration, and business law.

Jerry Sevy was named general counsel of Healthfield Inc., a home health care provider based in Atlanta, Georgia. He previously served as general counsel for another Atlanta-based home health care provider, Central Health Services Inc., for eight years. Jerry and his wife, Renee, also announce the recent birth of their third child.

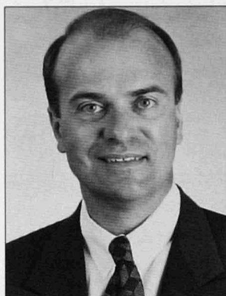
Ronald M. Yolles and his father, **Murray Yolles**, '56, have written *You're Retired, Now What? Money Skills for a Comfortable Retirement*, published by John Wiley & Sons of New York. Ronald is president of Yolles Investment Management Inc. of Southfield. Murray, a founding partner of Plotkin, Yolles, Siegel, Schultz & Polk, joined his son's firm in 1994.

1986

Andrew W. Stumpff has become a partner of the law firm Davis Polk & Wardwell, where he practices employee benefits law. He and his wife, Shannan Kane, live in New York with their two children.

Peter G. Fitzgerald has been elected a U.S. senator from Illinois. A Republican, he formerly was an Illinois state senator.

1987



John Mucha III, a member of the Bloomfield Hills law firm Dawda, Mann, Mulcahy & Sadler, P.L.C., has been elected to a one-year term as chairperson of the Litigation Section of the State Bar of Michigan. He also is co-chair of the section's Summer Programs Committee and concentrates his practice in the areas of commercial and employment litigation and environmental dispute resolution.

Donn A. Rubin has been named vice president of a civic improvement project for the St. Louis region that aims to create a national model of an effective community. Coordinating federal, state, and local resources from the public and private sectors, the project seeks to promote a collaborative and inclusive process for community decision-making in crucial areas such as education, access to health care, racism and discrimination, economic development, and civic governance.

Giuseppe Scassellati-Sforzolini, LL.M., a partner at Cleary, Gottlieb, Steen & Hamilton, has opened his firm's Italian office in Spagna, Rome.

1988

Jaime A. Frias has been named as the new general counsel for Xomed Surgical Products Inc., a developer, manufacturer and marketer of surgical products for use by ear, nose and throat specialists. He was previously a partner in the Jacksonville, Florida, office of McGuire, Woods, Battle & Boothe, L.L.P.

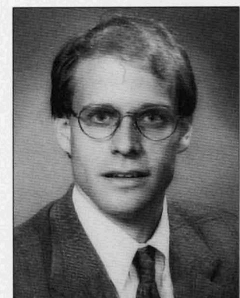
1989

Daniel R. Laurence has been elected a shareholder and director in the Seattle law firm Mills Meyers Swartling. He will continue to practice civil litigation, with an emphasis on aviation, product liability, wrongful death, business, estate, and employment disputes.

Tracey Lessen Gersten has opened a private psychotherapy practice in San Franscisco. After practicing labor and employment law in San Francisco for several years, she returned to graduate school for a masters degree in psychology. She became licensed in June 1998 and opened her practice in September, specializing in couples counseling and individual psychotherapy, with special expertise in addressing the stresses and concerns of lawyers and their families. She also works with middle and high school students in Mill Valley and Larkspur, California, addressing adolescent high risk behavior. She lives in San Francisco with her husband, John, and would love to hear from other graduates at tgersten@att.net.

1990

Jeff A. Gallant has become an assistant United States attorney for the Eastern District of Oklahoma. He previously was in private practice in Bloomfield Hills.



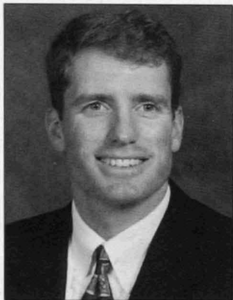
Gregory B. Heller is the author of the article "Managed Care Liability and ERISA Preemption," which was published in the July 1998 issue of *Pennsylvania Bar Association Quarterly*. Heller is a trial lawyer with the Philadelphia law firm Litvin, Blumberg, Matusow & Young. At a seminar sponsored by the Philadelphia Trial Lawyers Association, he also presented "Liability of HMOs and Other Managed Care Organizations and the Effect of Superior Court's Decision in *Shannon v. McNulty*." He resides in Bala Cynwyd, Pennsylvania.

James R. Marsh, director of The Children's Law Center in Washington, D.C., has been given the Outstanding Legal Advocacy Award from the National Association of Counsel for Children for his work on behalf of children.

Class *notes*

1991

Lisa A. Crooms has been given tenure at the rank of associate professor at Howard University School of Law in Washington, D.C. Crooms teaches contract, constitutional law, and gender and the law. Her scholarship has focused primarily on issues of poverty and international human rights law.



James A. Flaggert was named partner in the law firm Davis Wright Tremaine L.L.P., where he practices in the firm's Seattle office. He specializes in the areas of trusts and estate planning and commercial finance.

Sergio E. Pagliery has joined the Miami office of the Kansas City-based law firm Shook, Hardy & Bacon L.L.P., as an associate in the Business Litigation section. The firm opened the Miami office in June following a merger with Anderson, Moss, Sherouse and Petros, P.A. Pagliery was previously an associate with the Anderson Moss firm.

Alan Seiffert has been named vice president for business and legal affairs of Twentieth Television, a unit of Fox Inc. His responsibilities include handling business and legal affairs for Twentieth Television and its production subsidiaries as well as the negotiation of development, production and related agreements for Twentieth's syndicated programming. Seiffert also supervises production rights clearances and standards and practices and handles other marketing and promotional agreements. He has been with Fox since 1994.

James B. Speta is a visiting assistant professor at Northwestern University's School of Law for the academic year 1998-99. He teaches telecommunications law and business associations.

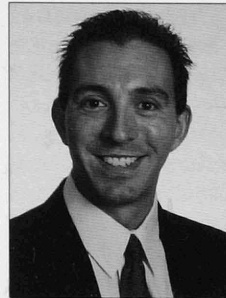
1992

LeClair L. Flaherty has become a partner in Wright Penning, P.C., of Farmington Hills. She focuses her practice on estate planning, probate, nonprofit organizations, business planning, and real estate. She resides in Livonia with her husband, Tim.

1993

Dirk A. Beamer has become a partner in Wright Penning, P.C., of Farmington Hills. He practices mostly in civil and commercial litigation.

Jill J. Figg and **Dave P. Schluckebier** have left private practice in San Francisco to work in Palau, an island nation in Micronesia. Jill is counsel to the Supreme Court and Dave is counsel to the Senate. They can be contacted at JillandDave@Palaunet.com until December 2000.



Nelson Peralta and **Lisa D. Lodin** were married at the Basilica of St. Mary in Minneapolis, Minnesota. Nelson is a litigation associate with Peterson, Fishman, Livgard & Capistrant, Minneapolis, where he practices personal injury law and commercial litigation. Lisa continues to practice criminal defense law as an independent contractor for both Douglas W. Thomson, Ltd., and Joseph S. Friedberg, Chartered.

1994

Matthew A. Block has opened his own law firm, Block Lepore Sanders L.L.P. The Atlanta, Georgia, litigation firm will focus primarily on business litigation, product liability, employment discrimination, civil rights, and personal injury. He was formerly an associate with King & Spalding in Atlanta.

Sarah A. Wagman has joined Shearman & Sterling in Washington, D.C., as an associate. She practices securities law.

1995

Blanche B. Cook, an associate in the Detroit office of the law firm Miller, Canfield, Paddock and Stone, P.L.C., will take a one-year leave of absence starting in August 1999 to clerk for Judge Damon Keith of the U.S. Court of Appeals, Sixth Circuit. A labor and employment law attorney, she resides in Detroit.

Melanie F. Mayo West of Huntington Woods has become an associate with the law firm Dykema Gossett. She has joined the Corporate and Finance Practice Group in Bloomfield Hills. Her practice will focus on securities and investment management, specializing in Investment Company Act and Investment Advisors Act regulation.

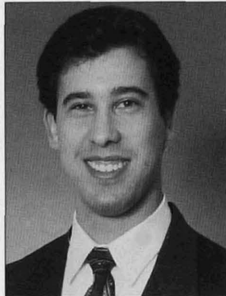
Noceeba D. Southern Gordon has joined the Detroit office of the law firm Dykema Gossett as an associate in the Litigation Practice Group. Her practice will focus on general litigation. A Detroit resident, she previously clerked for the Hon. Damon J. Keith of the U.S. Court of Appeals for the Sixth District and the Hon. Anna Diggs Taylor of the U.S. District Court, Eastern District of Michigan.

1996

U.S. Rep. **Harold E. Ford, Jr.**, the youngest member ever elected to Congress when he was elected in 1996, was the subject of a feature article in *The New York Times Magazine* in October. The article, "Harold Ford Jr. Storms His Father's House," portrayed Ford as a new-breed Democratic political centrist whose secure seat from Memphis, Tennessee, allows him to champion Republican-supported proposals like a balanced budget agreement, fast track trade authority and a capital gains tax cut while retaining his standing among the traditionally liberal, pro-civil rights Democrats who backed his father, who held the same Memphis seat for 22 years. The article noted that the current Rep. Ford's policies often put him in conflict with another Law School graduate, House Democratic leader Richard A. Gephardt, '65, of Missouri.

1997

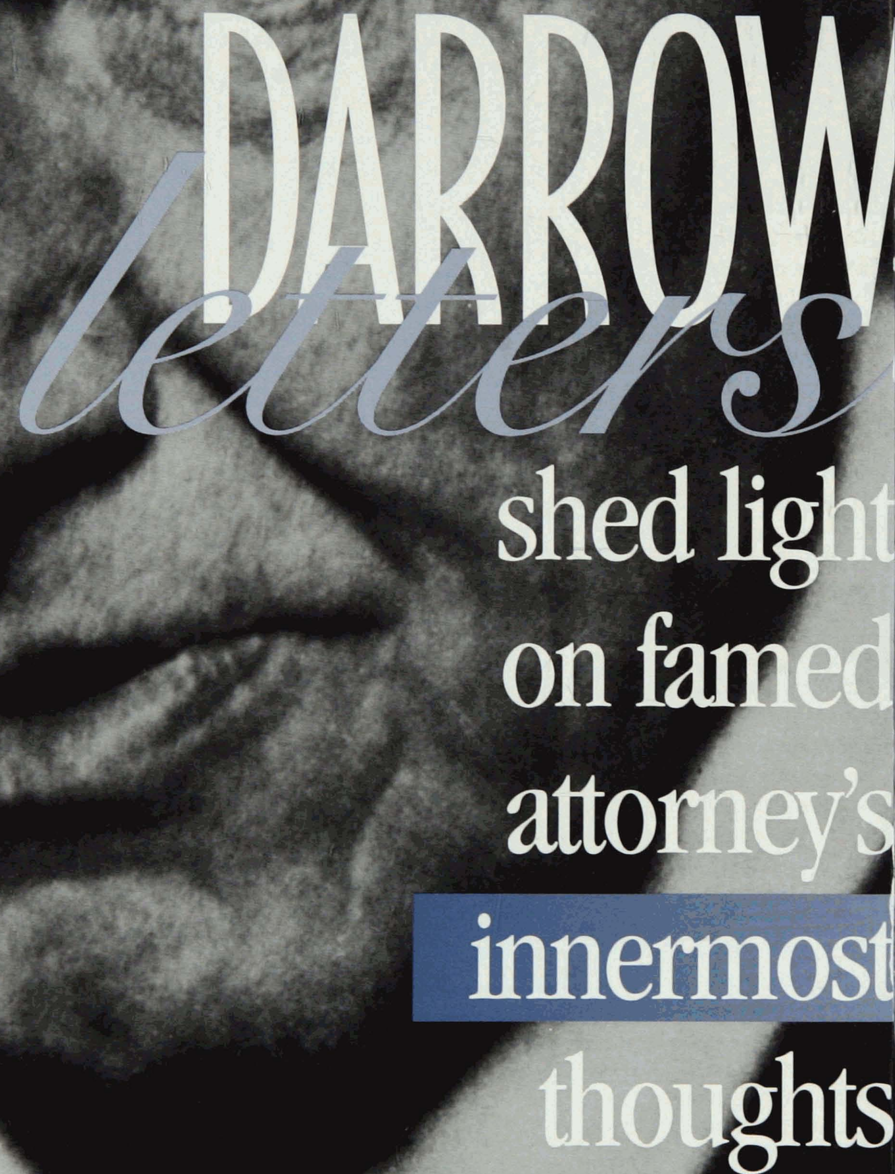
Jason A. Crotty has joined the San Francisco office of Morrison & Foerster L.L.P., where he is an associate in the litigation department.



Gregory L. Epstein has joined the Bloomfield Hills office of the law firm Howard & Howard Attorneys, P.C., where he specializes in commercial litigation. He is a Bloomfield Hills resident.

In *memoriam*

'26	Francis J. Gallagher	December 9, 1998
'28	Benedict W. Eovaldi	September 3, 1998
'29	Marshall P. Eldred	August 6, 1998
'31	Leo J. Conway	July 29, 1998
'32	Frederic E. Wolf	September 7, 1996
'33	Lyle C. Pleshek	July 21, 1998
'35	Samuel Bernstein	October 4, 1997
'36	Glenn R. Winters	May 1, 1998
'38	Robert K. Corwin	November 4, 1998
'39	Sam J. McAllester	November 26, 1998
	Charles E. Thomas	August 10, 1998
'40	Leon R. Dardas	September 9, 1998
	Roland Obenchain	December 25, 1997
'41	John C. Johnston	August 16, 1998
	Glenn B. Morse	September 24, 1996
	William C. Whitehead	June 22, 1998
'42	M. L. Bradbury	October 14, 1998
'43	Russell J. Ryan	September 3, 1998
'48	Ned W. Deming	July 19, 1998
	Peter M. Lowe	
'49	Thomas W. Ford	November 30, 1998
	George Parker	November 7, 1998
	William E. Strain	November 1, 1998
'50	Calvin W. Corman	February 25, 1997
	Symond R. Gottlieb	April 20, 1998
	Richard D. Harrison	
'51	Herbert W. Cramer	April 11, 1995
	Lawrence J. Fuller	August 19, 1998
	Douglas G. Graham	May 24, 1997
'52	Leon C. Hinz	September 24, 1998
'53	Thomas W. Kimmerly	March 15, 1998
	Arthur A. Neiman	June 26, 1998
'54	John S. Abbott	October 13, 1998
	David W. Belin	January 17, 1999
	Sherman Carmell	July 25, 1998
'55	Jack D. Born	September 19, 1997
'56	C. Patrick O'Sullivan	July 30, 1998
'58	Richard M. Bilby	August 11, 1998
	Hugh C. Johnson	June 29, 1998
'59	John D. Kelly	October 21, 1998
'70	W. Perry Bullard	October 15, 1998
'71	David R. Woodward	August 4, 1998
'73	Jesus N. Borrillo	July 3, 1998
'83	M. Gail Middleton	July 4, 1998



DARROW *letters* shed light on famed attorney's innermost thoughts

FEATURE

Many of us think we know attorney Clarence Darrow (1857-1938): He was the fiery defender of John Scopes in the famed "Monkey Trial" of 1925; he was the defense attorney who avoided the death penalty for Loeb and Leopold; he successfully defended labor leader "Big Bill" Heywood.

These are all parts of the Darrow story. And there are others, which come to light in more than 300 letters and other documents made available by Darrow's granddaughters, Mary and Blanche Darrow. Portions of the collection have been displayed throughout the fall term and well into the winter term at the cases of the Joseph and Edythe Jackier Rare Book Room and the adjoining hallway in the Allan F. and Alene Smith Addition to the Law Library. Last summer items from the collection were displayed at the University of Michigan's Bentley Historical Library. At deadline time the Law School was seeking an extension to continue the exhibit.

Darrow attended the University of Michigan Law School in 1877-78, but did not graduate. After attending the Law School he apprenticed to an Ohio lawyer and was admitted to the Ohio Bar in 1878. He moved to Chicago in 1887.

Much of the collection is made up of letters from or to Darrow. "These are honest, fresh letters. There's no hidden agenda," says Jordan D. Luttrell, '53, agent for the collection and owner of Meyer Boswell Books Inc., of San Francisco. Meyer Boswell is the only bookshop in the English-speaking world that deals exclusively in rare and scholarly works on the law. Its inventory includes books and manuscripts from the fourteenth to the twentieth century.

The papers owned by Darrow's granddaughters make up "by far the largest single Darrow collection known anywhere in the world," said Luttrell. "It is a miracle that it exists. It's a double miracle that it's available." The collection is for sale at an advertised price of $1.5 million.

It's also remarkable for what it reveals about the deep affection that Darrow held for his first wife, Jesse, and their son, Paul. The collection also includes the earliest known letter of Darrow, written when he was a

Continued on page 68

Clarence Darrow, right, is shown about 1893 with his first wife, Jessie, and their only son, Paul.

teenager to his brother, Everett, in 1873, and offers insight into Darrow's views of society.

In 1903, for example, while on honeymoon with his second wife, Ruby, Darrow wrote this to Jessie, whom he divorced in 1897: "Ruby understood everything in advance and knew how much I thought of you and Paul and that I should always consider that I must first look out for [you] both and she believes in it fully and wants it that way."

"You will find that I will not be changed in any way and that so long as I live you will both come first," he said elsewhere in the same letter.

DARROW *letters*

In other letters to his son Paul, Darrow discussed the case of the McNamara brothers, whom he defended in 1911 against murder charges for dynamiting the *Los Angeles Times* building. His surprise move of pleading the brothers guilty kept his clients from the death penalty but earned him enmity from the labor forces that had supported him.

The trial also led to charges against Darrow of jury tampering. He was acquitted in one trial, and the jury could not come to a decision in a second trial. Letters to his son reflect his flagging spirits and determination as the case proceeded. "I ought to win, but in this place I don't know," he wrote at one point. "Do not be surprised at anything you hear. As for me, I don't care much. My mind and conscience are at ease."

"I have not lost ambition," he wrote as he faced the prospect of spending time in jail. "If I go [to prison] I will do my greatest work, see if I don't. I have the feeling that it would be the greatest thing in my life and find myself wanting it to happen. Still, I shall fight to avoid it and believe I shall win."

"If I go [to prison] I will do my greatest work, see if I don't. I have the feeling that it would be the greatest thing in my life and find myself wanting it to happen. Still, I shall fight to avoid it and believe I shall win."

The collection also reveals a series of remarkable friendships between Darrow and many of the most famous people of his time, like Jane Addams, Eugene Debs, Theodore Dreiser, W.E.B. DuBois, Franklin D. Roosevelt, Woodrow Wilson and Frank Lloyd Wright.

As Dean Jeffrey S. Lehman, '81, noted in his commencement remarks last December 5: "Darrow's career as an attorney is the stuff of legend. What is less well known is the scope of his career as friend."

Opposing attorneys Clarence Darrow and William Jennings Bryan are shown here during the trial of John Scopes in Dayton, Tennessee, in 1925. Scopes was charged with teaching evolution as a science. Darrow lost Scopes' case, but later stories and scripts like Inherit the Wind *portrayed him as the popular winner.*

THE AMBASSADOR

KANSAS CITY, MISSOURI
April 7,1926.

Clarence Darrow, Esq.,
Chicago Temple Building,
77 W.Washington Street,
Chicago, Illinois.

Dear Clarence:

I am not sure whether I shall be able to go to the Ozarks with you or not. I would like to tremendously but I have been traveling too much and I want so far as possible to stay right here in Kansas City for two or three months and do nothing but work on the preacher book, which, by the way, starts out beautifully but I must have at least a few hours with you here if it will be possible for you.

And, damn you, you will probably seduce me into going off with your infidel and criminal friends to the Ozarks, at that! This noon I talked it all over with Burris Jenkins and we agreed that the lady who tried to ass[ass]inate Mussolini had a good idea but she would have contributed much more to human progress if she had taken a shot at you instead.

Ever,

Sinclair Lewis

P.S. When the Detroit trial is in shape and you know what your dates are please let me know when you are coming and if Walter White is there be sure to give him my love - and my address.

A letter to Clarence Darrow from author Sinclair Lewis suggests some of the good-natured wordplay that took place in the correspondence between the friends.

> "Darrow's career as an attorney is the stuff of legend. What is less well known is the scope of his career as friend."
>
> DEAN JEFFREY S. LEHMAN, '81

Here are some examples.

From Helen Keller to Darrow in 1931: "I am touched in the secret places of my heart where all precious things are kept by your renewed expression of kindness towards me. Very soothing to my guilty conscience is your last letter. The praise of a valued friend is always sweet, and when it is undeserved, it has a salutary effect. One is humbled, and stimulated to start another page of affection."

From Mother Jones to Darrow in 1920: I have trampled over the stormy pathways, and it has been the word of encouragement come from such souls as you that have lighted the way. . . . I have always felt that when all the world got dark, there was one I could always go to and that was to Clarence Darrow."

With tongue firmly in cheek, from Sinclair Lewis: "This noon I talked it all over with Burris Jenkins and we agreed that the lady who tried to assassinate Mussolini had a good idea but she would have contributed much more to human progress if she had taken a shot at you instead."

And from someone seeking legal advice, this time muckraker Upton Sinclair as he worked on *The Jungle*: "The Macmillans were under contract to publish the book, but they required so many expurgations that we have called the deal off and the book is to be brought out as a working class proposition. . . and we want to get a legal opinion as to the question of libel. I write to ask you if you would consent to read the book and answer certain questions which we will put, and what you would have to charge us."

"I hope that you will all enjoy the professional success and satisfaction that your predecessor Clarence Darrow enjoyed," Lehman told commencement goers. "But even more, I hope that you will all make space in your lives and hearts to build quality friendships. I hope that you will make the effort that is required to gaze into the soul of another, to understand who they are, to help them become who they want to be. Your lives will be fuller, and you will be better lawyers."

STUDENT SFF FUNDED FELLOWSHIPS

Still growing at age 20

Jamil Nasir, '83, already had hitchhiked over much of North America and worked as a carpenter, gardener, shop clerk, warehouseman, apple-picker and paralegal when he took a summer job with a spouse abuse program in Ann Arbor. It was 1981, Nasir was between his first and second years of law school, had little money, and the then-new Student Funded Fellowships (SFF) program had awarded him a grant to pay him on that job.

"I think it was a valuable thing, because I think it sensitized me for all time to issues about legal services and legal services for the poor," said Nasir, now a utilities law specialist with Swidler Berlin Shereff Friedman in Washington, D.C., and a successful novelist. (His third science fiction novel, *Tower of Dreams*, was published by Bantam in January.) "I came away with the sense that poor people's issues are not just something that get talked about in the newspapers. They're very real issues. Poverty is a very real disadvantage in this society."

Nasir's evaluation is typical of the nearly 800 students who have received SFF support for summer jobs in public interest work — whether or not they eventually make careers in the field. "It's a fantastic education," he said. "The first time I ever argued in court was there — a custody-related issue. The other side had a paid lawyer — and I won. I would encourage people to do something like that. You learn what being a lawyer is all about. It's not 'Ally McBeal.' It's not 'The Practice.'"

As SFF has grown, the list of organizations that hire SFF-supported students has come to read like a roster of the public interest legal sector. From A to Z, it ranges from the Aids Service in Pasadena and the American Civil Liberties Union in Detroit, Los Angeles and New York, through the Public Defender Service of Washtenaw County and the Sugar Law Center for Economic and Social Justice in Detroit, to the Environmental Enforcement Division of the U.S. Department of Justice and the Wayne County Prosecutor's Office.

Along the way the program has created a network of SFF alumni and organizations that have hired them. Some SFF recipients have gone on to public interest careers of their own; some head organizations that hire SFF recipients, and others act as supervisors for the student lawyers.

Currently, the program provides $3,000 for each recipient and requires each to work a total of 400 hours.

Most SFF grants are for the summer between a student's first and second year of law school. They are for students who work with organizations that "provide direct legal services to economically or socially disadvantaged people or interests" and placement may be within or outside of the United States. Placements with judges, organizations involved in electoral politics, or similar groups cannot use SFF funds, but government offices can.

"I think the vision has remained pretty constant," Christopher Burke, who co-chairs the SFF board with Maaike Hudson, said of the program's commitment to public interest work. "I think if anything we're a little more inclusive in what we consider public interest."

Burke, Hudson and the other nine members of SFF's student-run board are using this year's 20th anniversary to raise the program's visibility inside and outside of the Law School and to increase financial support.

"To mark our exciting 20-year milestone, SFF has set an ambitious but reachable goal," Co-Chair Hudson wrote in December to graduates who had been associated with the program. "In the spring of 1999 we hope to fund 66 applicants. This means raising $45,000 more than we raised last year. Realistically, we cannot reach this goal without expanding our fund-raising efforts beyond the Law Quadrangle to others who believe in the importance of our mission."

SFF distributed some $150,000 to 51 recipients in 1998. Traditionally, SFF has used fundraisers like the Law School Student Senate-sponsored Winter Ball and the annual auction of gifts and services from faculty members to augment student contributions.

In 1997 SFF introduced its Hotel Voucher Program, in which a law firm that has brought an interviewee to its offices donates $100 to SFF if the interviewee stays with friends or relatives instead of in a hotel. This school year, SFF has arranged with Ulrich's Bookstore to donate to SFF a portion of the price of law books purchased at the store.

Begun during the 1978-79 school year, SFF has become part of traditional Law School life. SFF flyers festoon the hallways at times, and many students help with its annual fund-raising telethon.

SFF's list of participants reflects the variety of its recipients. Mark Van Putten, '82, executive director of the National Wildlife Federation and a former clinical faculty member at the Law School, was an SFF recipient. Mitchell Berman, '93, formerly of Jenner & Block in Washington, D.C., recently a visiting professor at the Law School and now at the University of Texas Law School, was an SFF Fellow. Michael Huyghue, '87, was an SFF Fellow in 1985; now he's senior vice president of football operations for the Jacksonville Jaguars. Anita Santos, '89, director of Philadelphia Legal Assistance in Pennsylvania was an SFF recipient, as was Phyllis Hurwitz, '93, former legal director of the Appleseed Foundation of Washington, D.C., an organization that helps to launch nonprofit public service legal organizations.

Law student Rachel Tausend spent last summer with The Appleseed Foundation on an SFF grant. Her report, like those of many of last year's recipients, is included in the book that the SFF board has compiled to mark the program's anniversary.

"The Appleseed Foundation Summer Fellows program provides a unique opportunity for law students to gain not only substantive legal experience, but also a first-hand view of how a public interest law center is organized and operated," Tausend said in the report, the first that SFF has compiled.

"The supervising attorney made an effort to diversify my assignments so I experienced each stage of starting and running a center, and most of my time was spent on substantive, rather than clerical/administrative work," she said. "I had the opportunity to meet and work with the staff and boards of directors of both the foundation and the 14 centers, which allowed for networking with a diverse group of attorneys committed to public interest law. I had regular working hours and weekly meetings with my supervisor to evaluate my progress to date and my assignments for the next week, but otherwise had a lot of independence and flexibility in how I managed my time and carried out my work."

Most reports are similarly full of praise, and many applaud the collegial, often informal atmosphere at their agencies. However, a thread of discontent in several reports cites a lack of supervision and feedback that left students unsure of the quality of their work or how to improve it. Students usually attributed this shortcoming to their agencies' tight finances and small staffs. For example, as one student wrote of her work with a private organization in Los Angeles that offers legal aid to the general public: "What I didn't like about my work experience was that the feedback was not always particularly helpful. Although I was frequently told I was doing a 'great job,' there was little constructive criticism offered. I think I would have liked a more rigorous critique."

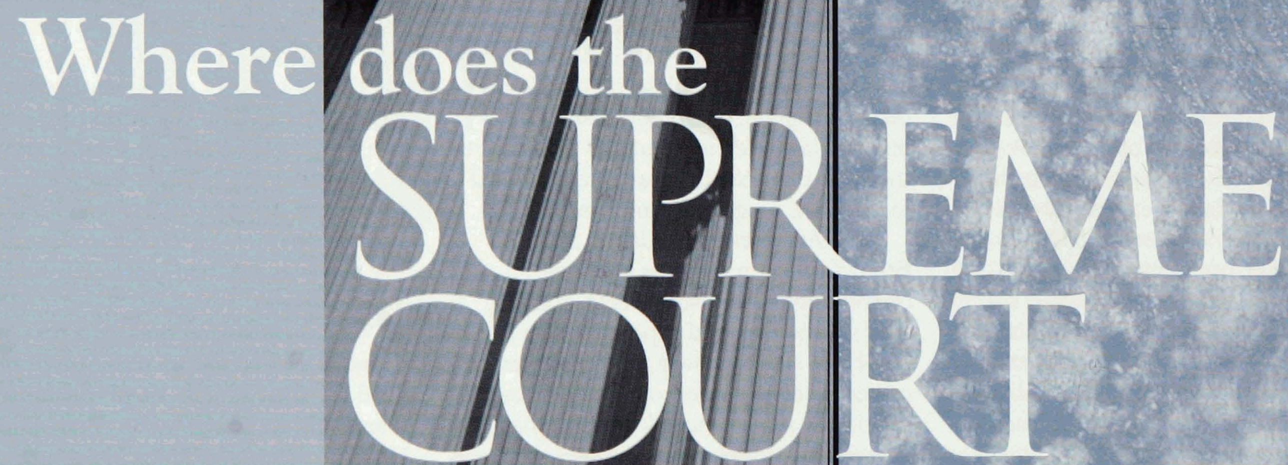
Overall, students reported their experiences to be challenging, rich and rewarding. SFF recipient Hector E. Gutierrez, for example, said his analytical and persuasive skills were "really put to the test" last summer in his work at the U.S. Attorney's office in Honolulu.

"The best part of my experience was getting the excellent opportunity to draft documents specifically for federal court. . . . Best of all, the projects increased in difficulty," Gutierrez said. "First, I drafted a discovery motion for a white-collar crime case that was filed and ultimately won. This was a highlight.

"Next, I assisted in drafting a portion of a lengthy memorandum to the court. Lastly, I had the great experience of collaborating extensively on a brief to the Ninth Circuit. This was the most difficult assignment, but, by far, the most rewarding. Also, I translated in Spanish for a crucial government witness who was to take part in a highly publicized double murder trial. That was quite an experience."

"What didn't I like?" he asked. "Quite honestly, not much."

For further information about Student Funded Fellowships, see the SFF Web site at **www.law.umich.edu/students/orgs/sff.htm**, *telephone 734.998.7976, e-mail to* **sffboard@umich.edu**, *or write: Student Funded Fellowships, The University of Michigan Law School, 300 Hutchins Hall, 625 South State Street, Ann Arbor, Michigan 48109-1215.*



Where does the SUPREME COURT look for guidance?

— BY JANE S. SCHACTER

The following excerpt is reprinted with permission of Stanford Law Review, 559 Nathan Abbott Way, Palo Alto, CA 94035. "The Confounding Common Law Originalism in Recent Supreme Court Statutory Interpretation: Implications for the Legislative History Debate and Beyond," (excerpt including tables), Jane Schacter, Vol. 50, No. 1, 1998. Reproduced by permission of the publisher via Copyright Clearance Center, Inc. A complete and annotated version may be obtained from the author or Law Quadrangle Notes.

IT IS COMMON, EVEN MUNDANE, TO OBSERVE THAT THE SUPREME COURT'S APPROACH TO STATUTORY INTERPRETATION HAS BECOME INCREASINGLY "TEXTUALIST" IN CHARACTER — THAT IS, MORE ORIENTED TO STATUTORY LANGUAGE AND THE ASSERTEDLY "OBJECTIVE" MEANING OF STATUTORY TEXT THAN TO THE COLLECTIVE SUBJECTIVE INTENT BEHIND THE LEGISLATION. BECAUSE COMMITTEE REPORTS, FLOOR STATEMENTS AND OTHER MATERIALS GENERATED DURING THE LEGISLATIVE PROCESS TRADITIONALLY APPEAR IN STATUTORY INTERPRETATION OPINIONS AS EVIDENCE OF THE CONTROLLING LEGISLATIVE INTENT, THE COURT'S DECLINING USE OF THESE MATERIALS IN CONSTRUING AMBIGUOUS STATUTORY PROVISIONS HAS GENERALLY BEEN TAKEN TO SIGNAL A MOVE AWAY FROM "INTENTIONALISM" AND TOWARD THE "NEW TEXTUALISM" ASSOCIATED MOST PROMINENTLY WITH JUSTICE ANTONIN SCALIA.

IN THIS PAPER, I PURSUE WHAT I THINK OF AS EMPIRICALLY INFORMED NORMATIVE ANALYSIS. MY POINT OF DEPARTURE IS THE 45 STATUTORY INTERPRETATION DECISIONS IN THE OCTOBER 1996 TERM OF THE SUPREME COURT. AS IN PREVIOUS EMPIRICAL STUDIES BY PROFESSOR THOMAS MERRILL AND JUDGE PATRICIA WALD, I USE THE STATUTORY INTERPRETATION OPINIONS IN A RECENT SUPREME COURT TERM TO ASSESS THE EXTENT TO WHICH LEGISLATIVE HISTORY CONTINUES TO FIGURE PROMINENTLY IN THE COURT'S INTERPRETIVE APPROACH. UNLIKE THESE OTHER ANALYSES, HOWEVER, I ALSO USE THE CASES TO ANALYZE THE EXTENT TO WHICH THE COURT USES A BROAD RANGE OF OTHER INTERPRETIVE RESOURCES IN THESE OPINIONS.

IN THE END, I DRAW THREE PRINCIPAL CONCLUSIONS.

First, when measured against other empirical analyses, the 1996 term reflects some resurgence in the use of legislative history and an apparent decline in another benchmark of the "new textualism" — citations to the dictionary.

Second, and more interesting, there are significant features in the court's interpretive jurisprudence that confound the interpretive divides that structure so much contemporary scholarship. It is standard, for example, to distinguish among different forms of originalism in statutory construction, and to draw an important line between "textualism" on the one hand, and "intentionalism" or "purposivism" on the other. Similarly, in his recent book, *A Matter of Interpretation* (1997), Justice Scalia set textualism, his preferred brand of originalism, against its asserted opposite — the common law mode. My analysis of the recent opinions suggests that these categories are far too stylized to capture the court's interpretive practices which, in fact, cut across these familiar categories. I argue that the idea of "common law originalism" better describes the approach taken in the court's recent opinions, and that it describes equally well cases that do and do not cite legislative history.

Third, when situated with the empirical context created by the study, the critique of legislative history does not fare well. Given what common law originalism entails, and what the justices are regularly doing in statutory interpretation cases, it is difficult to sustain the basic premises of the attack on legislative history. Moreover, if the common law originalism that I find characteristic of the term's cases has staying power, it will have significant implications for statutory interpretation more generally. Shifting the focus in this way suggests that the use of legislative history and other interpretive resources should be assessed not for their capacity to reveal accurately a singularly correct original meaning, but instead for their ability to advance the more eclectic, policy-oriented process of assigning meaning to ambiguous legislative directives.

THE LEGISLATIVE HISTORY DEBATE

The challenge to legislative history as a legitimate interpretive resource for judges is part of a larger challenge to the search for legislative intent that has traditionally framed judicial interpretation of statutes. On the traditional "intentionalist" account, language is the best evidence of the legislative intent underlying a statute, but judges may legitimately consult materials like committee reports or floor statements in the search for intent where the language is ambiguous. But if intent is the wrong benchmark — as, for example, Justice Scalia and Judge Frank Easterbrook have argued — then the relevance of legislative history is far less certain. In a line of opinions written in the 1980s and early 1990s, Scalia took aim squarely at the concept of legislative intent, arguing that it is not the court's function "to enter the minds of the members of Congress — who need have nothing in mind in order for their votes to be both lawful and effective — but rather to give fair and reasonable meaning to the text of the United States Code, adopted by various Congresses at various times."

More recently, Justice Scalia seems to have forsaken his campaign to banish the concept of legislative intent from the judicial vocabulary, perhaps recognizing that intent is too entrenched an interpretive idiom to dislodge. In *A Matter of Interpretation*, he sought to reappropriate intent and recast its meaning in expressly textualist terms: "[W]e do not really look for subjective legislative intent. We look for a sort of 'objectified' intent — the intent that a reasonable person would gather from the text of the law, placed alongside the remainder of the *corpus juris*."

The essential propositions in play in the legislative history debate can be summarized briefly.

1. The judicial critique of legislative history: undermining the court's institutional role. The central point here is that judicial use of legislative history enables and perhaps encourages judicial activism. The late Judge Harold Leventhal of the D.C. Circuit analogized judicial use of legislative history to entering a cocktail party and "looking over a crowd and picking out your friends." More recently, Justice Scalia has argued that the use of legislative history "has facilitated rather than deterred decisions that are based upon the court's policy preferences, rather than neutral principles of law." From Justice Scalia's point of view, this quality of legislative history is bound up with its role in the traditional intent-based framework: "[U]nder the guise or even the self-delusion of pursuing unexpressed legislative intents, common-law judges will in fact pursue their own objectives and desires, extending their lawmaking proclivities from the common law to the statutory field."

2. The legislative critique of legislative history: undermining Congress' institutional role. Critics have also charged that judicial use of legislative history distorts the proper role of Congress. There are three principal claims. The first claim — call it the "rogue law" point — is that judicial use of legislative history undermines important principles of constitutional structure. When judges credit legislative history, Justice Scalia argues, they essentially elevate to the status of "law" that which has not survived the rigors of bicameralism and presentment demanded by Article I.

The second claim — the "staffer/interest group empowerment" point — centers on the idea that committee reports, floor speeches and the like are frequently written by unelected legislative staffers who, in turn, often work with lobbyists acting on behalf of interest groups. Judicial consultation of legislative history, the critics argue, creates incentives and leverage for both staffers and lobbyists to write into law items that do not appear in the statutory text because they fail to command the support of a legislative majority.

The third claim — the "disciplinarian" point — is more frankly functional: Legislators should learn the "discipline" to write into statutory text that which they intend to give the force of law.

OCTOBER 1996 TERM: ANALYSIS AND FINDINGS

My findings are based upon an analysis of all decisions in the 1996 term that decide a question of statutory interpretation involving federal law. If the court's opinion included any substantial discussion of statutory meaning, I included the case. Of the 80 full opinions issued during the term, 45 qualify as statutory interpretation decisions. I analyzed all 45 majority opinions. I also included 8 concurring and 26 dissenting opinions, producing a total of 79 opinions. Of the 45 cases, 21 had at least one dissent.

I included the following nine interpretive resources in my analysis:

(1) The statutory language at issue in the case;

(2) Legislative history (including committee reports, statements and other information in the *Congressional Record,* or other material generated in the legislative process through which the law was enacted);

(3) Other statutes (state or federal), or other sections of the same statute at issue in the case;

(4) Judicial opinions (including previous decisions by the Supreme Court or other federal or state courts);

(5) Canons of construction;

(6) Administrative materials (including federal regulations or policy statements, letters or advisory opinions written by agency officials, and agency adjudicatory decisions);

(7) Secondary sources (including law review and newspaper articles, treatises, other books, and policy reports);

(8) Dictionaries (whether general or legal);

(9) Miscellaneous other.

I also have identified and included in the analysis an interpretive resource used by the court with striking frequency in the term's cases, but not established in the study of statutory interpretation. I call this category "judicially-selected policy norms." These norms appear in different ways in the cases but are unified by a defining characteristic: they are nonoriginalist. They reflect the justices' own invocation of policy values that are grounded in neither the text of the statute nor the legislative history nor any other claim about intended legislative design.

FINDINGS

1. Legislative history. To the extent that the debate over legislative history reflects an underlying debate about the use of legislative intent as an interpretive framework, the term's decisions suggest that the textualists' challenge to "intent" as an anchoring concept has yet to succeed. The concept of "intent" is invoked in 53 percent (24/45) of the term's majority opinions, and if we broaden the search to include other words looking to congressional design — such as references to Congress' "will," "desire" or "purpose" — the percentage increases to 84 percent (38/45).

The court did use legislative history in its 1996 term opinions more frequently than Professor Thomas Merrill reported in his study of the 1992 term. Whereas Merrill found that 18 percent (12/66) of the 1992 term's majority opinions included a substantive citation to legislative history, my data reflect that legislative history is cited in about half (22/45) of the majority opinions from the 1996 term.

Less frequent reference to the dictionary in statutory interpretation cases may reflect the declining fortunes of textualism, but this evidence is more uncertain. Merrill observed the increasing rate at which the justices were consulting the dictionary in statutory cases, and, not surprisingly, linked these citations to the textualist method of interpretation. During the 1996 term, however, the rate of dictionary citations fell rather sharply from the most recent numbers reported by Merrill. My data reflect citations to the dictionary in only 18 percent (8/45) of the majority opinions, compared to the 33 percent observed by Merrill.

It would be premature to declare the trend against legislative history to have reversed itself, although I have found no

THERE ARE SIGNIFICANT FEATURES IN THE COURT'S INTERPRETIVE JURISPRUDENCE THAT CONFOUND THE INTERPRETIVE DIVIDES THAT STRUCTURE SO MUCH CONTEMPORARY SCHOLARSHIP. IT IS STANDARD, FOR EXAMPLE, TO DISTINGUISH AMONG DIFFERENT FORMS OF ORIGINALISM IN STATUTORY CONSTRUCTION, AND TO DRAW AN IMPORTANT LINE BETWEEN "TEXTUALISM" ON THE ONE HAND, AND "INTENTIONALISM" OR "PURPOSIVISM" ON THE OTHER.

particular reason to suspect that the 1996 term is an outlier. Continuing observation will tell us whether the long-term trend is running in favor of legislative history. At the very least, the data from the 1996 term do suggest that the "major transformation" heralded by Merrill has not materialized.

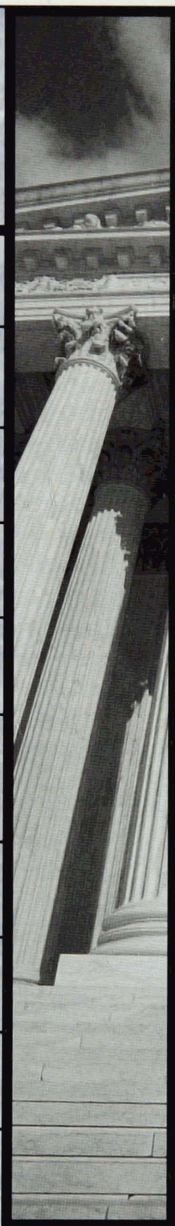
2. Beyond legislative history: the court's use of all interpretive resources. To generate a more detailed and complete picture of the court's interpretive practices, and thus to have a richer context in which to understand the legislative history, I moved beyond the focus on legislative history characteristic of the earlier empirical studies by Merrill and Judge Patricia Wald, and looked to the broader range of interpretive resources used by the justices. As Table 1 reflects, the court's interpretive practices are quite eclectic.

A wide array of resources were used regularly in the term's majority opinions. The incidence of reliance on these resources does not change materially when the focus is broadened to include all statutory opinions (majority, concurring and dissenting). The data from the opinions further suggest that there are significant *common law* dimensions to the court's approach to statutory interpretation. Indeed, the 1996 term's cases suggest that the idea of "common law originalism" better describes the court's approach to statutory interpretation than do more familiar conventional categories.

What is "common law originalism?" In the term's opinions, statutory language is plainly a dominant source, and the cases reflect an originalism in the sense that language supplies the critical interpretive anchor. While statutory language is the consistent point of departure, and there is, thus, plainly an originalist component to the court's approach, it is only a distinctly diluted form of originalism that the court seems to be practicing. As Table 1 reflects, the justices regularly invoke a wide-ranging set of judicially created devices to develop and give meaning to the contested statutory language. The judicial lineage of these devices, and the significant discretion they reserve for judges, leads me to conclude that the court's interpretive originalism is mediated by a strong dose of common law methodology — hence my term "common law originalism."

TABLE 1
USE OF INTERPRETIVE RESOURCES
IN OPINIONS

	Majority Opinions (n=45)	All Opinions (n=79)
Statutory Language	100% (45/45)	100% (79/79)
Precedent	100% (45/45)	95% (75/79)
Other Statutes or Other Sections of the Same Statute	87% (39/45)	77% (61/79)
Judicially-Selected Policy Norms	73% (33/45)	73% (58/79)
Canons of Construction	56% (25/45)	48% (38/79)
Secondary Sources (Treatises, Articles, Policy Reports, Etc.)	51% (23/45)	46% (36/79)
Administrative Materials	49% (22/45)	46% (36/79)
Legislative History	49% (22/45)	46% (36/79)
Miscellaneous Other	31% (14/45)	28% (22/79)
Dictionary	18% (8/45)	12% (10/79)



In tracing the contours of the common law originalism that emerges in the term's statutory opinions, I reach five central conclusions about the court's interpretive practices.

A. Prevalence of judicially selected policy norms. Most striking in my examination of the opinions is the extensive use of judicially selected policy norms. These norms have not attracted focused scholarly notice or attention, but were used in 73 percent of all the majority opinions and 73 percent of all opinions combined (majority, dissenting and concurring).

These policy norms principally appear in the cases in two recurring — and sometimes overlapping — forms. First, several opinions in the data set argue that desirable or adverse policy consequences are likely to flow from a particular reading of the statute, but do not explicitly link those consequences to the legislative language of design. There is a strong flavor

of unabashed Posnerian consequentialism to these arguments. This kind of norm appears when an opinion asserts that reading a statute in a particular way would undermine specified values not found in the statute, and should be rejected on this basis. For example, in *Walters v. Metropolitan Educational Enterprises, Inc.* (117 S. Ct. 660 [1997]), the question was whether an employer had sufficient employees to be covered by Title VII. Justice Scalia's majority opinion held that a payroll-based method of counting employees was a "fair reading" of the language in Title VII looking to the number of employees an employer "has" at a given time, and went on to argue that an alternative interpretation proposed by the employer should be rejected because it would require a complex and expensive factual inquiry.

The use of systemic norms like these in majority opinions is frequently met in dissenting opinions with the use of a counter-systemic norm, one that is deployed in service of the opposite result. For example, *Amchem Products, Inc. v. Windsor* (117 St. Ct. 2231 [1997]) posed the question whether Federal Rule 23 of Civil Procedure should be read to authorize class certification for purposes of settling all present and future asbestos-related claims. Justice Ginsburg argued that reading the rule to do so would undermine congressional primacy to create a claims-processing system for asbestos injuries. Against this institutional policy norm, Justice Breyer in dissent argued that the strong practical need for such a procedure should lead the court to permit certification under Rule 23.

Some opinions reflect a second, slightly different use of judicially-selected policy norms: as value-laden interpretive baselines against which the meaning of the disputed language is measured and assessed. Several opinions, for example, assert that particular policy consequences would flow from one reading of the legislation, and then argue on this basis that no intent to bring about these consequences should be imputed to Congress. In *Metropolitan Stevedore Co. v. Rambo* (117 S. Ct. 1953 [1997]), for example, the question was whether a worker who is disabled under the Longshore Harbor Workers' Compensation Act (LHWCA) may obtain compensation when his post-injury earnings exceed his pre-injury earnings, but when there is also a likelihood that his future earning capacity will be diminished. Justice Souter's majority opinion chronicled the practical problems associated with delaying all claims under the LHWCA until a worker's loss of earning capacity manifested itself, and concluded that those consequences made it unlikely that Congress intended to defer such claims.

This rhetorical device supplies a substantive baseline in much the same way that use of a normatively charged canon, presumption, or clear statement rule does. But in the cases I studied, policy norms do not appear as general rules or default principles. They are better understood as a kind of *ad hoc*, judicial policymaking — one that gives judges a substantial role in policy selection and analysis.

Let me add another point that can help place in context the prevalence of judicially selected policy norms in the opinions studied. Ten of the 45 cases studied construe statutes that contain enacted sections that declare the "policy" concerns, "purposes," and/or "findings" underlying the statutes. Unlike legislative history, these sections are voted on by the full chambers of Congress and written into law. Yet, despite the frequent resort in the opinions studied to judicially-selected policy norms to help resolve statutory ambiguity, it is notable that only one opinion in the study invoked one of these enacted "policy, purpose of finding" sections.

A related finding that underscores the role of judicial policymaking in the process of construing language is the frequency with which secondary sources are invoked. Roughly half of the majority opinions cite secondary sources, such as law review articles, books, treatises, policy reports or other similar materials. These are not created by judges, but they are also not originalist. They are frequently used components in the enterprise of judicial policymaking. For example, in *Atherton v. FDIC* (117 S. Ct. 666 (1997)], Justice Breyer rejected a litigant's argument that there should be a uniform federal standard of liability for bank officers and directors under a federal statute, and found support in a statistical analysis of the banking industry suggesting that there were other obstacles to uniformity.

B. Frequent resort to precedent. The consistent use of the court's own precedent reflects a second common law dimension in the term's cases. Judicial opinions rank with statutory language as the most frequently cited resources. Indeed, the court often relies heavily on its own statutory decisions in construing federal legislation.

The regular use of prior opinions should not be surprising, given that some observers have argued for an exceptionally strong rule of *stare decisis* in the realm of statutory interpretation. Notably, however, in the cases I studied that had a dissent, the majority and dissent frequently differ on the effect or meaning of prior case law. In 62 percent of the cases with a dissent (13/21), the majority and dissent disagree about how or whether a prior decision applies. To a significant extent, the justices thus find themselves having to interpret the text not only of congressional legislation, but of their own opinions, and frequently the meaning of the court's own words is disputed by opposing justices.

C. Frequent use of canons of construction. Fifty-six percent of all majority opinions (25/45) cite at least one canon of construction. Canons are judicially created, are both numerous and diverse, and are often shaped by substantive policy norms. Their usage thus reveals another facet of the common law style in the cases studied. The claim that canons of construction give the statutory interpreters who invoke them considerable discretion is, of course, not a new one. Karl Llewellyn's famous article ("Remarks on the Theory of Appellate Decisions and the Rules or Canons About How Statutes Are to Be Construed," 3 *Vanderbilt Law Review* 395, 396 [1950]) showing that, for many canons, there is a corresponding canon that can, with equal plausibility, be invoked in the same case, long ago undermined any characterization of canons as innocuous or

neutral interpretive aids. And while some, including Justice Scalia, have taken issue with parts of Llewellyn's account, one might find in the term's cases some signs of modern-day Llewellynism: In 8 of the 21 cases with a dissent, the majority and dissent either invoked different canons to resolve statutory ambiguity or disagreed about how to apply the same canon.

D. Anti-common law? The frequent use of "other statutes" and "administrative materials." Table 1 (page 76) reflects regular usage of interpretive resources not generated by the court, but instead by Congress or agencies. In particular, fully 87 percent of majority opinions look to "other statutes or other sections of the same statute," and 49 percent of majority opinions look to "administrative materials." This pattern of consulting legislative- and administratively-created sources suggests that it would plainly overstate the case to accuse the court of using only interpretive resources of its own creation (like those discussed above), or of being engaged only in common law type interpretation of statutory language. But that is the case I seek to make. The court has not cornered the market on creation of interpretive resources. The frequent use of materials produced by other branches of government is not inconsistent with either of my two main points: First, the court makes significant use of judicially generated resources in its interpretive work, and second, the manner in which the court employs the resources it uses has notable common law qualities.

As Table 1 notes, 39 of 45 majority opinions use other federal or state statutes or other sections of the same statute as an interpretive resource. An explanation for the use of separate federal and state statutes as interpretive resources is the capacity of the court to play an integrative function in the larger lawmaking process by weaving together and harmonizing different statutes in order to yield a coherent body of connected law. Indeed, most of the 39 majority opinions that cite to "other statutes or other sections of the same statute" — 32 out of 39 — include citations to separate federal or state statutes. Thus, while these interpretive resources are not judicially created, there is some evidence that they are being used in a common law style.

A similar point can be made about the citations to administrative materials. Interpretive resources generated by agencies appear in a significant portion of the options — 49 percent. This category includes sources like agency regulations, advisory opinions, rulings, correspondence to Congress, and the like. In addition, when one of the opinions studied considers whether to defer to the view of an agency about the meaning of the statute under review in the case, consistent with the principle of *Chevron USA Inc. v. Natural Resources Defense Council, Inc.* (467 U.S. 837 [1984]), I include that within the category of administrative materials. The *Chevron* doctrine, a subject of extended academic debate and study, holds that when a statute administered by an administrative agency is ambiguous, courts should defer to the agency's reasonable interpretation of the statute.

The *Chevron* doctrine makes only an anemic appearance in the term's statutory cases. *Chevron* is cited in five majority opinions. Yet, at least one brief filed in 12 cases argued for *Chevron* deference. Moreover, in only two of the term's five cases citing to *Chevron* did the court ultimately defer to an agency interpretation of the statute under review. And, even in those two cases, the court used several other interpretive resources in reaching its conclusion, including judicially selected policy norms. Thus, the opinions reflect infrequent use of the one administrative resource — the *Chevron* doctrine — that has the capacity (in theory at least) to dislodge judicial discretion. Instead, the justices much more frequently used other kinds of administrative resources, ones that do not purport to deprive the court of its flexibility to use a range of other resources — including judicially created ones — in constructing statutory meaning.

E. Legislative history v. no legislative history cases. The eclecticism and common law originalism of the case set holds across cases that cite legislative history and those that do not. As noted earlier, the majority opinions issued during the 1996 term consult legislative history in approximately half of all the cases. The vast majority of the legislative history citations in these opinions are to committee reports. Notably, the profile of the majority opinions consulting legislative history is quite similar to the profile of the opinions that do not cite legislative history. There are signs of common law originalism in both sets of cases. Many scholars assume that interpretive questions are either/or — that judges must choose, for example, between canons or legislative history. But the term's cases do not bear this out. As Table 2 (next page) shows, the two groups of opinions tend to use other interpretive resources — including judge-made ones — at comparable rates.

IMPLICATIONS FOR THE LEGISLATIVE HISTORY DEBATE AND BEYOND

If the data from the 1996 term are predictive of future terms, it may be that the critique of legislative history is losing steam. But Justice Scalia's recent book and some of his comments on legislative history in the term's opinions suggest that he, for one, is not abandoning the cause. And, in any event, even the data presented here show the court consults legislative history in only about half the cases in which legislative history is cited to the court in a brief. Thus, the basic debate over legislative history seems to remain alive. I consider in this section what implications flow from the data I have presented.

1. Implications for the judicial critique of legislative history. The central argument of the judicial critique is that the use of legislative history enables an undesirable brand of "judicial activism" because the volume and variability of a statute's legislative history permits judges to make selective, strategic use of that history while professing to defer to Congress by honoring its intent. The common law originalism that characterizes the opinions

studied undermines this argument in several ways.

First, my study illustrates that the terrain of "judicial activism" ranges far beyond legislative history. As Table 1 reflects, value-laden, judicially-created interpretive resources are used regularly.

Second, the similar profiles of the legislative history and nonlegislative history cases suggest that it is problematic to target the use of legislative history for special disapproval on judicial activism grounds. The absence of legislative history hardly translates into the presence of judicial "restraint." Indeed, as Table 2 reflects, cases that do and do not cite legislative history are equally likely to use judicially-shaped policy norms.

Third, given the prevalent usage of judicially-selected policy norms in the opinions studied, we might conclude that the failure to consult legislative history is actually the more activist move, for it gives the judge more power to shape the policy objectives of the statute unilaterally, unconstrained by policy priorities or goals that may have been expressed by legislators. Moreover, a judicial decision to categorically disregard legislative history is, after all, a *judicial* decision about who decides what is relevant to statutory meaning, and is, in that sense, difficult to reconcile with a strong conception of judicial restraint.

2. Implications for the legislative critique of legislative history. Recall that the legislative critique of legislative history is comprised of three main claims, each of which relates to the legislative process: the rogue law claim, the staffer/interest group empowerment claim, and the disciplinarian claim. Although this study does not provide a basis for engaging every aspect of the legislative critique, it does reveal some significant problems in each of the three claims that make up the legislative critique.

TABLE 2
USE OF INTERPRETIVE RESOURCES
IN MAJORITY OPINIONS
THAT USE AND DO NOT USE LEGISLATIVE HISTORY

	Majority Opinions Using Legislative History (n=22)	All Opinions Using Legislative History (n=23)
Precedent	100% (22/22)	100% (22/22)
Statutory Language	100% (22/22)	100% (22/22)
Other Statutes or Other Sections of the Same Statute	77% (17/22)	91% (21/23)
Judicially-Selected Policy Norms	73% (16/22)	74% (17/23)
Canons of Construction	55% (12/22)	57% (13/23)
Secondary Sources	55% (12/22)	48% (11/23)
Administrative Materials	45% (10/22)	52% (12/23)
Miscellaneous Other	27% (6/22)	36% (8/22)
Dictionary	18% (4/22)	17% (4/23)

THE ROGUE LAW CLAIM. The claim that legislative history should be ignored because it was not approved by a majority of both houses and by the president is called into question in several ways by the cases studied. First, the manner in which legislative history is cited in the opinions does not support the argument that the mere use of legislative history in statutory interpretation elevates it to the status of formal "law" requiring enactment under Article I procedures. Second, if reliance upon legislative history in a judicial opinion amounts to lawmaking that is illegitimate for lack of bicameralism and presentment, then consultation of most of the other interpretive resources used widely in the cases studied — including use of these resources in opinions that cite no legislative history — presumably does so as well. Indeed, the problem is perhaps most readily apparent with respect to the judicially-selected policy norms I have emphasized, which might similarly be characterized as illegitimate judicial law.

There is a deeper issue here that goes more fundamentally to the idea of bicameralism and presentment. Presumably, taking a vote in both chambers and requiring a presidential signature or supermajority in its absence matter most, at least in Madisonian terms, because meaningful deliberation and representation are the larger values that Article I's procedures are calculated to promote. But the tradition of committee powers, and the

broader phenomenon of highly limited participation observed by Richard Hall (*Participation in Congress,* 1996), call into question the extent to which the mere fact of a vote in both chambers, on its own, evidences robust — or even moderate — dynamics of deliberation and representation. The leading study of roll call voting in Congress raises similar questions. The portrait of voting decisions painted by John Kingdon suggests that, in many instances, legislators engage in a thin search for informational shortcuts and proxies, rather than study issues in detail or read much, if anything, about the subject of the bill. Indeed, the sheer mass of issues confronting Congress necessarily reduces the extent to which Congress can fully deliberate over legislation, and it undermines the idea that a legislative vote, standing alone, signifies close deliberation or broad, representation-enhancing participation by members of each chamber. These accounts are relevant to the rogue law claim because they challenge the underlying basis for drawing a strong distinction between text (which is voted upon by the body) and legislative history (which is either voted upon by the committee only, in the case of the reports, or not at all, in the case of floor statements).

THE STAFFER/INTEREST GROUP EMPOWERMENT CLAIM. The staffer/interest group empowerment claim in particular implicates a range of issues relating to the legislative process as to which important empirical questions have gone largely unaddressed by legislative scholars. There are plenty of anecdotes conjuring the image of late-night cabals between committee aides and lobbyists, but little systematic research about drafting. For example, it would be relevant to study to what extent, on what sorts of issues, and with what degree of involvement by elected representatives, staffers do, in fact, write committee reports, floor speeches, and other sources of legislative history. Do staffers *also* routinely write the text of statutes, as the sheer volume of legislative work confronting elected representatives might suggest? Similarly, what is the nature and extent of lobbyist involvement in drafting? Recent anecdotal accounts suggest that there are instances when lobbyists write language that appears verbatim in bills as statutory text, but no systematic study has been done of the role of lobbyists in drafting either language or legislative history.

Indeed, if the root problem with legislative history is staff and lobbyist empowerment, then we should consider not only the role of staff and lobbyists in producing the statutory language that is favored by textualist theory, but also the ways in which staffer and interest group influences are part of the dynamics of the adjudicative process.

There is an intriguing aspect of the cases studied here that moves this abstract proposition into a more concrete context. The role of organized interests in Supreme Court practice is perhaps most visible in the filing of briefs *amicus curiae*. Some 204 *amicus* briefs were filed in the 45 cases studied. In 41 of the 45 cases studied, at least one brief *amicus curiae* was filed. In most cases (33 of these 41), multiple *amicus* briefs were filed, with briefs by organized interests predominating. The definition of an "organized interest" is subject to debate, but if we exclude from the total set of *amicus* briefs filed those submitted on behalf of governmental entities and law professors filing in their own behalf on issues unrelated to legal education, that leaves 173 of the 204 briefs, or 85 percent, filed by entities or groups pressing a specific set of policy interests — including bankers, builders, asbestos manufacturers, hospitals, trial lawyers, corporations, environmentalists, and public interest organizations of various kinds.

There is nothing inherently pernicious about the filing of *amicus* briefs. Indeed, one can argue that these briefs improve, or even "democratize" interpretive litigation by expanding the scope of perspectives before the court. Particularly if we see interpretive cases as presenting the court with policy-sensitive choices in many cases, there can be real functional advantages to the filing of briefs by engaged and informed interests — many of whom had probably lobbied Congress and any regulatory agency involved in the statutory scheme at an earlier point. More generally, there is nothing inherently pernicious about the role of interest groups in public policy spheres. The problem comes with the unequal participation, access, and resources that such groups enjoy. Indeed, some familiar collective action problems seem to be in evidence in the domain of Supreme Court *amicus* practice, for unorganized, dispersed interests do not frequently file briefs with the court. The justices generally hear from those with a strong stake, intense preference, and sufficient resources to justify the costs of participating in Supreme Court litigation.

It is, of course, difficult to assess the extent to which *amicus* briefs filed during the 1996 term did, in fact, "influence" the ultimate decisions reached by the court. *Amicus* briefs are specially cited in 13 opinions and several of the briefs cited were submitted on behalf of an organized interest.

Two facts stand out:

(1) Many of the *amicus* briefs were filed on behalf of politically engaged and active interest groups that were, in most cases, likely to have pressed similar arguments before Congress and, where applicable, administrative agencies;

(2) The prevalence of judicially-selected policy norms and other judge-made interpretive resources suggest that litigation over statutory interpretation in the Supreme Court can be a worthwhile venture for interested *amici*, one in which *amicus* briefs may play a role by pressing a line of policy-oriented argument.

Just as the Supreme Court is not immune from interest group influence, it is also not necessarily free from substantial *staffer* influence. Members of the Supreme Court are, like legislators, confronted with a high workload that makes personal handling of all tasks plainly unrealistic.

Justices use law clerks to assist in a wide array of work. One parallel to legislative history is particularly striking: While legislative history is frequently drafted by staffers and then signed by members, Supreme Court opinions are often drafted by law clerks and then signed by justices. The daunting workload before both the court and Congress suggests at the very least that staffers do and will have a significant role in both contexts.

Perhaps the real point here is that instead of wringing hands over the potential influence of staffers, we should focus on the nature of the principal-agent relationship in *both* the legislative and adjudicative arenas. If legislators closely monitor delegated drafting work, in all or at least a recognizable subset of circumstances, then the potential for "freelancing" by staff — with or without the input of lobbyists — should be reduced. A similar point about monitoring can be made in relation to Supreme Court justices. Recasting the inquiry in this way undermines the idea that the very fact that staffers and interest groups are situated to influence the production of legislative history is, without more, a sufficient basis for rejecting its use in statutory interpretation.

THE DISCIPLINARIAN CLAIM. The existing literature on Congress does suggest one significant problem with the disciplinarian claim: that it suffers from an exceedingly caricatured and court-centered view of legislative history. To skeptics like Justice Scalia, legislative history materials — especially committee reports — are produced principally, if not exclusively, to affect judicial interpretation. While that goal can reasonably be assumed to be among those that legislators have in mind when committee reports are written, it is far from obvious that it is the driving factor. Indeed, many legislative scholars take a different view of committee reports, in particular, and see them as primarily directed at a congressional audience, and as intended to persuade other legislators to support a bill based on the information gathered and rationales formulated by the committee responsible for the bill.

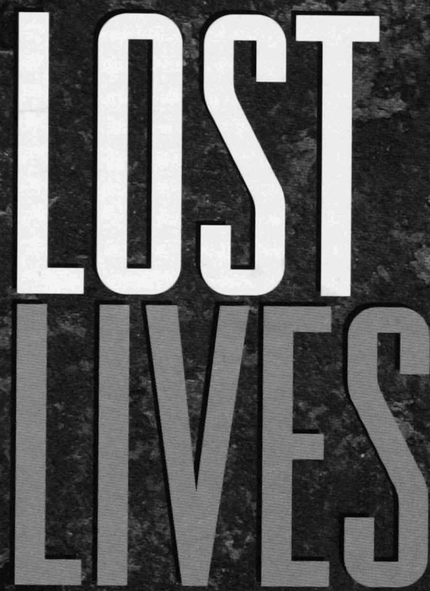
Turning more specifically to what the opinions studied suggest on this point, the data do cast some doubt on the basic idea that eliminating legislative history will require, or even encourage, Congress to legislate with more textual precision and clarity. The problem most clearly illustrated by my study is that legislative history is only one small part of a larger set of nontextual sources. There are far too many other interpretive resources used by the court, in far too unpredictable a manner, to sustain the notion that, by eliminating legislative history, the court will be giving Congress "a sure means by which it may work the people's will." My study suggests that in cases where no legislative history is used, the justices still use nontextual interpretive resources to help resolve ambiguity, and they draw, in common law style, on a broad range of such resources.

The profusion of nontextual interpretive resources in the opinions studied also casts doubt on a related dimension of the disciplinarian claim: the notion that the court's interpretive method should not only make statutory meaning more predictable to Congress, but also to lawyers, judges, and citizens. Those who must abide by law, the argument goes, should not be burdened with an onerous and often inconclusive trip through legislative history. But the term's opinions suggest that this vision of law's ready accessibility is not likely to be met, whether or not legislative history is used. Ousting legislative history, in short, will not deliver simplicity because there are too many other routes to uncertainty.

CONCLUSION

I have argued that the opinions studied suggest rethinking the legislative history question, the broader conceptual framework surrounding statutory interpretation, and the role of judges in that enterprise. Equally important, perhaps, my study also suggests the virtues of empirically-oriented normative analysis in probing questions like those explored here. Too often, the approach of legal scholars to the "ought" is insufficiently informed by a systematic study of the "is," with the result that unhelpful abstractions and, occasionally, caricatures, provide the basis for normative analysis. Future study of the actual — as opposed to assumed — interpretive practices of the Supreme Court, the lower federal courts, and the state courts can significantly advance and enrich the study of the role played by courts in the larger lawmaking process.

Professor **Jane S. Schacter**, *who joined the Law School faculty in 1998, has published widely on the subjects of democracy, statutory interpretation and sexual orientation and the law. Among her recent articles are "Taking the Intersexional Imperative Seriously: Sexual Orientation and Marriage Reform,"* Denver University Law Review *(1998); "Romer v. Evans and Democracy's Domain," 50* Vanderbilt Law Review *361 (1997); "The Pursuit of 'Popular Intent': Interpretive Issues in Direct Democracy," 105* Yale Law Journal *(1995); and "Metademocracy: The Changing Structure of Legitimacy in Statutory Interpretation," 108* Harvard Law Review *593 (1995). Schacter received her J.D.* cum laude *from Harvard Law School, where she was Articles Editor for* Harvard Women's Law Journal. *She clerked for Judge Raymond J. Pettine of the U.S. District Court, Providence, RI, worked as an assistant attorney general in Massachusetts and practiced as a litigation associate with Hill & Barlow in Boston. She previously taught at the University of Wisconsin Law School, where she received the Chancellor's Award for Distinguished Teaching in 1998.*



LOST LIVES

Miscarriages of Justice in Capital Cases

— by Samuel R. Gross

The following article is based on a paper delivered at the National Conference on Wrongful Convictions and the Death Penalty, held at Northwestern University Law School in November. At deadline time the complete version was in press for 61 Law & Contemporary Problems *(1998).*

One of the longstanding complaints against the death penalty is that it "distort[s] the course of the criminal law." Capital prosecutions are expensive and complicated; they draw sensational attention from the press; they are litigated — before, during and after trial — at greater length and depth than other felonies; they generate more intense emotions, for and against; they last longer and live in memory. There is no dispute about these effects, only about their significance. To opponents of the death penalty, they range from minor to severe faults; to proponents, from tolerable costs to major virtues. Until recently, however, the conviction of innocent defendants was not seen as a special hazard of capital punishment. Everybody agreed, of course, that condemning innocent defendants is a singular wrong, but it was not widely viewed as a major problem, and certainly not as a problem of special significance for capital cases. In the past decade this complacent view has been shattered.

In case after case, erroneous conviction for capital murder has been proven. I contend that these are not disconnected accidents, but systematic consequences of the nature of homicide prosecution in general and capital prosecution in particular — that in this respect, as in others, death distorts and undermines the course of the law.

There are three factual claims behind the argument that capital convictions of innocent defendants are very rare.

(1) Erroneous convictions are rare in criminal prosecutions of any sort, and their danger is greatly exaggerated. Judge Learned Hand captured this sentiment in his frequently quoted observation: "Under our criminal procedure the accused has every advantage. . . . He is immune from question or comment on his silence; he cannot be convicted when there is the least fair doubt in the minds of any one of the twelve. . . . Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime."

(2) On the whole, homicides are easier to solve than most other violent felonies. Homicide is typically a crime of passion rather than design, and the killer is usually a relative, friend or acquaintance of the victim. For example, in 1994, about 78 percent of robberies and 52 percent of aggravated assaults in the United States were committed by strangers, compared with only about 25 percent of homicides. As a result, most homicides present no real question about the identity of the criminal, and no real risk of mistake.

(3) Homicides, and capital homicides in particular, get far more attention than other crimes. This suggests that errors will be less likely in these cases because they are examined with much more care than others. For example, Frank Carrington wrote in 1978: "[O]ur legal system examines capital convictions with such an intense scrutiny that . . . when there is the slightest doubt of guilt (even after conviction), a commutation will usually result, or the individual will otherwise be spared, thus lessening the chance of executing the innocent."

In other words, we need not worry about this problem because we have already taken care of it.

How convincing are these three premises? The strong version of the first — Judge Hand's position that convictions of innocent people just don't happen — is false. In 1932, Edwin Borchard responded to the claim that "innocent men are never convicted" by publishing his now classic book, *Convicting The Innocent*, in which he documented 65 of these cases that never happen. Since then, several other compilations of proven erroneous convictions have been published, and new cases continue to surface with regularity. Nobody knows the true number of mistaken convictions. Since 1992 at least 53 defendants — mostly convicted rapists — have been exonerated by DNA identification evidence; most of them were released after spending years in prison. These were flukes. The technology to prove their innocence happened to become available before the physical evidence from the crime (semen or blood) was lost or destroyed, or deteriorated beyond use. It's anybody's guess how many other innocent prisoners haven't had the benefit of this sort of luck. The erroneous convictions that are discovered may truly be the tip of an iceberg.

Still, the vast majority of convicted defendants are no doubt guilty; the iceberg — whatever its size — floats in a sea of factually correct decisions. Learned Hand's view is simply an example of a common human tendency to assimilate "usually" to "always," and "rarely" to "never." This can be dangerous. Airplane crashes (or, to continue a conceit, collisions between ocean liners and icebergs) are also rare; as passengers, we can feel comfortable telling ourselves and each other not to worry, that it will never happen. But engineers, traffic controllers and pilots must not ignore crashes. These are terrible, tragic events, and they remain rare precisely because as a society we do worry about them, and try to stop them from ever happening.

The second point — that in most homicides there is no serious factual question about the guilt of the accused —

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is true. That reduces the field considerably. Unfortunately, the ease with which most homicides may be solved does relatively little to increase the accuracy of decision-making in capital homicide cases, since that subset is likely to include most of the cases in which factual determinations are most difficult. In most homicides the killer was known to the victim; that is the main fact that makes most homicides easy to solve. But not capital murders. For example, a study of homicide prosecutions from 1976 through 1980 in Georgia, Florida, and Illinois found that while only 17 percent to 22 percent of all the homicide victims in those states were killed by strangers, 55 percent to 71 percent of the death sentences were returned in this comparatively rare set of cases.

The third step in the argument — that capital cases get an extraordinary amount of attention — is also certainly true. But for the purpose of minimizing the risk of erroneous convictions and executions that attention is a two edged sword at best: It generates many more mistakes than we would see if capital murders were handled as casually as run-of-the-mill robberies and assaults. The extra attention we devote to capital cases might also help us catch some or even most of these mistakes, to the extent that we are committed to doing so. Unfortunately, recent history suggests that our commitment to correcting deadly judicial errors is weak.

The last paragraph must seem very puzzling: Why would added attention increase errors? And yet, that non-intuitive statement is the core of my argument. I will develop it later, after defining my terms and offering a brief discussion of the large volume of evidence that has accumulated that mistaken convictions in capital cases do occur on a regular basis. Finally, I will review what we might do and what we in fact do to minimize these tragedies.

I. Defining the issues.

The archetypal capital case is a highly publicized prosecution for a brutal and gory murder, in which the defendant is tried, convicted, sentenced to death, and eventually executed. Needless to say, most capital cases differ from this standard in one or several respects. The case may receive relatively little publicity; the murder may be relatively low on the scale of horror; the defendant may plead guilty rather than go to trial, in which case he will normally be sentenced to life imprisonment or a term of years; if he does go to trial he may be convicted of a non-capital crime, or acquitted altogether; if he is convicted of a capital crime, he may be sentenced to life imprisonment; and finally, if he is sentenced to death, he will probably never be executed.

I am concerned with any wrongful conviction of a defendant charged with a capital crime, regardless of the crime or the penalty. The worst mistake, the execution of an innocent defendant, appears to be the rarest. This is what we ought to expect: Guilty or innocent, few of those who are sentenced to death in America are actually executed. Among the known cases of wrongful conviction, many more innocent defendants were either convicted of first degree murder and sentenced to death but not executed, or convicted of first degree murder and sentenced to life imprisonment; much smaller groups were convicted of second degree murder, or even manslaughter or lesser felonies, and sentenced to terms of years.

A conviction can be "wrong" in many ways. It might be excessive — for example, if the defendant is really guilty of second degree murder but was convicted of first degree murder; or the jury might have been right to conclude that the defendant committed the fatal act, but wrong to reject a defense of insanity or self-defense; or a conviction that is factually accurate might have been obtained in violation of the defendant's constitutional rights. I'm not concerned with any of these types of errors. I shall limit my focus to convictions of "the wrong person," a defendant who did not do the act that caused the death or deaths for which he was convicted.

Erroneous convictions (as I have defined them) may occur disproportionately often in capital cases for two types of reasons: (1) because of factors that are common or inevitable in capital prosecutions, but that occur in other cases as well — for instance, the fact that the crime involves homicide, or that it was heavily publicized; or (2) because of consequences that flow from the demand for the death penalty itself. Some factors may appear in both groups. For example, a capital case is likely to be the sort of case that would be highly publicized in any event, and asking for the death penalty is likely to make it more so.

If capital cases do produce erroneous convictions, there are different implications depending on the cause of the erroneous conviction. The causes in the first group imply that we should be wary of imposing or executing death sentences, because capital cases are of the sort where erroneous convictions are particularly likely regardless of the sanction requested or imposed. Abolishing the death penalty would not reduce the number of erroneous convictions of that type, but rather would eliminate the worst consequences of those errors. The causes in the second group imply that the death penalty itself undermines the accuracy of our system of adjudication. As Justice Frankfurter put it: "When life is at hazard in a trial, it sensationalizes the whole thing almost unwittingly. The effect . . . [is] very bad." If that's true, abolishing capital punishment would reduce the number of erroneous convictions of all sorts in those cases in which we now seek the death penalty, and not merely limit the harm of those errors that do occur.

II. How often are innocent people sentenced to death?

It's anybody's guess how many of the 3,365 prisoners on death row are innocent of the murders for which they were condemned. But we are beginning to be able to place a lower bound on how few it may be, and it's quite a few. The major work in this area is a study of wrongful convictions in "potentially capital cases" by Professors Hugo Bedau and Michael Radelet. The first published version of this work appeared in 1987; it listed 350 such wrongful convictions from 1900 through 1985, including 139 death sentences and 29 executions. In 1992 Professors Bedau and Radelet, together with Constance Putnam, published their findings in the book *In Spite of Innocence*. By then the catalogue had been extended to 416

miscarriages of justice, from 1900 through 1990. Some of the cases on their list are notorious and controversial, including several of the executions: Bruno Hauptmann, Joe Hill, Nicola Sacco and Bartolomeo Vanzetti. For these cases, there are other writers who maintain that the defendant was in fact guilty. But the precision of Bedau and Radelet's judgment in every case hardly matters; it's the overall pattern that tells the story. In the great majority of their cases the error has been admitted or is beyond dispute. And even the disputed cases suggest that there are severe doubts about the defendants' guilt — which in turn means that many of them were innocent. On the other side, Bedau and Radelet excluded cases in which the defendants may well have been innocent, if, in their judgment, the evidence of innocence was not sufficiently convincing. In any event, a compilation such as this can only be a list of illustrations of the problem, not a catalogue of errors. As Bedau and Radelet readily admit, nobody knows how many miscarriages of justice have gone entirely undetected.

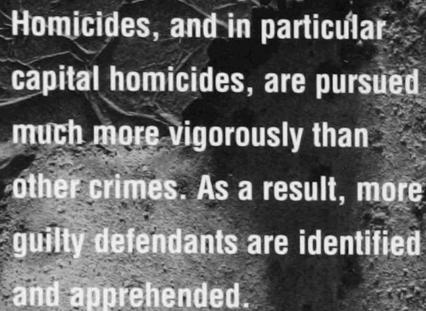
In 1996, Professors Radelet and Bedau and William Lofquist published a third study on this issue: a compilation of cases of prisoners who were released from death row since 1970 because of serious doubts about their guilt. They list 69 such cases, about 1.2 percent of the total number of death sentences returned between the end of 1972 and the beginning of 1998. As the authors point out, their definition of the category — "serious doubts about guilt" — includes some death row inmates who were ultimately acquitted, or whose cases were dismissed, but who may in fact have been guilty. Nonetheless, it is almost certainly an undercount of the number of defendants erroneously convicted and sent to death row, for several reasons: (1) In some of these cases — the most tragic — the error will never be discovered and the defendant will be executed or die in prison of other causes. (2) In others the error will probably never be discovered because it has become moot. The published list does not include any case in which a defendant who might well be innocent obtained release on other grounds, such as a constitutional violation, or the death or absence of a witness. (3) In some cases errors that will eventually be discovered are not yet known. The average time to release for the cases that Radelet and his colleagues list is 7.34 years; the median time is between six and seven years. The death-row population in the United States has been growing steadily for decades; as a result, many prisoners on death row have been there six years or less. (4) Some cases in which innocent death row prisoners have been released — perhaps most — are not in the sample. Over a quarter of the total number of cases (18/68) are from Florida; California, which has the largest death row in the country — 477 compared to 389 in Florida — has only two cases; and Texas, which has executed more prisoners than any other state — 144 compared to 39 for Florida — has only six. The reason for this disproportion, as the authors point out, is that Professor Radelet works in Florida and has maintained detailed data on every capital prosecution in the state. If there were comparable data for all death penalty states, or if there was a comprehensive registry of all death row inmates released because of doubts about guilt, the total of known cases would be much higher. But these resources do not exist.

The essential thing to know about mistaken convictions in capital cases is that they do happen and will continue to happen with some regularity — as Bedau and Radelet have shown. Bedau and Radelet do not try to estimate how often these tragic mistakes occur, and neither will I. Instead, I will address a related issue: Why do they happen in death penalty cases?

At the outset, however, it may be useful to put the numbers I have provided in perspective. Bedau and Radelet have assembled information on more erroneous convictions in capital cases in America in this century than all other collections of such errors in *all* criminal cases combined. Since then, similar errors keep coming to light. In 1988, Arye Rattner published the most comprehensive summary of information on known miscarriages of justice in America, regardless of crime or cause — 205 erroneous convictions, from 1900 on. In 45 percent of Rattner's cases the offense was murder, and in 12 percent the penalty was death. By comparison, homicides (of all sorts) make up a fraction of 1 percent of all arrests in this country, and about 3 percent of arrests for crimes of violence. Murder and non-negligent homicide account for 1.3 percent of all criminal convictions, about 7 percent of convictions for violent crimes, less than 3 percent of all commitments to prison, and about 10 percent of commitments to prison for crimes of violence. Death sentences account for about 2 percent of all murder convictions, less than two-tenths of 1 percent of all convictions for violent crimes, and perhaps three hundredths of 1 percent of all criminal convictions. In other words, capital cases are heavily over-represented among known miscarriages of justice — 5 to 1 or 10 to 1 or 100 to 1 or more, depending on which comparison seems most telling.

Does this mean that miscarriages of justice are more likely in capital cases than other prosecutions? I think so, for reasons I will explain in the next section. But there is also an obvious competing explanation for this striking disproportion. Since we pay more attention to homicides than to other crimes, and more to capital cases than to other homicides, we would be likely to detect more errors among homicide convictions than among other felonies — and especially among the most aggravated homicides — even if the errors that occur were evenly distributed. In part, this argument is certainly true. With more effort we could discover more miscarriages of justice, and we do devote more attention to capital cases than to other felony prosecutions. But it cannot be a complete explanation for the apparent abundance of errors in capital cases. Many of the known miscarriages of justice — capital and non-capital alike — were discovered by sheer chance. If chance were the only factor, the known cases would be representative of all errors; since it's only one causal factor, the sample is no doubt quite different from the universe. Still, if even a third of the errors surfaced by luck alone, it would be surprising if the actual proportion of errors in murder cases were over-represented in the set of known errors by as large a factor as we see: five or ten or a hundred to one.

Ultimately, the comparative proportion of miscarriages of justice in capital cases does not matter. It's possible, I suppose,



that erroneous convictions are just as common in other criminal cases. It's a depressing thought. It implies that behind the seventy some prisoners who have been released from death row in recent years because of doubts about their guilt there are thousands of undiscovered cases of defendants with equally doubtful convictions for non-capital homicides, and dozens of thousands or more equally questionable convictions for robbery, burglary, and assault. But even if we assume this unlikely equivalence, the basic problems would be the same. Capital cases are at least as error prone as any others (if not much more so) and we regularly sentence innocent people to death. So the underlying question remains: Considering all the attention we devote to death penalty cases, why do we make so many mistakes?

III. Why are innocent people regularly sentenced to death?

The road to conviction and sentence has three main stages: investigation, which is primarily the province of police; pre-trial screening and plea bargaining, where the dominant actor is the prosecutor; and trial, before a judge and jury. At each stage, capital cases receive more care, more resources and more scrutiny than other prosecutions. This special focus is a natural consequence of the unique importance of death — the deaths of the victims and the prospect of death as punishment for the defendants. In most cases, the effects of this special treatment are beneficial. But there's a cost: In some cases, the very same process produces terrible, deadly errors.

A. Investigation.

This is the critical stage, where most errors occur. The circumstances that produce them are variable, but the basic cause is the same: Homicides, and in particular capital homicides, are pursued much more vigorously than other crimes. As a result, more guilty defendants are identified and apprehended. Unfortunately, along the way, more innocent defendants — a larger number and a higher proportion — are caught up in the process as well.

1. Clearance rates.

Most crimes are never solved. In 1995, a mere 21 percent of all serious crimes known to the police were "cleared" — which usually means that a suspect was arrested; of serious violent crimes, 45 percent were cleared. But even these low figures only tell half the story. Most crimes are not "known to the police" — in 1995, only 36 percent of all crimes, and 42 percent of crimes of violence, were reported. In other words, only about 18 percent of all crimes of violence are solved by the police, including about 14 percent of robberies, 18 percent of rapes, and 7 percent of burglaries.

On the whole, the crimes that are reported to the police have better evidence than those that are not reported. Cases with extremely strong evidence — those in which the culprit is caught in the act, or seen and identified by several people — are almost always reported. If the victim has to take the initiative to notify the police, he'll be more likely to do so if he thinks there's a good chance that the criminal will be caught. When the police do hear about a robbery, or a rape, or a burglary, for which the identity of the criminal is not immediately obvious, their investigation is usually perfunctory: Put out a call to other officers to try to spot the criminal in flight; interview the witnesses at the scene; collect immediately available physical evidence; that's it. If a suspect doesn't emerge from this process it is unlikely that the case will ever be prosecuted. Most police detectives do not have the time to conduct detailed investigations of every reported felony, and

in the usual run-of-the-mill case there is little pressure on them to do so. The net result is that in general the felonies that are prosecuted are likely to be those in which the evidence of guilt is strongest.

Homicides are different. First, almost every homicide is reported to the police when the body of the deceased person is found. Second, most homicides known to the police are cleared — 65 percent in 1995, more in previous years. Overall, the proportion of all homicides that are solved is about four times higher than the comparable proportion for other violent crimes. A study of robbery investigations in Chicago in 1982-83, by Franklin Zimring and James Zuehl, provides an excellent illustration: 13 percent of all robberies reported to the police were solved within two months (including a somewhat lower proportion of robberies with injuries to the victims), compared to 57 percent of robbery killings. This difference cannot be explained by superior evidence — on the contrary, robbery homicides will usually have weaker evidence, since the victim is dead — but must be due to a systematic difference in the investigation by the police.

As we have noted, many homicides are easy to investigate. In a typical case — a killing by a friend as a result of a drunken fight — the killer is known from the start. But the police get the hard murders as well as the easy ones, and there is much more pressure to solve these cases than non-homicidal crimes. The relatives of the victim care more, the prosecutor cares more, the public is much more likely to be concerned, and the police themselves care more. Death produces strong reactions — in this context, a desire to punish and to protect. Other outrageous crimes can have the same effect — kidnappings, for example, or serial rapes — but they are rare. Homicide is common.

For the most part, the pressure to solve homicides produces the intended results. An investigation that would be closed without arrest if it were a mere robbery may end in a conviction if the robber killed one of his victims. But that same pressure can also produce mistakes. If the murder cannot be readily solved, the police may be tempted to cut corners, to jump to conclusions, and — if they believe they have the killer — perhaps to manufacture evidence to clinch the case. The danger that the investigators will go too far is magnified to the extent that the killing is brutal and horrifying, and to the extent that it attracts public attention — factors which also increase the likelihood that the murder will be treated as a capital case.

The murder of 10-year-old Jeanine Nicarico is a good example. In February 1983 she was abducted from her home in Naperville, Illinois, raped and killed — a crime of stunning brutality. The murder was the subject of a long, frustrating, unsuccessful investigation — a humiliating public failure. Thirteen months after the murder — and less than two weeks before the local prosecutor stood for reelection — three men were indicted: Rolando Cruz, Alejandro Hernandez and Stephen Buckley. Cruz and Hernandez were convicted and sentenced to death; their convictions were reversed by the Illinois Supreme Court. They were convicted again, but this time only Cruz was sentenced to death. Again the convictions were reversed. Finally, at Cruz's third trial — over 12 years after the murder — the case fell apart when a police officer admitted he had lied under oath, and the judge entered a judgment of acquittal. What seems to have happened is this: Under intense pressure, the police convinced themselves that they knew who killed Jeanine Nicarico and they manufactured evidence to convince prosecutors and to use in court. If the criminal had taken jewelry from the Nicarico home rather than a child — or even if he had knocked out a family member or set the home on fire — there would probably have been a minimal investigation, no arrests, no trial, and no erroneous convictions.

2. Evidence.

Most miscarriages of justice are caused by eyewitness misidentifications. In Rattner's sample of wrongful convictions, 52 percent of the errors for which the cause could be determined were caused by misidentifications, and other researchers concur that eyewitness error is by far the most common cause of convictions of innocent defendants. On the other hand, eyewitness error was a factor in only 16 percent of Bedau and Radelet's cases of errors in potentially capital prosecutions — which suggests that among the non-murder cases in Rattner's sample, over 80 percent of the errors were due to misidentifications.

No doubt the main reason for this difference is the absence of a live victim in most homicides. Victims provide crucial identification evidence in most robberies and rapes, and so they make most of the mistakes, when mistakes are made. In the absence of a victim the police may have no eyewitness evidence, and therefore no room for eyewitness error. This is hardly an advantage for accuracy. Many, perhaps most eyewitness identifications of criminals by strangers are accurate. Frequently they are corroborated or lead to other evidence that greatly reduces the likelihood of error — fingerprints, stolen property, reliable confessions, etc. In addition, for about half of all violent crimes eyewitness identifications are extremely reliable because the crimes were committed by relatives, friends, or others who are known to the victims. Murderers are even more likely to be known to their victims but that may not help because, in the words of the immortal cliche, "dead men don't talk."

Eyewitness identifications are also very uncommon in burglary cases, but the upshot is different. There are very few erroneous convictions based on misidentifications, but since there are also few burglary prosecutions based on non-eyewitness evidence, there are few errors of any sort, and few convictions. The clearance rate for reported burglaries is only 13 percent. But killers must be pursued, and in the absence of eyewitness evidence, the police are forced to rely on evidence from other sources: accomplices; jail-house snitches and other underworld figures; and confessions from the defendants themselves. Not surprisingly, perjury by a prosecution witness is the leading cause of error in erroneous capital convictions, and false confessions are the third most common cause.

Perjury. From Macbeth to Mark Twain's Injun Joe, the killer who blames his crime on others is a familiar character in fiction. Similar things happen in life. Some

criminals implicate innocent defendants in order to divert suspicion from themselves. In other cases, false witnesses, who may have had no role in the crime, lie for money or for other favors. Both types of motives are more powerful in homicides than in other criminal cases, and especially in capital homicides.

First, the threat of being caught is much greater for a homicide than for almost any other crime. It's no news that the police work much harder to find killers than burglars or robbers, and that their interest increases in proportion to the brutality and notoriety of the crime.

Second, if the culprit is suspected and caught, he has more to fear in a capital case: He might get executed. The threat of death can be a powerful motivator when it's concrete. The death penalty as an abstract prospect does not seem to deter many homicides. Before the crime, the killer — if he thinks at all — no doubt expects to escape scot-free; he is not likely to weigh the benefits of murder against the costs of the possible punishment. After the crime, however, there is more time to think, and the fear of conviction and execution may be vivid — especially if the police seem to be closing in.

Third, a perjurious killer may have to admit to crimes himself. He and the innocent defendant may in fact have been accomplices in some crime other than the murder, or he might have been caught in undeniably compromising circumstances, or he might have to admit to some level of guilt in order to make his accusation credible. If so, the real killer has more to gain in a capital case than under other circumstances. If he has to go to prison, the gain from cooperation is time vs. death, as opposed to less time vs. more time. But that may not be necessary: If he helps break a capital case, he may walk.

Fourth, if the witness is lying to get favors unrelated to the crime at issue, he'll do much better if it's a big case — which usually means a murder, or better yet, a capital murder. The typical witness in this category is the jail-house snitch. For example, in 1932 Gus Colin Langley was convicted of first degree murder in North Carolina based in part on testimony from his cellmate, who said that Langley had confessed to him. Langley came within half an hour of electrocution, but was exonerated four years later and received a full pardon. His cellmate didn't have to wait that long; after his perjurious testimony, unrelated charges against him were dropped.

Fifth, it's easier to lie about a capital case than most other crimes of violence: there's usually no live victim to contradict the false witness.

The overall result seems to be that witness perjury is a far more common cause of error in murders and other capital cases than in lesser crimes. Bedau and Radelet identified it as a factor in 35 percent of their erroneous capital convictions, while Rattner lists perjury as the cause of only 11 percent of his errors. But recall that 45 percent of Rattner's cases are murders. If perjury were as common among the murder convictions in Rattner's sample as among Bedau and Radelet's cases, then erroneous murder convictions could easily account for all the cases in which the error was caused by perjury.

The case of Paris Carriger is a good illustration of the role of perjury in capital prosecutions. On March 14, 1978, Carriger was arrested for the brutal robbery murder of Robert Shaw, the owner of a jewelry store, on the previous day. The evidence against Carriger was provided by Robert Dunbar, a friend on whose property Carriger was living in a trailer. Dunbar — who had a great deal of experience as a police informant — called the police and said he could identify Shaw's killer in return for immunity from prosecution for various felonies: another robbery he committed two days earlier, possession of a gun he had bought (which was illegal because he was a convicted felon), and attempting to dispose of the proceeds of the Shaw robbery-murder. The police agreed to these terms. Dunbar then told them that Carriger had come to him, confessed to the killing, and asked for help in disposing of bloody clothes and stolen jewelry; Dunbar corroborated the story by producing some of the loot, and leading the police to some of the clothes. Carriger was convicted and sentenced to death almost entirely on Dunbar's testimony. He steadfastly maintained his innocence, and claimed that Dunbar himself — a man with a long history of violence and deception — must have committed the murder. After the trial, Dunbar, who was soon jailed for other crimes, bragged that he had framed Carriger. In 1987 he confessed his own guilt to various people, including his parents and a clergyman. That same year he repeated his confession in court, and admitted that he had lied at Carriger's trial and that he had committed the murder himself. Three weeks later he retracted that confession, but admitted that he was doing so for fear that he'd be prosecuted for the murder and executed himself. In 1991, shortly before he died in prison, Dunbar confessed again, to his cellmate. Dunbar's ex-wife, who had corroborated his original story and had given him an alibi, testified in 1987 that Dunbar had forced her to lie.

In December 1997, the Ninth Circuit Court of Appeals en banc ordered that Carriger be retried or released. As of this writing, he remains in custody awaiting retrial. He came close to execution on several occasions in the 20 years since his arrest. Under the circumstances, a new trial seems a modest goal, since, at a minimum, the evidence that has turned up after trial raises grave doubts about Carriger's guilt. But if Robert Shaw hadn't been killed, none of this would ever have happened. Dunbar would probably never have approached the police, they would hardly have given an ex-felon immunity from prosecution for three serious felonies in order to convict someone else of a single robbery, and the victim would have been available to contradict a false story.

False confessions. A typical robbery investigation is resolved by an eyewitness identification; a typical homicide investigation is resolved by a confession. Many confessions are easy straight-forward affairs — volunteered by suspects who are overcome by guilt, or believe they have nothing to lose. These are the easy cases, where nothing has been done that might produce a false confession, and where

more often than not there is strong corroborating evidence of guilt. Some confessions, however, are not so readily given, but are instead the end products of long, drawn out interrogations.

American police officers use all sorts of coercive and manipulative methods to obtain confessions. They confuse and disorient the suspect; they lie to him about physical evidence, about witnesses, about statements by other suspects; they pretend that they already have their case sealed and are only giving the suspect a chance to explain his side of the story; they pretend to understand, to sympathize, to excuse; they play on the suspect's fears, his biases, his guilt, his loyalty to family and friends, his religion; they exhaust the suspect and wear him down; in some cases, they use violence, even torture. These are powerful techniques. They work to get confessions from guilty defendants — and sometimes from innocent defendants as well.

From the point of view of the police, the main problem with interrogation is not that it occasionally produces errors, but that it's extremely time consuming. It's likely to take hours, perhaps days to break down a suspect who resists and insists on his innocence. Frequently several police officers cooperate in the effort, questioning the suspect simultaneously or in relays. As a result, extended interrogation is largely reserved for big cases in which confessions are necessary for successful prosecution. Typically, that means homicides, and especially the most heinous homicides, for reasons I've mentioned: these are the cases that the police are most anxious to solve, and yet, because the victim is dead, they frequently lack eyewitnesses.

As with perjury, false confessions are a much more common cause of errors for homicides than for other crimes. They were a cause of 14 percent of Bedau and Radelet's errors in homicide and capital cases, but only 8 percent of the errors reported by Rattner. Since 45 percent of Rattner's cases are homicides, this suggests that false confessions are three to four times more common as a cause of miscarriages of justice for homicide cases than for other crimes.

The case of Melvin Reynolds is a good example, but by no means unique. On May 26, 1978, 4-year-old Eric Christgen disappeared in downtown St. Joseph, Missouri. His body later turned up along the Missouri River; he had been sexually abused and died of suffocation. The police questioned over a hundred possible suspects, including "every known pervert in town," to no avail. One of them was Melvin Reynolds, a 25-year-old man of limited intelligence who had been sexually abused himself as a child and who had some homosexual episodes as an adolescent. Reynolds, although extremely agitated by the investigation, cooperated through several interrogations over a period of months, including two polygraph examinations and one interrogation under hypnosis. In December 1978 he was questioned under sodium amytal ("truth serum") and made an ambiguous remark that intensified police suspicion. Two months later, in February 1979, the police brought the still cooperative Reynolds in for another round of interrogation — 14 hours of questions, promises and threats. Finally, Reynolds gave in and said, "I'll say so if you want me to." In the weeks that followed, Reynolds embellished this confession with details that were fed to him, deliberately or otherwise. That was enough to convince the prosecutor to charge Reynolds, and to convince a jury to convict him of second degree murder. He was sentenced to life imprisonment. Four years later, Reynolds was released when another man — Charles Hatcher — confessed to three murders, including that of Eric Christgen.

B. Pre-Trial Screening

Most prosecutions are resolved without trial. Eighty to 90 percent of convictions result from guilty pleas, usually after plea bargains, and at least 80 percent of defendants who are not convicted obtain pre-trial dismissals rather than acquittals. In other words, most of the work of sorting criminal cases after arrest is done pre-trial, by the exercise of prosecutorial discretion to dismiss, to reduce charges, or to recommend or agree to a particular sentence. This pre-trial screening is undoubtedly less important than the initial police investigation, but it has more impact on the accuracy of criminal dispositions than anything that happens later on. If the wrong person has been arrested, this is where the mistake is most likely to be caught. But in capital cases the value of that screening is undermined, in part by the effect of the threat of the death penalty, and in part by the attention and pressure that capital cases generate. As a result, there is a danger of two distinct types of errors.

1. Guilty pleas by innocent defendants.

Threat is an essential part of all plea bargaining: Take the deal or you'll do worse after conviction. There is, undeniably, a coercive aspect to this bargain — the defendant must risk a severe penalty in order to exercise his right to trial — and plea bargaining has been strongly criticized on that ground. One attack is that the threat is so effective that it drives some innocent defendants to plead guilty along with the mass of guilty ones. That may happen with some regularity for innocent defendants who are offered very light deals: time-served, diversion, six months unsupervised probation, and so forth. But among the more serious criminal convictions with severe penalties of imprisonment or death — those convictions that show up in cases of proven miscarriages of justice — the picture is different. I have located exactly one reported miscarriage of justice based on a guilty plea for a non-homicidal crime — and that was a peculiar case, a defendant who pled guilty to a crime he did not commit along with one which he did commit. The available collections of known errors are hardly representative samples of the universe of erroneous convictions, and errors based on guilty pleas are undoubtedly less likely to be discovered than those based on trials. Even so, this is a stark contrast to the overwhelming proportion of all convictions that are based on guilty pleas.

Judging from the available evidence, innocent defendants rarely plead guilty when doing so entails a substantial term of imprisonment, except in capital prosecutions. Radelet, Bedau and Putnam list 16 cases of innocent homicide

defendants who pled guilty; in most, fear of execution is given explicitly as the reason for the plea. This is, no doubt, another illustration of how death is different. It seems that innocent defendants will almost always risk additional years of their lives in order to seek vindication rather than accept disgrace coupled with a long term of imprisonment, but some will not go so far as to risk death.

The case of John Sosnovske is a good example. In 1990, he was falsely implicated in the rape murder of Taunja Bennett by his girl friend, Laverne Pavlinac, who apparently was afraid of him and anxious to be rid of him. In the process, Pavlinac became entangled in her own lies, and claimed to have participated in the killing. Both were charged with murder. Pavlinac recanted her confession but was convicted and sentenced to life in prison. Following her conviction, Sosnovske — who was facing the death penalty — pled no contest and was also sentenced to life imprisonment. Both were freed in 1995 after another man, Keith Hunter Jesperson, confessed and also pled guilty to the same murder.

2. Failure to dismiss false charges.

The major filter that may prevent a charge based on questionable evidence from turning into a conviction is prosecutorial discretion to dismiss. Overall, dismissals of felony charges outnumber acquittals about 4 to 1. Many cases are dismissed because of weak evidence despite the fact that the prosecutor is convinced that the defendant is guilty; other cases are dismissed because the prosecutor is convinced of the defendant's innocence, or has at least come to doubt his guilt. For homicides, and especially capital homicides, both sorts of dismissals are less likely. In both situations, the major reason is the same: We devote more attention and more resources to criminal cases when death is at stake.

Trials are time consuming and expensive; they are a scarce resource. Since most cases cannot be tried, it is obviously sensible for a prosecutor to try to restrict trials to cases where the outcomes will be useful — i.e., convictions. If possible, a likely loss at trial will be avoided through generous plea bargaining; if not, the case may be dismissed even if the prosecutor is convinced of the defendant's guilt. Regardless of their belief in the defendants' guilt, prosecutors focus on the easiest cases first — the ones with the best evidence — since those are the cases where their limited resources will have the greatest impact. But homicides are different. Homicides (and other notorious crimes) are the cases for which resources are conserved. A dead loser will still be dismissed, but what if it's merely likely that the defendant will be acquitted? If it's a robbery, the prosecutor may dump the case and try another; if it's a murder, she's more likely to forge ahead.

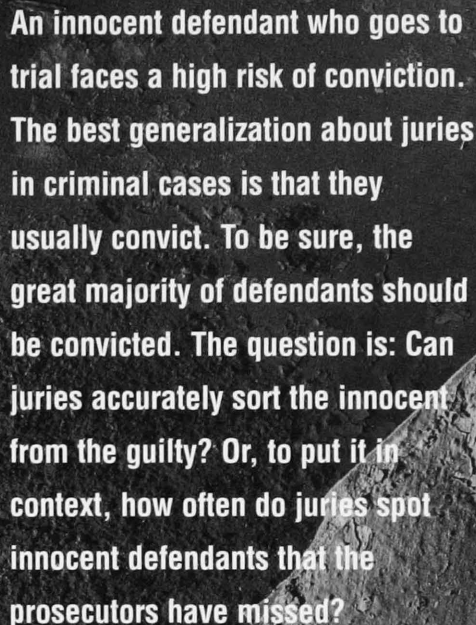
Prosecutors lose a much higher proportion of murder trials than other felony trials, about 30 percent vs. about 15 percent. As Robert Scott and William Stuntz point out, the most likely explanation is that in murder cases they are willing to go to trial with comparatively weak evidence. The main effect of this extra effort is that guilty defendants are convicted who otherwise would never be tried. But in some cases the evidence is weak because the defendants are not guilty, and some of those innocent defendants are not only tried but convicted. In other words (as with police investigations), as prosecutors work to obtain convictions in hard homicide cases they draw in cases where it's difficult to separate the innocent from the guilty.

Prosecutors also dismiss charges in some cases because they believe the defendant may be innocent, regardless of the evidence that is available to obtain a conviction. The rules of professional responsibility allow a prosecutor to consider her own view of the defendant's guilt in deciding whether to charge, but do not require her to do so. Prosecutors have widely varying views on how to apply this vague standard, from those who say that they will never prosecute unless they themselves are convinced beyond a reasonable doubt of the defendant's guilt, to those who believe that regardless of their own uncertainty, their task is to make a case and let the jury decide. But this is always a discretionary choice, and whatever the prosecutor's position in the abstract, an actual decision to dismiss a serious charge that would probably have resulted in a conviction is always difficult. It is bound to be much more difficult — and unlikely — if the crime has attracted a lot of attention, or if a victim, or several, were killed.

The problem is not just public pressure. Evidence of a defendant's innocence does not arrive on the prosecutor's door step on its own. If the police didn't find it at an earlier stage, it is usually presented by the defendant's attorneys. Everybody agrees that innocent defendants should not be charged or convicted; the trouble is identifying the cases in which that applies. If there happens to be overwhelming independent evidence of innocence, there is no problem. But if the evidence of the defendant's innocence is not so clear, or if its significance is not obvious, the defendant's fate may hinge on the prosecutor's willingness to listen with an open mind. The more notorious the case, the more difficult that may be. Prosecutors, like the rest of us, have a harder time recognizing an error the more publicly they have endorsed it, and the more time and money and prestige they have committed to it.

A prosecutor can always discount the defense attorney's claim that her client is innocent: This is hardly a non-partisan source. An attorney for an innocent defendant must overcome this handicap in any case; in capital cases it may be insurmountable. In an ordinary criminal case, most pre-trial contact between the prosecutor and the defense attorney takes place in the context of plea bargaining. But in many capital cases — especially those most likely to produce death sentences — there is no plea bargaining. The prosecutor knows from the start that she will insist on the death penalty, so there is nothing to bargain over. In the absence of plea bargaining, there will be fewer open channels of communication between the defense and the prosecution, so it may be harder for the defense attorney to get a serious hearing. Worse, in that context, the true value of a claim of innocence becomes harder to interpret. When plea bargaining is an option, a defense lawyer is not likely to commit her credibility to the argument "He didn't do it" unless the lawyer believes that it's true, since (quite apart from possible effects on her reputation) taking that position will undermine her ability to

bargain convincingly for a lenient deal. When no deal is possible, arguing that the client is innocent may be the only pre-trial move available. As far as this client is concerned, there may be nothing to lose by making it, and, since the client's life is at stake, the defense attorney may be driven to make the claim whether she believes it or not. More important, the prosecutor knows that the defense attorney may feel obliged to argue that the defendant is innocent, whether or not she thinks it's true. As a result, when inflexible lines are drawn at the start — which is particularly likely in a capital prosecution of a heinous, gruesome and highly publicized murder — the defense attorney is less likely to be able to convince the prosecutor of anything, true or false, and especially not that the client has been wrongly accused.



An innocent defendant who goes to trial faces a high risk of conviction. The best generalization about juries in criminal cases is that they usually convict. To be sure, the great majority of defendants should be convicted. The question is: Can juries accurately sort the innocent from the guilty? Or, to put it in context, how often do juries spot innocent defendants that the prosecutors have missed?

C. Trial

An innocent defendant who goes to trial faces a high risk of conviction. The best generalization about juries in criminal cases is that they usually convict. To be sure, the great majority of defendants should be convicted. The question is: Can juries accurately sort the innocent from the guilty? Or, to put it in context, how often do juries spot innocent defendants that the prosecutors have missed? Unfortunately, juries approach this task with two severe handicaps: They have less information than the prosecutors or the police, and they have essentially no experience. Given these limitations, it is unrealistic to expect juries to systematically correct errors in the earlier decisions to investigate, to arrest and to prosecute.

This is bad news for homicide defendants. Whether it's because prosecutors take weaker cases to trial or because they insist on the maximum penalty, homicide defendants are more likely to face juries than other criminal defendants. For example, in 1988, 33 percent of murder cases in the 75 largest counties in the United States went to trial, compared to 5 percent of all felony prosecutions and 9 percent of all violent felonies. In 1994, 15 percent of robbery convictions across the country were obtained at trials, of which 10 percent were jury trials, while 42 percent of murder convictions were after trial, including 35 percent that went to jury trial. In other words, since pre-trial sorting does less to winnow homicide cases than other prosecutions, homicide defendants are more likely to face the chancy ordeal of trial.

I don't mean to say that the institution of trial by jury does not help reduce the incidence of erroneous convictions. It no doubt does fill that function, but by brute force: by making it more difficult for the prosecution to obtain any convictions, and by discouraging trials of the guilty and the innocent alike unless the evidence of guilt is very strong. The main benefit of this process is that feedback from court may improve pre-trial investigations and increase selectivity in charging — the stages of the process we have already discussed. If all works well, the result is that few innocent defendants are brought to trial, most defendants who are convicted are guilty, and most who are acquitted are also guilty. And yet, if an innocent defendant is tried, he will probably be convicted.

Given this structure, trial plays a comparatively minor role in the production of errors in capital cases. To the extent that jury behavior at trial does matter, the question is: Do juries behave differently in homicide trials in general, and in capital homicides in particular, than in other criminal trials? There are several reasons to think that juries treat homicides and capital cases differently than other criminal cases, and most of them point in the direction of a higher likelihood of conviction.

1. Factors that increase the likelihood of conviction.

Publicity. Most crimes, even most homicides, receive very little attention from the media. A few crimes, however, are heavily publicized. Many, perhaps most of these notorious crimes are homicides, and especially the unusual and heinous homicides that are most likely to be charged as capital crimes. In those cases, most jurors will have heard all sorts of things about the case before they got to court, many of them inadmissible, misleading, and inflammatory. They may

have seen or heard or read that police officers or other government officials have declared the defendant guilty. They may have witnessed or felt a general sense of communal outrage. All this will make them more likely to convict. Courts may attempt to mitigate the impact of pre-trial publicity by various means — most effectively by changing the location of the trial — or they may refuse to do so. Not surprisingly, the records of erroneous convictions include scores of cases in which publicity and public outrage clearly contributed to the error — from the convictions of Leo Frank in 1913 and the Scottsboro Boys in 1931, to the convictions of Rolando Cruz and Alejandro Hernandez in 1985.

Death Qualification. In capital cases, juries decide the sentence as well as determine guilt or innocence. To accommodate this function, the capital jury selection process includes a unique procedure, "death qualification," that is designed to ensure that the jury is qualified for the sentencing phase. Most jurors who are strongly opposed to the death penalty, and some who are strongly in favor, are excluded at the outset. Many studies have shown that these exclusions produce juries that are more likely to convict. In addition, the process of questioning jurors about their willingness to impose the death penalty before the trial on guilt or innocence has begun, tends to create the impression that guilt is a foregone conclusion, and the only real issue is punishment.

Fear of Death. In a capital case, avoiding execution can become the overriding imperative for the defense. In extreme cases, fear of death drives innocent defendants to plead guilty in return for a lesser sentence, even life imprisonment. If the defendant does not plead guilty, either because no plea bargain is offered or because he was unwilling to take it, the same pressure will be felt at trial. Fear of a death sentence may drive the defense to make tactical choices that compromise its position on guilt in order to improve the odds on penalty; in some cases, the defense may virtually concede guilt and focus entirely on punishment; it will certainly distract the defense from the issue of guilt and force it to spread its resources more thinly. This distraction might increase the chances of conviction even for those capital defendants who are represented by skillful lawyers with adequate resources; it will be far more damaging for the many capital defendants whose defense is shamefully inadequate.

Heinousness. In theory, jurors are supposed to separate their decision on the defendant's guilt from their reaction to the heinousness of his conduct: If the evidence is insufficient, they should be just as willing to acquit a serial murderer as a shoplifter. Nobody believes this. Even in civil trials, where the jury is asked to decide cases by a preponderance of the evidence, there are indications that juries (and judges) are more likely to find defendants liable, on identical evidence, as the harm to the plaintiff increases. In criminal trials the problem is worse, since the burden of persuasion is proof beyond a reasonable doubt. In a close criminal case the jury is supposed to release a defendant who is, in their opinion, probably guilty. This is a distasteful task under any circumstances, but it becomes increasingly unpalatable — and unlikely — as we move up the scale from non-violent crime, to violent crime, to homicide, to aggravated grisly murder.

2. Factors that decrease the likelihood of conviction.

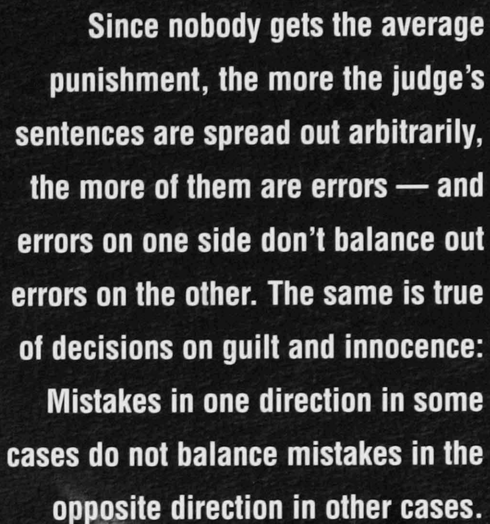
Quality of Defense. Capital defendants, and to some extent homicide defendants in general, may be better represented than other criminal defendants. The attorneys who are appointed to represent them may be more experienced and skillful, and their defenders may have more resources at their disposal. Other things being equal, higher quality representation will decrease the likelihood of conviction, and may operate as a check on errors and misconduct that drive some innocent capital defendants to trial and to conviction.

Severity of the Penalty. Prosecutors, defense attorneys, and judges widely believe that some jurors are more reluctant to convict a defendant who might be executed than one who faces a less extreme punishment. In *Adams v. Texas* (448 U.S. 38 [1980]), the United States Supreme Court acknowledged this possibility and held that a juror could not automatically be excluded from service because of this reaction. To the extent that jurors do feel this way, they may be less likely to convict in capital trials than in other homicides.

3. Net effects.

When there are forces that push in one direction and forces that push in the other, it is sometimes possible to say that they cancel out. Not here. The effects I have described are extremely variable. Publicity, death qualification, the heinousness of a homicide — each of these may make a critical difference in a particular case, or it may not. On the other side, the protective features of capital trials are uneven at best. Many capital defendants do not have quality representation, by any standard. And the anxiety that jurors may feel when a defendant's life is at stake will be relieved if a jury decides (as they may do in deliberations on guilt) that he will not be sentenced to death. With that out of the way, the competing impulse — to not free a man who has killed — may take over, in force.

I once saw a cartoon of two men in black robes, obviously judges, talking in a hall. One says, "Some days I'm feeling good and everyone gets probation, and some days I get up on the wrong side of bed and I throw the book at everybody. It all balances out." In statistical terms, the problem is increased variance: Since nobody gets the average punishment, the more the judge's sentences are spread out arbitrarily, the more of them are errors — and errors on one side don't balance out errors on the other. The same is true of decisions on guilt and innocence: Mistakes in one direction in some cases do not balance mistakes in the opposite direction in other cases. In capital trials, one particular type of mistake — conviction of an innocent defendant — is overwhelmingly important, and the fact that other, guilty defendants get the benefit of other errors is no help. If you're building a seawall, adding height to one part won't make up for cutting away at another.



IV. Conclusion: catching errors.

The basic conclusion is simple. The steady stream of errors that we see in cases in which defendants are sentenced to death is a predictable consequence of our system of investigating and prosecuting capital murder. And behind those cases, there is no doubt a larger group of erroneous convictions in capital cases in which defendants are not sentenced to death. But what about what happens after trial? Everybody knows that direct and collateral review are more painstaking for capital cases than for any others. Isn't it likely that all these mistakes are caught and corrected somewhere in that exacting process? The answer, I'm afraid is, No. At best, we could do an imperfect job of catching errors after they occur, and in many cases we don't really try. As a result, most miscarriages of justice in capital cases never come to light.

Probably the best way to figure out how to catch miscarriages of justice is to look at the cases in which we have done so. Judging from the cases that are reported, three factors, separately or in combination, are usually responsible for an innocent defendant's exoneration: Attention, Confession, and Luck.

Attention. If a defendant is sentenced to death, he may well get more careful and attentive consideration from the courts on review. More important, he is likely to be better represented on direct appeal than he would be otherwise, and he is likely to have counsel on the post-appellate collateral review, while most defendants have none. These advantages may explain in part the high proportion of death sentences among known miscarriages of justice. But a comparative advantage is not a panacea. Many death row inmates have inadequate representation at every level of review, and some have no legal assistance whatever for collateral review. And many capital defendants who are convicted in error are not sentenced to death, very likely most. They do not receive any special attention from their attorneys or from the courts; on the contrary, they might suffer from the perception that they've already received the benefit of whatever doubts their cases may raise. When Walter

When an erroneous conviction is discovered and the mistake is proven beyond doubt, we know what to do: stop the execution, release the prisoner. If there were some general method for identifying mistakes, we wouldn't have this problem in the first place. But of course, there isn't. Instead, the errors that we have discovered advertise the existence of others that we've missed.

McMillian was released after six years on death row for a murder for which he had been framed by local enforcement officials, his attorney said that "only the death sentence had allowed Mr. McMillian to receive adequate representation, which eventually uncovered the plot against him." In truth, McMillian's post-conviction representation was not adequate, it was extraordinary. If he had merely been sentenced to life imprisonment, he may never have been heard from again, but the death sentence he in fact received did not guarantee exculpation, it just bought him a chance.

Confessions. In most cases in which miscarriages of justice are uncovered, the real criminal confesses to the crime. In the common scenario, the true murderer is arrested and imprisoned for another crime — sometimes a similar homicide — and confesses before trial or in prison. For example, Melvin Reynolds confessed falsely, under intense pressure, to the rape-murder of a 4-year-old boy; he was released when Charles Hatcher was arrested and confessed to three murders, including the one for which Reynolds was imprisoned. Similarly, John Sosnovske and Laverne Pavlinac were both freed in 1995 after Keith Jesperson confessed to the murder for which they were falsely convicted.

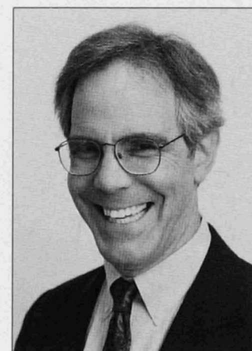
Luck. Getting a confession from the real killer is the common stroke of luck in cases in which a miscarriage of justice is caught. But sometimes luck takes a different route. The break in Randall Dale Adams' case came when documentary film maker Errol Morris ran into Adams by chance in 1985 when Morris was doing research on psychiatric testimony in Texas capital prosecutions. Morris went on to produce a movie about Adams' case, *The Thin Blue Line*, which was released in 1988; the movie drew national attention to the case and resulted in Adams' release in 1989, 12 years after he had been sentenced to death.

The basic cause for the comparatively large number of errors in capital cases is a natural and laudable human impulse: We want murderers to be caught and punished. Sometimes that impulse drives police and prosecutors to lie and cheat, but usually it simply motivates them to work harder to catch killers and to convict them. It works: More cases are cleared, more murderers are convicted. But harder cases are more likely to produce mistakes — still exceptions, no doubt, but not as rare as for other crimes, where the cases that are prosecuted are mostly skimmed off the top. Perhaps the worst mistake we might make in this connection is to assume that the danger of error for homicides is as small as it is for other crimes, or, worse yet, that it is even smaller. Homicides, especially capital murders, require more care to correct miscarriages of justice, and not just because the consequences are worse, but also because the risk of error is greater.

When an erroneous conviction is discovered and the mistake is proven beyond doubt, we know what to do: stop the execution, release the prisoner. If there were some general method for identifying mistakes, we wouldn't have this problem in the first place. But of course, there isn't. Instead, the errors that we have discovered advertise the existence of others that we've missed. How often will an innocent prisoner run into a movie producer who is struck by his story? What if the real killer is killed in a car crash, or dies of a drug overdose, or is never arrested, or never confesses? The most the legal system can do is improve the odds by providing resources to help discover and prove errors, by considering serious claims whenever they are made, and by taking action even if proof of innocence is not absolute.

Attention and quality representation improve an innocent defendant's chances. They help get court hearings; they increase visibility, which produces opportunities for lucky breaks; they buy time during which the true killer may confess. But these assets, whatever their value, are unevenly distributed. For the most part, they are the special preserve of defendants who have been sentenced to death and who still face the possibility of execution. And even for that restricted group this special attention is under fire. Executive clemency — the traditional backstop that was said to prevent execution "when there is the slightest doubt of guilt" — has shriveled up in recent years. It is now too uncommon to have a major impact on the danger of executing innocent defendants. That throws the entire weight of detecting errors onto the reviewing courts; since the discovery of errors takes time, the main burden is on the later stages of the process, and especially *habeas corpus* review in the federal court. Recently, resources for post conviction defense in capital cases have been cut, the bases for review in federal court have been limited, and the process of review has been accelerated. If a defendant obtains evidence of his innocence late in the day — after the deadlines for raising the appropriate legal claims have passed — the hurdles to obtaining a hearing, not to mention relief, are extraordinarily high. Perhaps these new rules will have little effect in practice. But if they do, the direction of change is inevitable: Fewer mistakes will be caught even among those cases that remain on track to execution, more innocent homicide defendants will remain in prison, and more defendants will be killed by the state in error.

Samuel R. Gross, *the Thomas and Mabel Long Professor of Law, is a recognized authority on the death penalty and has written widely on the subject. He also has published on eyewitness identification, the use of expert witnesses, and the relationship between pre-trial bargaining and trial verdicts. A graduate of Columbia College, he earned his J.D. at the University of California at Berkeley. He was in private practice in San Francisco and worked as an attorney with the United Farm Workers Union, the Wounded Knee Legal Defense/ Offense Committee, the NAACP Legal Defense and Educational Fund, Inc., and the National Jury Project before going into teaching. He teaches in the fields of evidence, criminal procedure, and the use of social sciences in law.*



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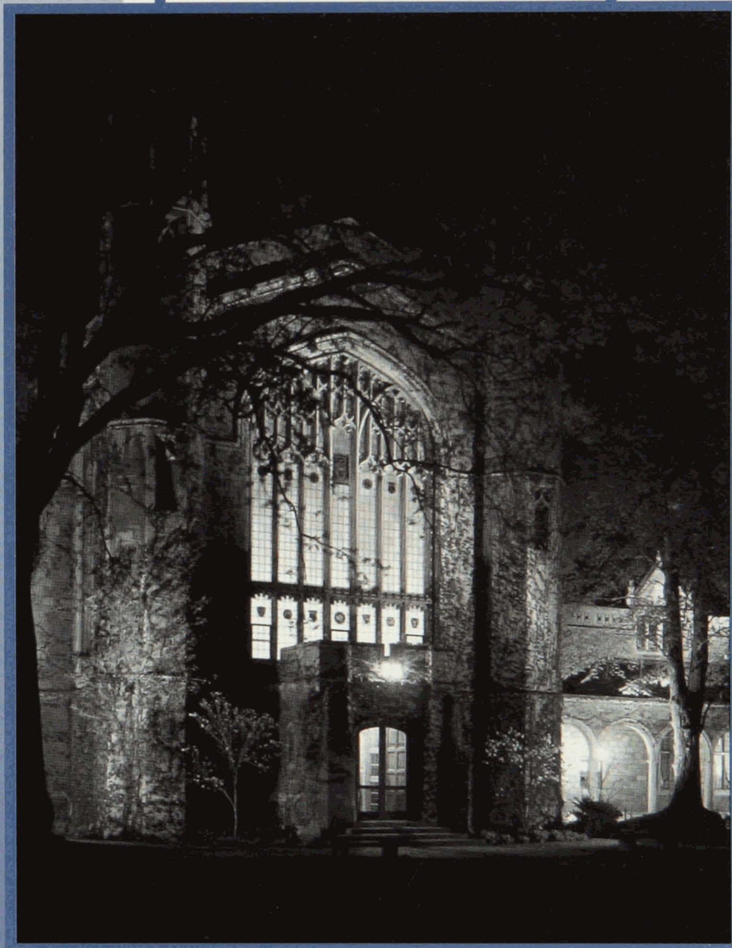

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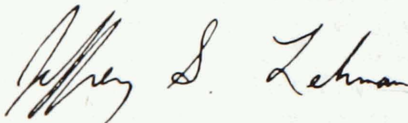

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FIRMS IN BLUE ARE THE TOP 20 PARTICIPATING FIRMS BETWEEN JULY 1, 1997 AND JUNE 30, 1998.

Class of 1953
45th Reunion

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Harvey R. Dean
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E. James Gamble
Robert S. Gillbert
Joseph L. Hardig, Jr.
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Richard P. Matsch
William T. Means
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Charles E. Oldfather*
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Robert E. Spier
Richard Stavoe
Warren K. Urbom
Walter H. Weiner
Carl R. Withers

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40th Reunion

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Thomas M. Carnes
Terry A. Elkes
Eugene Farrug, Sr.
Eugene Hartwig
Robert H. Kapp
R. Jackson Kinnel
Barry Kroll
Robert Nederlander
Raymond Olson, Jr.
I. Martin Pompadur
Gerald D. Rapp
Philip Smith
Theodore M. Utchen

Class of 1963
35th Reunion

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Herbert M. Kohn

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Edward M. Dolson
Murray J. Feiwell
Kenneth S. Handmaker
William E. Harris
D. Michael Kratchman
Robert G. Lane
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Alan I. Rothenberg
Herbert C. Synder, Jr.
A. Paul Victor
Lawrence W. Waggoner
Kathy D. Wriston

Class of 1968
30th Reunion

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Thomas R. Butterfield
Michael J. Close
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Elizabeth R. Rindskopf
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Mark H. Scoblionko
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Daniel Van Dyke
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Class of 1973
25th Reunion

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Kathleen McCree Lewis
Chris Milton

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Richard Schultz
Pam Stuart
John Villa
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Class of 1978
20th Reunion

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Dennis Egan
Kerry Lawrence

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Barb Bruno
Elizabeth Campbell
David Case
Roger Lee Gregory
Randy Hall
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Jane McAtee
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Rocky Unruh

Class of 1983
15th Reunion

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Diann Kim

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Howard Suskin
Pauline Terrelonge
Barbara Weitz

Class of 1988
10th Reunion

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Krista Kauper

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Anne Derhammer
David Forman
Doug Graham
Nina Srejovic
Nick Stasevich
Ena Weathers

Class of 1993
5th Reunion

CO-CHAIRS
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Tim Williams

COMMITTEE MEMBERS
Brian Abrams
Jonathan Barney
Chris Cinnamon
Mark Crane
Andrea Crowe
Lou DeBaca
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Michelle Wood

*Deceased

HONOR ROLL

REUNION LEADERSHIP

GIFTS & PLEDGES

REUNION CLASS CAMPAIGNS

Unlike the Annual Honor Roll of Donors, which reflects gifts in the University's fiscal year (July 1, 1997 - June 30, 1998), Reunion Class Campaigns reflect gifts and pledges made July 1, 1997 through December 1, 1998. The following graduates have made leadership commitments on the occasion of their class reunion.

Class of 1953 45th Reunion

THOMAS M. COOLEY CABINET $100,000+

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Dean E. Richardson
Clifford L. Sadler
John S. Slavens
Walter H. Weiner

Class of 1958 40th Reunion

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L. HART WRIGHT CABINET $25,000+

John C. Baity

PAUL G. KAUPER CABINET $10,000+

Henry D. Baldwin
Kurt J. Wolf

LAYLIN K. JAMES CABINET $5,000+

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Grant J. Gruel
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M. Robert Kestenbaum
Robert A. Klein
Daniel L.R. Miller
Philip R. Placier
Joseph D. Sullivan

Class of 1963 35th Reunion

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Alan I. Rothenberg

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John Galanis
Ken Handmaker

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Stuart Ho
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David Rosso
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John A. McDonald
Hugh M. Morrison
Allan Nachman
Richard K. Snyder
Philip Sotiroff
Jackman S. Vodrey
Kathryn D. Wriston

PLANNED GIFT

Herbert M. Kohn

Class of 1968 30th Reunion

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Ed Heiser
Walter Kurczewski
Martin Recchuite

LAYLIN K. JAMES CABINET $5,000+

Lester Coleman
Peter Flintoft
A. Patrick Giles
Carl Von Ende

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Ronald L. Ludwig
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Steven D. Pepe
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Thomas F. Tresselt
Daniel Van Dyke

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Bertram L. Levy
Allan J. Reich
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Fred C. Schafrick
Allan J. Sweet

45th Reunion

REUNION PARTICIPATION.................34%

GIFTS & PLEDGES................$1,046,693

40th Reunion

REUNION PARTICIPATION.................36%

GIFTS & PLEDGES..................$305,245

35th Reunion

REUNION PARTICIPATION.................34%

GIFTS & PLEDGES..................$507,463

30th Reunion

REUNION PARTICIPATION.................34%

GIFTS & PLEDGES..................$158,967

25th Reunion

REUNION PARTICIPATION......................32%

GIFTS & PLEDGES.......................$397,789

Class of 1973 25th Reunion (continued)

PARTNERS IN LEADERSHIP $1,000+

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PLANNED GIFT

Quinn W. Martin

Class of 1978 20th Reunion

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Jeffrey J. Jones

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Diane Klinke
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William J. Gillett
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Jodie W. King
Michael J. Levitt

Class of 1988 10th Reunion

LAYLIN K. JAMES CABINET $5,000+

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Krista Diane Kauper
Frederick Stuart Levin
Melissa Helen Maxman
Jeffrey David Nickel
Rick Silverman
Susan Kalb Weinberg

Class of 1993 5th Reunion

ADVOCATES IN EXCELLENCE $500+

Colleen Barney
Jonathan Barney
Andrew Clubok
Sharon Severance

*Deceased

GIFTS & PLEDGES

20th Reunion

REUNION PARTICIPATION......................25%
GIFTS & PLEDGES..........................$53,657

15th Reunion

REUNION PARTICIPATION......................23%
GIFTS & PLEDGES..........................$28,722

10th Reunion

REUNION PARTICIPATION......................13%
GIFTS & PLEDGES..........................$19,770

5th Reunion

REUNION PARTICIPATION......................18%
GIFTS & PLEDGES..........................$8,681

HONOR ROLL

ANNUAL HONOR ROLL OF DONORS 1997 - 98

THE LAW SCHOOL gratefully acknowledges the generosity of all graduates who contributed during the fiscal year 1997-1998. Through their annual contributions, the following listed graduates provide vital support to meet the School's most pressing needs.

Recognition levels listed in the Annual Honor Roll of Donors reflect individual and matching gifts received by the Law School between July 1, 1997 and June 30, 1998.

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▲ FOR CLASSES 1988-97

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Participation 21%

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Participation 36%

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Participation 35%

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HONOR ROLL

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Donors 26
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Alan R. Vogeler
James T. Warns
Anonymous

1942

Donors 24
Dollars $14,603.13
Participation 30%

LAYLIN K. JAMES CABINET
Jack H. Shuler

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GIFT IN KIND
Eric Stein

1943

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Herbert Sott

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Richard Katcher

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Raymond J. Rosa

PLANNED GIFT
Benjamin M. Quigg, Jr.

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1948
50th Reunion

Donors 74
Dollars $69,527.51
Participation 32%

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Richard H. Morris
Thomas E. Murphy
John R. Newlin
Keith K. Nicolls
Thomas E. Norpell
Lester E. Page
John C. Parkhurst
George H. Plaut
John Weed Powers
Theodore C. Rammelkamp
John A. Rickerson
Frank H. Roberts
Charles R. Ross
Harold E. Rudel
Frank C. Shaler
Clarence E. Singletary
Paul Sislin
Charles J. Sullivan
John T. VanAken
Johnnie M. Walters
Addison I. West
Thomas J. Wheatley
James M. Winning
Winston W. Wolvington
William H. Wood, Jr.

PLANNED GIFT
Walter B. Freihofer

GIFT IN KIND
Peter P. Darrow

*Deceased

TOP 5 CLASSES BY DOLLARS RAISED

1953 *$871,251*
1957 *$398,219*
1959 *$363,502*
1949 *$309,758*
1972 *$254,917*

HONOR ROLL

Top 5 Classes By Participation Percentage

1945 *50%*

1932 *42%*

1940 *42%*

1954 *41%*

1962 *41%*

1949

Donors 85
Dollars ....$ 309,758.11
Participation 37%

THOMAS M. COOLEY CABINET
Myron J. Nadler

L. HART WRIGHT CABINET
Avern L. Cohn

PAUL G. KAUPER CABINET
L. Bates Lea

WILLIAM W. BISHOP, JR. CIRCLE
Theodore Souris

PARTNERS IN LEADERSHIP
Beryl A. Birndorf
Dennis A. Darin, Jr.
W. Vung Zang Faung
John A. Galbraith
Ralph J. Isackson
Jefferson L. Jordan
John E. Leggat
John R. MacKenzie
William J. Schrenk, Jr.
Asher N. Tilchin
William H. Woodson

PARTICIPATING DONORS
William F. Ager, Jr.
James M. Barrett, III
John H. Bauckham
Allan D. Behrendt
Charles D. Bell
Richard F. Biringer
Willard G. Bowen
William H. Braun, Jr.
Charles Earl Brown
Stratton S. Brown
Martin R. Browning
Lewis Carroll
W. Park Catchpole
Andrew C. Cecere
Kent Chandler, Jr.
Nicholas P. Chapekis
Charles A. Chapin
Thomas C. Cochran, Jr.
Margaret Cook
Webster Cook
John S. Crandell*
B. Hayden Crawford, Jr.
George H. Davies
Gilbert A. Deibel
John R. Dellenback
Albert R. Dilley
Robert L. Drake
Theodore P. Duning
John N. Ehlers
John C. Elam
Rex S. Emerick
Robert A. Fisher
Hilliard J. Fjord
James R. Fredrickson
Herman Gordon
Rockwell T. Gust, Jr.
Julian E. Hughes
Keiichiro Imai
Stanley E. Johnson, Jr.
James F. Judge
Robert J. King
Walter O. Koch
Wells T. Lovett
George D. Lutz
V. John Manikoff
William J. Mantyh
James K. Mortimer
Robert E. Nichols
Albert B. Perlin, Jr.
William J. Pierce
John H. Platt, Jr.
Elmer L. Radka, Jr.
David D. Ring
Arthur M. Rude
James V. Rutledge
Edgar H. Schmiel*
John Scurlock
D. Carlton Shull
Palmer C. Singleton, Jr.
William W. Slocum, Jr.
Don V. Souter
George C. Steeh
Henry A. Supplee
Robert T. Swengel
Edgar A. Turpin, Jr.
Robert E. Waldron
Richard V. Wellman
Reamer W. Wigle
Robert B. Wilcox
David Young
George M. Zeltzer

1950

Donors 93
Dollars $37,075.69
Participation 39%

WILLIAM W. BISHOP, JR. CIRCLE
Gerald Bright
Thomas J. Donnelly
Charles C. Killin

PARTNERS IN LEADERSHIP
Paul W. Cook
Robert J. Danhof
Robert H. Frick
Frederick L. Hamric
Charles Hansen
J. William McCray
James C. Mordy
Aaron R. Ross
Robert W. Sharp
William P. Sutter

PARTICIPATING DONORS
Burton C. Agata
Donald W. Alfvin
Clinton R. Ashford
David F. Babson, Jr.
A. Richard Backus
D. Robert Bastian
Charles M. Bayer
Lewis D. Benson
Earl R. Boonstra
Gordon B. Boozer
Lawrence A. Brown
Bruce D. Carey
Zolman Cavitch
James P. Churchill
Robert Copp
James T. Corden
Jacob A. Dalm, Jr.
Charles W. Davidson, Jr.
Donald D. Davis
Henry B. Davis, Jr.
Charles E. Day, Jr.
James N. DeBoer
Raymond J. DeRaymond
Howard F. DeYoung
George E. Dudley
Paul W. Eaton, Jr.
Albert J. Engel
James B. Falahee
Sydney S. Friedman
Richard Gordon
Joan Ruihley Goslow
Robert P. Griffin
Richard B. Gushee
Robert W. Hess
Harold Hoag
Herbert E. Hoxie
Charles M. Ioas
William P. Jennings
Jerome Kaplan
John L. King
Joseph H. Lackey
Charles W. Landefeld
Laurie W. Larson, Jr.
John E. Logue
William H. Lowery
Howard A. Marken
Richard C. McLaughlin
J. Donald McLeod
Alan C. McManus
Hudson Mead
Archie A. Messenger
Ernest A. Mika
Richard E. Morgan
Arthur E. Moskoff
Russell E. Noble
John A. Nordberg
J. David Owens
William W. Page
Donald Patterson
William M. Peek
Herbert E. Phillipson, Jr.
Sidney E. Pollick
William Ross
James F. Schoener
Everett M. Scranton
Robert W. Shadd
R. Kendall Sherrill
Arthur Staton, Jr.
William F. Steiner
John W. Steinhauser
Ashman C. Stoddard
R. Lawrence Storms
Donald A. Tews
Theodore E. Troff
Harvey L. Weisberg
Robert D. Winters
Earle E. Wise
Philip Wittenberg
Henry W. C. Wong
James R. Zuckerman

1951

Donors 73
Dollars $252,508.26
Participation 33%

THOMAS M. COOLEY CABINET
Anonymous

PAUL G. KAUPER CABINET
Theodore Sachs

WILLIAM W. BISHOP, JR. CIRCLE
Kenneth C. Hamister
Gordon W. Hueschen
Thomas H. McIntosh
Robert O. Sornson

PARTNERS IN LEADERSHIP
Walter L. Dean
Stuart E. Hertzberg
Lincoln M. Knorr
George A. Leonard
Larry H. Snyder

PARTICIPATING DONORS
Mark H. Bauer
Richard V. D. Baxter
Richard A. Bell
Robert L. Borsos
Prentiss M. Brown, Jr.
William L. Bush
George E. Bushnell, Jr.
Chester J. Byrns
Jack H. Calechman
James W. Draper
Daniel H. Dunbar
James B. Dunkel, Jr.
David E. Dutcher
Charles L. Dutchess
Edward Elukin
William D. Flaskamp
Hugh A. Garnett
George M. Hartung, Jr.
Richard W. Henes
Richard L. Hershatter
Melvin C. Holmes
George H. Hopkins
Jean Engstrom Jones
Richard M. Kaplan
Rodney C. Kropf
Irwin Lapping
Donald G. Leavitt
David B. Lipner
William E. Longthorne
Frederick E. MacArthur
Curtis L. Mann
Douglas L. Mann
Richard S. Marx
Ernest Mayerfeld
Malcolm R. McKinnon
Robert M. Muir
Patrick D. Neering
Albert J. Ortenzio
Shelton C. Penn
John W. Perry
Walter J. Phillips
Walter Potoroka Sr.
Joseph H. Redmon
William A. Reid
Edmund W. Reisig, Jr.
Robert L. Richardson, Jr.
Philip H. Robertson
Marlin F. Scholl
Forrest G. Shaw
Melvyn J. Stauffer, Jr.
Harold E. Stieg
Rollyn L. Storey
Harney B. Stover, Jr.
Dale M. Strain
J. C. Wm Tattersall
James E. Townsend
Lloyd J. Tyler, Jr.
Andrew J. Warhola
Harry T. Watts
Herbert Wolfson
David P. Wood, Jr.
Harold T. Yamada

1952

Donors 85
Dollars $203,295.34
Participation 38%

EDSON R. SUNDERLAND CABINET
W. Bruce Thomas

PAUL G. KAUPER CABINET
William H. Bates
Gordon I. Ginsberg
Dudley J. Godfrey, Jr.
Frederick R. Keydel
Donald A. Odell
Laurence L. Spitters

LAYLIN K. JAMES CABINET
Wilber M. Brucker, Jr.
Richard J. Darger
Kiehner Johnson
Norman M. Spindelman
Robert P. Tiernan

WILLIAM W. BISHOP, JR. CIRCLE
William A. Clark
Patrick J. Ledwidge

PARTNERS IN LEADERSHIP
Thomas D. Allen
Richard W. Billings
Raymond L. Curran
Charles E. Gibson, Jr.
Donald L. Hersh
Rodney C. Linton
Robert D. McFee
John R. Milligan
Edward H. Owlett
Bernard Petrie
David W. Rowlinson
William M. Saxton
David F. Ulmer
James B. Wilson

PARTICIPATING DONORS
George R. Ariyoshi
Raymond V. Arnold
Joseph Christopher Balich
Carleton D. Beh, Jr.
Thomas W. Biddle
Frances E. Bilmes
Willard L. Boyd, Jr.
Martin B. Breighner
John Joseph Callahan
Thomas C. Cecil
Hugh A. Cook, Jr.
Clan Crawford, Jr.
Murray B. DeGroot
John J. Douglass
Eugene V. Douvan
Robert G. Eidson
Besondy E. Hagen
Carl L. Horn
James I. Huston
Lucille Huston
Lawrence H. Johnson
Peter C. Kostantacos
John H. Kunkle, Jr.
George A. Lievense
Cornelius E. Lombardi, Jr.
John M. Longway
Barbara B. MacKenzie
William J. Marcoux
Joseph R. McDonald
John E. McDowell

HONOR ROLL

Edmund D. McEachen
Richard P. McManus
Philip G. Meengs
Glenn E. Mencer
Leonard McKee Moore
Warren K. Ornstein
Ton Seek Pai
Richard G. Patrick
Burton Perlman
Rotraud M. Perry
Howard J. Pridmore
Joseph S. Ransmeier
Robert J. Reichert
George R. Reller
John R. Ryan
Thomas P. Segerson
Clark Shanahan
Sonia Zubkoff Shaw
Ralph Sosin
Charles E. Starbuck
Donald J. Veldman
Joseph G. K. Wee
James L. Weirbach
F. Stuart Wilkins
Robert F. Williams
Louis E. Wirbel
John W. Woodard

PLANNED GIFTS
Thomas C. Cecil
Peter C. Kostantacos
Martin C. Oetting
Clark A. Shanahan
Joseph E. Stevens, Jr.*

1953
45th Reunion

Donors 72
Dollars $871,251.23
Participation 33%

THOMAS M. COOLEY CABINET
Richard W. Pogue

LAYLIN K. JAMES CABINET
William K. Davenport
Robert A. Johnston
James L. Weldon, Jr.*

WILLIAM W. BISHOP, JR. CIRCLE
E. James Gamble

PARTNERS IN LEADERSHIP
Hira D. Anderson, Jr.
Garth E. Griffith
John B. Houck
Dean E. Richardson
Clifford L. Sadler
John S. Slavens
Walter H. Weiner

PARTICIPATING DONORS
William D. Ahonen
William A. Bain, Jr.
Will J. Bangs
Robert S. Beach
William E. Beringer
Martin L. Boyle
William R. Brown
James W. Callison
Michael C. Clemente
James Leonard Conley
John E. Danaher
Clifford A. Dean
James P. Dickerson
Robert B. Dixon
Richard M. Donaldson
Marvin L. Failer
Stanley M. Fisher
James L. Gault
Carleton H. Griffin
Ralph B. Guy, Jr.
Robert N. Hammond
Joseph L. Hardig, Jr.
John G. Hayward
J. Kirby Hendee
Frank W. Hoak
Bernard Hulkower
John W. Hupp
Isao Ito
Marvin K. Jacobs
Don I. Johnson
William A. Joselyn, Sr.
Alan R. Kidston
Homer H. Kirby, Jr.
Herbert M. Leiman
Dwaine V. Lighthammer
William T. Means
Herbert L. Meschke
R. Wyatt Mick, Jr.
Donald J. Miller
Edward M. Miller
Duane Morris
Yukio Naito
Arthur A. Neiman*
Charles E. Oldfather*
Gene E. Overbeck
Thomas A. Roach
Herbert I. Sherman
Carrington Shields-Oppenheim
Gordon H. Smith, Jr.
Philip S. Smith
Arthur L. Stashower
Richard C. Stavoe
Kenneth G. Stevens
Rudolph Tanasijevich
John C. Thomas
Richard M. Treckelo
Franklin S. Wallace
Charles W. Wexler
William L. Wise
John L. Wolfe

1954

Donors 81
Dollars $128,451.18
Participation 41%

EDSON R. SUNDERLAND CABINET
David W. Belin*

L. HART WRIGHT CABINET
John E. Riecker

PAUL G. KAUPER CABINET
David P. Wood

LAYLIN K. JAMES CABINET
Donn B. Miller

WILLIAM W. BISHOP, JR. CIRCLE
Paul B. Campbell
J. B. King
Evelyn J. Lehman
Myron M. Sheinfeld

PARTNERS IN LEADERSHIP
Karl E. Braunschneider
Lawrence L. Bullen
Carl A. Hasselwander
Theodore J. St. Antoine
Frank M. Wheeler
Donald M. Wilkinson, Jr.

PARTICIPATING DONORS
Nola A. Allen
R. W. Barker
Malcolm D. Basinger
George B. Berridge
Stephen A. Bromberg
Larry J. Burke
William H. Carpenter
Raymond M. Champion, Jr.
Charles H. Cleminshaw
Milo G. Coerper
Howard A. Cole
Roger G. Connor
Granger Cook, Jr.
Roderick K. Daane
Julius Denenberg
Jerry A. Donley
Robert B. Dornhaffer
David D. Dowd, Jr.
Clyne W. Durst, Jr.
Richard A. Entenmann
John S. Fallon
John W. Fitzgerald
James T. Frost
Jack F. Gardner
Roger K. Garfink
Herbert A. Goldsmith, Jr.
Walter C. Grosjean
Hugh G. Harness
Ralph E. Hayes
James A. Hildebrand
Alan R. Hunt
R. Perry Innes
Edward J. Kahn
Constantine D. Kasson
Lawrence A. King
Patrick J. Kinney
Warren F. Krapohl
Leonard Kravets
Alvin P. Lipnik
George M. Mack
Stephen J. Martin
Patrick H. McCauley
John F. Ogozalek, Jr.
Maclyn T. Parker
James S. Patrick
Raymond J. Payne
Robert M. Radner
Justin T. Rogers
Walter J. Roper
Harold A. Ruemenapp
Henry T. Sanders
Allison L. Scafuri
Ralph I. Selby
John F. Shantz
Samuel I. Shuman
Joseph J. Simeone
Abraham Y. T. Siu
Jerome V. H. Sluggett
Bradford Stone
Joseph VanBuskirk
William K. Van't Hof
John K. Von Lackum
Stanley R. Weinberger
John M. Wilson
Marvin O. Young
Philip A. Young
Richard W. Young
Allen Zemmol

PLANNED GIFT
W. Scott Bonds

1955

Donors 62
Dollars $93,070.00
Participation 35%

EDSON R. SUNDERLAND CABINET
Stanley S. Schwartz

PAUL G. KAUPER CABINET
Robert B. Fiske, Jr.
David R. Macdonald

LAYLIN K. JAMES CABINET
Robert E. Baker

PARTNERS IN LEADERSHIP
Richard M. Adams
Lawrence I. Brown
Charles H. Cory, II
Stewart S. Dixon
Robert S. Nickoloff
Robert G. Schuur
Morton M. Scult

PARTICIPATING DONORS
David Barker
Michael J. Baughman
James W. Beatty
Earl E. Borradaile
Norman I. Brock
Ira A. Brown, Jr.
James Bulkley
William M. Caviston
John P. Daley
John Franklin Dodge, Jr.
Robert I. Donnellan
James W. Dorr
John G. Fletcher
George S. Flint
Robert S. Frey
Jack E. Gallon
Carl R. Gaylord
Donald W. Gruettner
Hugh J. Haferkamp
William J. Hartman, Jr.
Sanford B. Hertz
Harvey A. Howard
Bernard A. Kannen
Raymond E. Knape
William Ken Laray
Alan Z. Lefkowitz
Robert H. Levan
Mark R. Lidschin
Fred Mallender, II
Daniel L. Martin
Joseph F. Maycock, Jr.
William Morris Moldoff
William G. Myers
Roger P. Noorthoek
Martin S. Packard
John J. Peters
O. K. Petersen
John R. Peterson
William L. Randall
Richard S. Ratcliff
James P. Ricker
Anthony F. Ringold
Sidney B. Schneider
Aaron E. Shelden
Harvey M. Silets
Robert C. Strodel
William A. Swainson
Theodore W. Swift
Edward L. Vandenberg, Jr.
Booker T. Williams
Kenneth S. H. Wong

1956

Donors 68
Dollars $215,029.28
Participation 36%

THOMAS M. COOLEY CABINET
William R. Jentes

LAYLIN K. JAMES CABINET
William C. Cassebaum

WILLIAM W. BISHOP, JR. CIRCLE
William E. Guthner, Jr.

PARTNERS IN LEADERSHIP
Jack G. Armstrong
William J. Cowlin
James S. Hilboldt
Arne Hovdesven
Richard A. Jones
John A. Kelly, Jr.
John H. McDermott
Charles B. Renfrew

PARTICIPATING DONORS
William H. Alexander
William F. Anhut
Dennis J. Barron
William R. Brashear
Hugh R. Braun
Harland M. Britz
Herbert R. Brown
John N. Brown
Robert A. Brown, Jr.
Eugene D. Buckley
John C. Cary, Jr.
William Y. Chalfant
William F. Crockett
Richard R. Dailey
Walter R. Denison
Glenn S. Dennis
Raymond H. Dresser, Jr.
Richard K. Elliott
Neil Flanagin
Donald Robert Ford
George T. H. Fuller
Norman E. Gaar
Peter J. Gartland
Eugene H. Gilmartin
Daniel S. Guy
Irving L. Halpern
Edward A. Hansen
H. Van Den Berg Hatch
John D. Hegarty
Frank C. Henry
Arthur E. Higgs
Roger G. Kidston
John F. Kruger
John B. Kuhr
Thomas A. Lazaroff
Robert S. McCormick
Oscar J. Miller
Richard W. Morrison
James T. Neef
Roger H. Oetting
Nathan K. Parker, Jr.
Cynthia V. Peterson
Harold H. Plassman
Morton A. Polster
Robert Rosenman
Donald W. Shaffer
Lawrence W. Sperling
David W. Swanson
Edwin S. Taylor
Robert S. Thompson
James A. Timmer
Dale W. VanWinkle
John Millard Webb
Thomas F. Wilson
Clarence F. Wittenstrom, Jr.
Murray Yolles
Norman A. Zilber

1957

Donors 69
Dollars $398,219.39
Participation 28%

THOMAS M. COOLEY CABINET
Anonymous

WILLIAM W. BISHOP, JR. CIRCLE
Robert D. Guy

PARTNERS IN LEADERSHIP
Lee N. Abrams
George J. Caspar, III
Sidney C. Kleinman
James A. Leavengood
Robert A. Link
Cyril Moscow
Jack D. Sweet

PARTICIPATING DONORS
James D. B. Beckett
George T. Bennett
Jacob Bernstein
Hugo E. Braun, Jr.
James C. Bray
David F. Breck
John K. Cannon
David F. Cargo
Eugene H. Ciranni
Kenneth B. Cutler
Richard E. Day
Donald J. DeYoung
Martin M. Doctoroff
Don F. Dodge
Ralph H. Dwan, Jr.
S. Jonathan Emerson
Ralph H. Erickson
John H. Fildew
Philip A. Fleming
Frederick W. Fraley, III
Stephen G. Fuerth
E. Dexter Galloway
Whitmore Gray
Francis R. Grebe
James R. Hanson
Mary Anderson Hartung
Kenneth H. Haynie
Richard M. Hughey
Livingstone M. Johnson
Charles E. Keller
Michael F. Kelly
James J. Kilsdonk
Ross A. Kipka
George Kircos
Arthur F. Lamey, Jr.
Carl F. LaRue
Ronald S. Lieber
Arthur T. Lippert, Jr.

Honor Roll

Kenneth E. Long
George W. T. Loo
George F. Lynch
Frederick Mahan
David H. Marlin
William H. McCready
George E. Montgomery
Frank R. Morris, Jr.
Howard N. Nemerovski
E. William Oakland
John H. Oltman
Jules M. Perlberg
James M. Porter
Thomas F. Quinn, Jr.
John T. Rogers
Richard A. Scheer
F. McCauley Small, Jr.
Gerard C. Smetana
John C. Tower
Gerald Tuchow
John N. Washburn
Robert B. Webster
A. Duncan Whitaker
Walter F. Wolf, Jr.
L. Bennett Young, Jr.

1958
40th Reunion

Donors 73
Dollars $244,795.10
Participation 31%

THOMAS M. COOLEY CABINET
Terry A. Elkes

PAUL G. KAUPER CABINET
Kurt J. Wolff

LAYLIN K. JAMES CABINET
Emmet E. Tracy, Jr.

WILLIAM W. BISHOP, JR. CIRCLE
Dominic B. King
Nick E. Yocca

PARTNERS IN LEADERSHIP
James E. Crowther
John C. Dowd
Jack N. Fingersh
Phillip R. Jacobus
Robert H. Kapp
M. Robert Kestenbaum
Robert A. Klein
Daniel L. R. Miller
Philip R. Placier
Joseph D. Sullivan

PARTICIPATING DONORS
Hugh B. Anderson
F. Loyal Bemiller
Richard M. Bilby*
Robert E. Brown
William H. Burkhart
Marion B. Burton
Samuel D. Carpenter
Ronald Jean Cayo
James P. Chapekis
Robert G. Clayton, Jr.
Byron J. Cook
J. Martin Cornell
A. Blair Crownover
Ronald L. Dalman, Sr.
Joseph C. Fabian
Eugene J. Farrug, Sr.
Joseph A. Gemignani
Joseph S. Georgiana
Philip G. Gillespie
Hanley M. Gurwin
John T. Hammond
Eugene L. Hartwig
Thomas W. Hoya
Theodore M. Hutchison
Barry L. King
R. Jackson Kinnel
Charles H. Kivett
David D. Lodwick
George E. Lohr
Charles C. Lundstrom
R. William Merner
Hannes Meyers, Jr.
William K. Muir, Jr.
Raymond Olson, Jr.
Gerald Walter Padwe
Jerome F. Prewoznik
Gerald D. Rapp
Robert A. Ritchie
Richard S. Rosenthal
Elmer C. Rudy
Michael Scott
Gerald M. Smith
Robert J. Stewart
William W. Stodghill
Nathaniel W. Stroup
Robert S. Sugarman
Thomas G. Thornbury
Robert S. Trinkle
Thomas A. Troyer
George B. Trubow
Gerald D. Tupper
Theodore M. Utchen
Spyros N. Vlachos
Rainer R. Weigel
Robert D. Welchli
Thomas R. Winquist
William J. Wise
William P. Wooden

1959

Donors 100
Dollars $363,502.35
Participation 38%

THOMAS M. COOLEY CABINET
Edward Bransilver
Frederick P. Furth, Jr.
John B. Schwemm

PAUL G. KAUPER CABINET
John Paul Williams

LAYLIN K. JAMES CABINET
Louis Perlmutter

WILLIAM W. BISHOP, JR. CIRCLE
Jerome B. Libin
Mark Shaevsky

PARTNERS IN LEADERSHIP
Stanley N. Bergman
William E. Bowser
Thomas A. Dieterich
John W. Gelder
George Q. Hardwick
Barry Hirsch
Frank D. Jacobs
Leroy Michael, Jr.
J. Lee Murphy
John Edward Schippel
Ronald J. St. Onge
Joel D. Tauber
George S. Tulioch, Jr.
Robert C. Weinbaum
Frank K. Zinn

PARTICIPATING DONORS
Peter J. Armstrong
Harry M. Asch
John M. Barr
Lawrence G. Becker
Stanton H. Berlin
Frederic F. Brace, Jr.
James W. Brehl
Robert M. Brucken
Richard C. Brunn
Edward D. Bureau
James L. Burton
Donald W. Carlin
Guido Casari, Jr.
Albert D. Cash, Jr.
Samuel B. K. Chang
William A. Cockell, Jr.
James B. Feibel
Charles W. Foster
Lynn W. Fromberg
Malcolm H. Fromberg
James T. Funaki
Bradley M. Glass
Robert H. Gorske
Richard J. Grunawalt
James J. Hall
Wallace Handler
Ronald A. Harbert
David I. Harfeld
Meredith Hemphill, Jr.
Arnold Henson
Peter W. Hirsch
Stanley Hirt
Wolfgang Hoppe
John H. Jackson
John T. Jeandrevin
Marten R. Jenkins
Alvin S. Kaufer
John D. Kelly*
James Patrick Kennedy
Frank J. Kinn
Walter W. Kocher
Theodore G. Koerner, III
Hans Christian Krueger
Lawrence J. LaBrie
Paul M. Ladas
Edwin C. Landis, Jr.
Chester C. Lawrence
Wayne Leengran
Gerald R. Leipply
Lawrence E. Levine
Robert K. Lewis, Jr.
Ronald J. Linder
Nicholas A. Longo
Peter S. Lucyshyn
Melvyn I. Mark
Wilbur J. Markstrom
John A. Matta
Robert S. McGeough
Alan F. Meckstroth
David A. Nelson
William R. Norris
George E. Parker, III
John F. Powell
Carroll Purdy, Jr.
Denis T. Rice
Leonard B. Schwartz
David Shute
William R. Slye
Wendell A. Smith
Hilary F. Snell
Herbert W. Solomon
George C. Stewart
Alfred C. Strauss
Edward Barry Stulberg
John M. Swinford
William K. Tell, Jr.
Robert M. Vorsanger
A. Roger Witke
Jerry G. Wright

PLANNED GIFTS
Edward Bransilver
Frank D. Jacobs
David Shute

1960

Donors 75
Dollars $56,765.63
Participation 31%

PAUL G. KAUPER CABINET
John F. Nickoll
Joseph D. Whiteman
Morton M. Zedd

WILLIAM W. BISHOP, JR. CIRCLE
Arbie R. Thalacker

PARTNERS IN LEADERSHIP
Leonard J. Decker
Donald R. Jolliffe
Thomas E. Kauper
Stephen Marcus
Richard H. May
George E. Snyder
Erik J. Stapper
E. Lisk Wyckoff, Jr.

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Dean L. Berry
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Stanley Davis Brown
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Barbara A. Burt
John F. Burton, Jr.
Spencer L. Depew
Dirk DeVries
Charles N. Dewey, Jr.
Seymour N. Dubrinsky
Robert J. Emmons
Alan I. Epstein
Vance A. Fisher
Glenn O. Fuller
John Fuller
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Robert J. Garrett
Mervyn S. Gerson
Robert H. Gibson
Lawrence H. Gingold
Clifford H. Hart
Thomas W. Hauser
Douglas J. Hill
Dudley Hughes
Joseph J. Jerkins
I. Samuel Kaminsky
Donald J. Keune
Mark V. Klosterman
John A. LaFalce
Kenneth Laing
William M. Lane
George E. Leonard, III
Russell A. McNair, Jr.
Franklin H. Moore, Jr.
Gordon Myse
Robert Bruce Nelson
Robert J. Paley
Frank Pollack
George J. Reindel, III
Robert G. Rhoads
John I. Riffer
Thomas G. Sawyer
Robert Segar
Charles R. Sharp
James C. Shearon
Susan R. Shimer
Joel N. Simon
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Robert A. Smith
Bruce M. Stiglitz
William K. Strong
Leonard W. Treash, Jr.
Stevan Uzelac
Guy Vander Jagt
William Vogel
C. Robert Wartell
Byron H. Weis
David B. Weisman
Clay R. Williams

1961

Donors 90
Dollars $152,468.13
Participation 37%

EDSON R. SUNDERLAND CABINET
Stanley R. Zax

L. HART WRIGHT CABINET
Harold S. Barron

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Irvine O. Hockaday, Jr.
Henry B. Pearsall

LAYLIN K. JAMES CABINET
Louis Frey, Jr.
Richard W. Odgers

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Arthur R. Gaudi
Laurence M. Scoville, Jr.
Kenneth Sparks, Jr.

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Calvin A. Campbell, Jr.
William C. Griffith
James Hourihan
J. Bruce McCubbrey
Cecil R. Mellin
Elliott C. Miller
John L. Peschel
David C. Todd
William Y. Webb
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Peter A. Bernard
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Jerome E. Burns
J. Philip Burt
John E. Cochrane
Frederic K. Conover, II
James R. Cripe
Bruce J. Daniels
David G. Davies
Frederick S. Dean
Raymond H. Drymalski
Robert Eleveld
John J. Esposito, Sr.
John L. Etter
William S. Farr, Jr.
John A. Fiske
Stanford E. Gass
Lewis G. Gatch
William J. Giovan
Howard I. Green
George F. Gronewold, Jr.
Stuart S. Gunckel
Paul A. Hanke
Bernard Heller
H. Russel Holland
Robert A. Holstein
Frederick R. Hubbell
Thomas E. Hunter
Michael Klynn
Walter V. Kron
William Krupman
Richard M. Leslie
Daniel E. Lewis, Jr.
Bernard E. Lyons
Francis C. Marsano
George A. Mathewson
Richard E. McEachen
Robert L. McLaughlin
Ian C. McLeod
G. Gregory Michael
Jerome D. Neifach
Horst Niebler
Robert F. Ochs
Bruce N. Parsons
Robert A. Pfaff
Russell H. Riggs
Gerald F. Rosenblatt
Albert J. Russell
Timothy F. Scanlon
Donald A. Slichter
Lawrence R. Springer
L. Vastine Stabler, Jr.
Charles H. Stark
Robert M. Steed
Norton L. Steuben
John J. Stroh, Jr.
Paul S. Teranes

Honor Roll

Daniel E. Tolfree
Stanley A. Williams
Walter W. Winget, II
PLANNED GIFT
Calvin A. Campbell, Jr.

1962

Donors 101
Dollars $96,114.44
Participation 41%

L. HARTWRIGHT CABINET
Frank G. Reeder
PAUL G. KAUPER CABINET
Joel M. Boyden, Sr.
LAYLIN K. JAMES CABINET
Roger B. Harris
Garo A. Partoyan
WILLIAM W. BISHOP, JR. CIRCLE
Stephen H. Bard
Larry M. Carter
Carl M. Riseman
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John R. Bagley
Charles E. Blank
Morton L. Efron
Michael R. Flyer
Karl L. Gotting
Robert M. Grover
Linscott R. Hanson
Thomas D. Heekin
Amalya L. Kearse
William R. Nicholas
John R. Nichols
William B. Rees
Thomas P. Scholler
Oliver E. Seikel
PARTICIPATING DONORS
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William S. Bach
Livingston Baker
Hugh Barnett
John A. Benning
Robert M. Bordeau
William M. Brukoff
John C. Buchanan
Robert G. Burton
Robert A. Butler
Donald R. Chapman
Francis E. Collins, Jr.
Walter T. Dartland
Jon F. DeWitt
Benton S. Duffett, Jr.
John W. Edwards
Brian C. Elmer
James M. Flaggert
Jon E. Floria
Robert B. Frederick
Frederick D. Freed
Alan G. Friedman
Melvyn H. Fruit
Thomas W. Godfrey
Kenneth W. Graham, Jr.
Morrison L. Heth
John E. Hodgson
Philip S. Hollman
Albert P. Horrigan
C. Vernon Howard, Jr.
Michael M. Hughes
Richard A. Hyde
Lynne B. Johnson
B. Todd Jones
Paul W. Jones
Bruce Kalom
Alan F. Kane
Philip E. Kaplan
Robert A. Karbel
William T. Kilbourne, II
Vernon D. Kortering
Joseph P. Koucky
Conrad W. Kreger
Warren M. Laddon
Roger E. Legg
Murray I. Litmans
Malcolm E. Martin
Larry W. McCormack
Robert L. Metzger
Charles H. Miel
A. David Mikesell
O. Joseph Murray
Francis J. Newton, Jr.
Alan D. Overton
Robert W. Paisley
John B. Pendleton
Russell G. Press, Jr.
Richard A. Prince
Richard E. Rabbideau
Jerome M. Salle
Stuart D. Shanor
Daniel E. Singer
Donald J. Spero
Reed F. Steele
James L. Stokes
Donald P. Stone
Gerald J. Strick
Robert W. Swain, Jr.
C. G. Symmonds
Thomas W. Taylor
John J. Timmer
Kent J. Vana
William D. VanTilburg
David N. Weinman
Alvin J. Wilson
John A. Wise
Donald J. Witter
Paul G. Woutat
Ralph L. Wright
Robert J. Yock

1963
35th Reunion

Donors 113
Dollars $222,609.56
Participation 33%

THOMAS M. COOLEY CABINET
Stefan F. Tucker
LAYLIN K. JAMES CABINET
Murray J. Feiwell
WILLIAM W. BISHOP, JR. CIRCLE
Alexander E. Bennett
Robert C. Canfield
Robert J. Currie
David J. Rosso
Alan I. Rothenberg
Thomas W. Van Dyke
A. Paul Victor
Kathryn D. Wriston
PARTNERS IN LEADERSHIP
James A. Corrodi
Robert Z. Feldstein
Stuart F. Feldstein
Lloyd C. Fell
Gerald L. Gherlein
Kenneth S. Handmaker
Robert L. Harmon
Stuart Ho
Ira J. Jaffe
Daniel Robert Johnson
Herbert M. Kohn
D. Michael Kratchman
J. Thomas McCarthy
John A. McDonald
Hugh M. Morrison
Allan Nachman
Richard K. Snyder
Philip Sotiroff
Jackman S. Vodrey
PARTICIPATING DONORS
Richard C. Allen
Hans G. Bagner
James M. Beardsley
Richard Snyder Brennan
Arthur V. N. Brooks
Dan R. Bruggeman
W. Lawrence Clapp
Orville L. Coady
Theodore R. Cohn
Simon F. Coleman
D. Sidney Condit
Peter H. DeHaas
William W. DeWitt
Edward M. Dolson
Charles F. Dugan, II
Bruce W. Eaken, Jr.
Henry Earle, III
Anthony E. Efremoff
Sarah Efremoff
S. Stuart Eilers
Allen D. Evans
John M. Fischer
Charles R. Frederickson, III
William C. Fried
Alfred E. Gade
John William Galanis
A. Duncan Gray, Jr.
Thomas J. Greene
Warren F. Grienenberger
Newman T. Guthrie
Robert C. Hackett
Peter R. Harwood
Jackson C. Hedges
J. Walker Henry
Marvin J. Hirn
Howard H. Hush, Jr.
John C. Jones, III
Peter Kalbe
David J. Kayner
John B. Kemp
David Boyd Kennedy
Bruce T. Kloppman
John A. Krsul, Jr.
Robert G. Lane
Jules Lang
Bruce Leavitt
Luke T. C. Lee
Howard R. Lurie
John R. Lutz
John J. Lynch
Ralph E. Mahowald
J. Patrick Martin
J. Michael Meade
Anthony R. Michel
Gail Franklin Miller
Paul F. Morgan
Charles D. Moyer
Dennis E. Murray, Sr.
Michael E. Oldham
Diane I. Olsson
Anthony J. Pagano
Lee D. Powar
John M. Price
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Luis F. Rodriguez
Norman P. Rowe
Edward A. Ryder
Richard A. Shapiro
James L. Shonkwiler, Jr.
Jeffrey B. Shulman
Leonard B. Shulman
Fredric L. Smith
James W. Smith
Webb Anthony Smith
Lawrence K. Snider
Herbert C. Snyder, Jr.
Henry A. Solomon
Norman O. Stockmeyer, Jr.
John A. Twomey
Charles K. Veenstra
Edward A. White
Ralph O. Wilbur
Scott F. Zimmerman

1964

Donors 100
Dollars $29,125.00
Participation 32%

WILLIAM W. BISHOP, JR. CIRCLE
Thomas G. Dignan, Jr.
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Dennis P. Bedell
Alan D. Croll
Richard Fredrick Gerber
William T. Hutton
Michael V. Marston
Lawrence G. Meyer
Richard A. Rossman
Daniel W. Vittum, Jr.
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Robert J. Battista
Theodore L. Bendall, Jr.
H. Lee Blumberg
James R. Borthwick
Marvin J. Brenner
E. Alan Brumberger
Charles A. Buss
Michael R. Capizzi
Alan Garrick Choate
John J. Connaughton
James L. Copeland
Avelino V. Cruz
Ronald K. Dalby
Charles K. Dayton
Marc Gary Denkinger
Irwin J. Dinn
Michael A. Dively
John J. Dood
William B. Dunn
Henry M. Ekker
Daniel R. Elliott, Jr.
Richard S. M. Emrich
Fred J. Fechheimer
Alex Fisher
K. Michael Foley
Thomas Joseph Gardner
Albert S. Golbert
Robert E. Goodrich
James W. Greene, II
Ronald R. Hanlon
John F. Hanson
Edgar N. Harland
Ira Gerson Harris
Franklin L. Hartman
William J. Heaphy
V. Alan Hewitt
Edwin A. Howe, Jr.
Spencer C. Hunt
Peter W. Hyde
Henry M. Ingram
Leon E. Irish
Denis A. Jacques
Justice G. Johnson, Jr.
Allyn D. Kantor
S. Olof Karlstrom
John A. Kicz
James L. Krambeck
John Lambros
Norvie L. Lay
Paul L. Leeds
William J. Madden, Jr.
Mark T. Mahlberg
Michael R. Maine
Timothy W. Mast
Joseph F. McDonald
Samuel J. McKim, III
George C. McKinnis
Charles M. McLaughlin
William S. Moody
Melinda Morris
James J. Nack
Edwin J. Panichas
John Wm Pollins, III
James M. Powell
Larry A. Pulkrabek
Kurt E. Richter
Stephen W. Roberts
E. David Rollert
Philip J. Rosewarne
Michael L. Rubin
Neal Schachtel
T. Gordon Scupholm, II
Lloyd A. Semple
Peter S. Sheldon
Arthur M. Sherwood
Peter X. Sickinger
Anneliese Smith
Dayton E. Soby
Kenneth E. Stewart
Joel M. Sturtz
Lester J. Tooman
John D. Tully
Frank R. Uible, Jr.
Walter A. Urick
Robert G. Waddell
Stanley P. Wagner, Jr.
Michael A. Warner
John Palmer Williams
James M. Wilsman

HONOR ROLL

1965

Donors 104
Dollars $193,773.25
Participation 33%

THOMAS M. COOLEY CABINET
William J. Bogaard

PAUL G. KAUPER CABINET
Eric V. Brown, Jr.
Daniel F. Kolb
Charles F. Niemeth

LAYLIN K. JAMES CABINET
Laurence D. Connor
Mark J. Levick
Thomas B. Ridgley

WILLIAM W. BISHOP, JR. CIRCLE
Alan J. Olson
Robert V. Peterson

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Albert E. Fowerbaugh
Douglas I. Hague
Thomas Carson Lee
John W. McCullough
James M. Sheridan
John A. Thurber

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Francis E. Bentley
Larry J. Bingham
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John H. Blish
J. Walter Brock
Helman R. Brook
Herbert H. Brown
James R. Brown
Lawrence D. Burke
Christopher L. Carson
Joan V. Churchill
Charles E. Clark
R. Theodore Clark, Jr.
Charles C. Cohen
Terrence L. Croft
Robert H. Daskal
David D. Dodge
L. Garrett Dutton, Jr.
John W. Ester
Richard L. Fairchild
John P. Fernsler
Phillip S. Frick
Sheila Gallagher
David J. Garrett
John E. Gates
Gerald A. Goray
Dennis D. Grant
Morris A. Halpern
Patricia M. Hanson
Boyd A. Henderson
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Ralph H. Houghton, Jr.
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R. Ian Hunter
David S. Jacobson
David R. Johnston
Thomas L. Jones
Jerome H. Kearns
Charles B. Keenan, Jr.
James M. Kefauver
John F. Kern
James M. Kieffer
Philip S. King
Robert M. Klein
Henry J. Koehler, IV
Jon Henry Kouba
Eugene W. Lewis, III
Paul M. Lurie
Michael J. Lynch
Roger R. Marce
Sarah Ann Margulies
Marcelino C. Maxino
J. Gary McEachen
Michael J. McHale
Ronald Jay Meltzer
Patricia K. Park
Peter A. Patterson
Terry G. Paup
James K. Perrin
Rosemary S. Pooler
Stephen A. Raimi
Richard J. Rankin, Jr.
Douglas J. Rasmussen
Justin C. Ravitz
Lawrence J. Ross
Paul A. Rothman
James E. Scanlon
Frederick B. Schwarze
Anthony J. Scirica
Jon M. Sebaly
Frances R. Sebastian
Gary J. Shapira
Stuart Sinai
Jerome M. Smith
Kenneth L. Spangler
Benjamin Steiner
Charles S. Tappan
Phillip L. Thom
F. David Trickey
William M. Troutman
J. Michael Warren
Paul Weinberg
Robert G. Wise
Timothy D. Wittlinger

1966

Donors 119
Dollars $217,497.74
Participation 33%

THOMAS M. COOLEY CABINET
Samuel Zell

EDSON R. SUNDERLAND CABINET
Ronald L. Olson

PAUL G. KAUPER CABINET
Richard C. Sneed

LAYLIN K. JAMES CABINET
Benjamin F. Garmer, III

WILLIAM W. BISHOP, JR. CIRCLE
Dewey B. Crawford
Henry W. Ewalt, III
Joseph Daniel Feldman
J. Alan Galbraith
Fred E. Schlegel

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Robert W. Beicke
Alfred M. Butzbaugh
Jon D. Carlson
Robert E. Epstein
Robert V. Herbert
Gilbert V. Indeglia
James G. Phillipp
Thomas A. Pliskin
William T. Wood, Jr.
Kenneth J. Wysoglad

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Rodger V. Bittner
Stephen A. Bodzin
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Harvey Chayet
A. Balfour Chinn, Jr.
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James F. Companion
George A. Cooney, Jr.
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David W. Croysdale
R. Malcolm Cumming
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Robert A. Dimling
Richard F. Dole, Jr.
William E. Doster
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S. Cody Engle
Robert J. Epstein
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Thomas Shaw Eveland
Eric J. Fauri
Michael R. Fegen
Gerald B. Fincke
John R. Gaffin
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Thomas D. Geil
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Robert E. Gilbert
Robert H. Gillette
Michael D. Gordon
Raymond Green
Bruce M. Groom
Hiram S. Grossman
Howard R. Grossman
David M. Guinn
Stephen L. Gutman
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Michael G. Harrison
J. Terry Heath
Robert E. Hollenshead
Robert E. Hollweg
E. Edward Hood
John C. Hutchinson
Jeffrey W. Hutson
Duane H. Ilvedson
George L. Jenkins
Stephen W. Jones
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R. Bruce Laidlaw
Kenneth J. La Motte
Morton Q. Levin
Edward P. Levy
Stanley Lubin
Robert F. Ludgin
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Robert P. McBain
David L. McMurray
George D. Melling, Jr.
John R. Monson
George B. Mullison
John R. Nolon
Thomas E. O'Connor, Jr.
Kenneth R. Oosterhouse
Xhafer Orhan
Sanford H. Passer
James P. Parker
Robert Smylie Paye
Gary L. Price
John C. Provine
Samuel A. Purves
Richard E. Rassel
Thomas R. Reinsma
Jerrell P. Rosenbluth
Jeffrey C. Rubenstein
John T. Schmidt
Robert G. Schuchardt
Erik H. Serr
Lawrence J. Sherman
Kenneth F. Snyder
Charles D. Todd, III
Stuart C. Unger, Jr.
Lawrence R. Van Til
Richard F. Vitkus
John M. Walker, Jr.
Thomas G. Washing
James C. Westin
John B. Whinrey
R. Jamison Williams, Jr.
Samuel W. Witwer, Jr.

1967

Donors 130
Dollars $130,557.76
Participation 36%

PAUL G. KAUPER CABINET
Jin Ouk Kim
Norman G. Peslar
Charles V. Thornton

LAYLIN K. JAMES CABINET
Charles K. Marquis
Jeffrey Hale Miro
E. Miles Prentice, III

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Sally Katzen
William C. Pelster

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William H. Conner
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Jeffrey G. Heuer
James P. Kleinberg
Richard A. McDonough, III
Guy H. McMichael, III
J. Thomas Mullen
Jack L. Neuenschwander
Philip A. Nicely
J. Larry Nichols
John W. Puffer, III
William F. Reichenbach
James A. Rodgers
James A. Smith
Ronald G. Vantine
Robert A. Wells

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Michael S. Adelman
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Calvin E. Bellamy
Herbert L. Bernstein
James B. Boskey
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John M. Briggs, III
Thomas H. Bround
William C. Buhl
Jack M. Burkett
Michael W. Coffield
James Hillson Cohen
Bruce L. Colton
Timothy J. Curtin
Peter A. Dankin
Dixon B. Dann
Thomas J. Donegan, Jr.
David Doran
Charles A. Dunkel
Alfred Jerome Dupont
James B. Fadim
J. Kay Felt
Duane A. Feurer
Randolph H. Fields
Arnold Marshall Flank
John J. Flynn
Jack E. Ford
Lon Foster, III
George E. Freese
Robert L. Friedman
Dennis L. Frostic
John M. Gardner
David R. Getto
Charles H. Goodman
Samuel J. Goodman
Charles D. Hackney
J. Marshall Hamilton
Edward W. Harris, III
David M. Hartsook
Frederic W. Heller
William R. Hineline
William D. Hodgman
Joel D. Kellman
Marc S. Kirschner
Joel E. Krissoff
James R. Lamb
Douglas Don Lambarth
Stephen A. Landsman
James A. Locke, III
Joyce Q. Lower
Michael P. Malley
Thomas O. Mann
Michael F. McCarthy
Matthew P. McCauley
Robert K. McKenzie, Jr.
Richard D. McLellan
James L. Meretta
Whitney Flagg Miller
Thorley C. Mills, Jr.
Daniel C. Molhoek
Charles A. Moran

HONOR ROLL

James Morton, Jr.
Philip W. Nantz
John H. Norris
Joseph F. Page, III
James E. Pendergrast
Charles L. Pitcock
James J. Podell
Edward H. Powers
William Dodds Prakken
David H. Raitt
Ronald Ian Reicin
W. Robert Reum
Stuart J. Rice
Kenneth A. Ritchie
Robert D. Sarow
Thomas J. Shannon
William C. Shedd
Gerald D. Skoning
Thomas E. Sliney
Mark E. Smith
George M. Smrtka
Larry J. Spilkin
Barry L. Springel
Richard N. Stein
William J. Stiner
Geoffrey M. Stoudt
John H. Stout
Frank V. Strother
John T. Svendsen
Earl G. Swain
Thomas E. Swaney
Ira L. Tannenbaum
Michael D. Umphrey
Larry Victorson
James E. Walter
Donald A. Wascha
Stanley P. Weiner
Charles R. Wentzel
David G. Wise
Michael W. York

1968
30th Reunion

Donors 108
Dollars $49,392.38
Participation 33%

LAYLIN K. JAMES CABINET
Martin C. Recchuite
Carl H. Von Ende

WILLIAM W. BISHOP, JR. CIRCLE
Walter W. Kurczewski

PARTNERS IN LEADERSHIP
Stephen F. Black
Richard I. Bloch
Frederick W. Brenner, Jr.
Lester L. Coleman, III
Scott B. Crooks
Stephen B. Diamond
Richard A. Earle
Francis P. Hubach, Jr.
Eric J. McCann
Steven D. Pepe
Charles E. Thomas, Jr.
William M. Toomajian
Robert M. Vercruysse
Gary F. Wyner

PARTICIPATING DONORS
Lawrence Robert Abramczyk
David S. Allen
Carl Henry Amon, III
Cushman D. Anthony
Michael J. Barnhart
Charles J. Barnhill, Jr.
William F. Bavinger, III
Joel R. Bergquist
Richard M. Bluestein
John H. Burson
Thomas K. Butterfield
Elden W. Butzbaugh, Jr.
David L. Callies
Stephan L. Cohen
Kenneth S. Colburn
R. Michael Cole
John D. Conley
Peter M. Crevi
William F. Dausch
John C. Davis
Robert J. Faux
Allen D. Field
John W. Fischer, III
Peter C. Flintoft
Wood R. Foster, Jr.
Ronald Gerard
Lawrence Michael Gill
Robert S. Gold
Edward B. Goldman
Henry S. Gornbein
J. Kirkland Grant
William N. Gross
Robert W. Harmon
H. Clark Harvey, Jr.
Francis J. Hearsch, Jr.
A. Benjamin Henson
Jay A. Herbst
William D. Herz
Frazer C. Hilder
John William Hoberg
Lee E. Hornberger, Jr.
Robert P. Hurlbert
John J. Iseman
Alfred S. Joseph, III
Terry John Klaasen
John C. Koster
Jeffrey R. Kravitz
Eric V. Lemon
Richard O. Lempert
Raymond J. LeVan
Paul Lieberman
Alan Gordon Lipson
John H. Logie
Ronald L. Ludwig
J. Frank McCabe, II
Stewart H. McConaughy
Charles E. McCormick
James L. McDonald
Bruce P. Miller
James A. Mitchell
Patrick M. Muldoon
Malachy R. Murphy
Donald A. Nelson
John A. Nitz
Ronald W. Periard
Willard F. Pinney, Jr.
George E. Preonas
Paul C. Pringle
John C. Ransmeier
James E. Rice
Elizabeth Rindskopf
Alvin O. Sabo
Michael D. Saphier
John Eric Schaal
Lawrence J. Schulman
Edward I. Schutzman
Mark H. Scoblionko
William W. Staudt
Cornelius J. Sullivan
Michael P. Sullivan
Thomas F. Sweeney
Fredric A. Sytsma
Thomas F. Tresselt
Nancy W. Trowbridge
Thomas R. Trowbridge, III
Samuell L. Tsoutsanis
Daniel Van Dyke
William L. Veen
John H. Vogel, Jr.
William R. Weber
Jay L. Witkin
Harvey J. Zameck
Jack R. Zerby

1969

Donors 109
Dollars $188,170.01
Participation 30%

THOMAS M. COOLEY CABINET
Arnold M. Nemirow

L. HART WRIGHT CABINET
David L. Haron

PAUL G. KAUPER CABINET
B. Lance Sauerteig

WILLIAM W. BISHOP, JR. CIRCLE
Robert J. Kheel
Andrew S. Price
Stanley S. Stroup

PARTNERS IN LEADERSHIP
Charles A. Adamek
Lori K. Adamek
W. Timothy Baetz
E. Robert Blaske
Charles W. Borgsdorf
Richard F. Carlile
Marilynn J. Cason
Spencer T. Denison
Peter P. Garam
Robert E. Gooding, Jr.
Stephen P. Kikoler
Robert J. Millstone
James P. Murphy
Thomas M. O'Leary
Brian Patchen
Rickard F. Pfizenmayer
Roger C. Siske
Robert M. Vercruysse
Ronald L. Walter
Lawrence E. Young

PARTICIPATING DONORS
Sam L. Abram
Benjamin J. Abrohams
Barry A. Adelman
Stephen W. Andrew
Ladd A. Baumann
Douglas G. Boven
Paul D. Braun
Stanley G. Burech
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1970

Donors 92
Dollars $82,504.94
Participation 35%

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HONOR ROLL

1971

Donors 123
Dollars $150,247.32
Participation 33%

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1972

Donors 150
Dollars $254,917.45
Participation 35%

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Anonymous

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Robert Zegster
David H. Zoellner

PLANNED GIFT
Robert E. Hensel

1973
25th Reunioin

Donors 127
Dollars $98,452.66
Participation 28%

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David C. Zalk
Abraham Zylberberg

1974

Donors 113
Dollars $54,843.83
Participation 32%

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James M. Warden
Thomas W. Weeks
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L. Michael Wicks
Patricia Kane Williams
Craig A. Wolson
Kenwood Youmans
David H. Young

1975

Donors 108
Dollars $41,014.70
Participation 28%

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Barbara T. Walzer
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David Wolowitz
Paula Marie Zera

1976

Donors 101
Dollars $50,366.88
Participation 26%

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Karen Heath Clark
Barbara Novak Coen
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Howard C. Ulan
Jerome R. Watson
Christine Weiner
Robert Joseph Whitley
Joel C. Winston
Edward M. Wolkowitz

PLANNED GIFT
Renee M. Schoenberg

1977

Donors 98
Dollars $56,356.29
Participation 25%

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David Lawrence Westin

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Raymond R. Kepner
Gary Albert Nickele

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Bruce Carlton Johnson
Bruce Robinson Kelly
Kevin Patrick Lucas
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Dwight Erwin Dickerson
Jeffrey William Doan
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Donna J. Donati
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Mary Kay Ellingen
James Michael Elsworth
Susan G. Esserman
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Samuel Thomas Field
Philip R. Fileri
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John Charles Mezzanotte
David Bradley Miller
Ross Miller
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Paul Allen Ose
Nehad Shakeeb Othman
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Bruce Eric Swenson
Lawrence David Swift
Sally Cohen Swift
Bruce Cyril Thelen
Charles Frederick Timms, Jr.
Dona Aleta Tracey
Yoshihiro Tsunemi
Ellen Louise Upton
James Allen Vose
Katherine Elizabeth Ward
Alexander Karl Weber
Peter David Winkler
Scott Alan Wolstein
Kenneth R. Wylie

1978
20th Reunion

Donors 85
Dollars $39,349.22
Participation 22%

PAUL G. KAUPER CABINET
Dennis Earl Ross

WILLIAM W. BISHOP, JR. CIRCLE
Carlos Roberto De Si Castro
Jeffrey J. Jones

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Jacqueline A. Daunt
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Curtis Jay DeRoo
David Carter Dickey
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Sherrill Toennes Filter
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Rocky N. Unruh
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Danny R. Williams
Morley Witus
Mary Katherine Wold
Andrea C. Wolfman
Thomas Vance Yates
Mark David Yura

1979

Donors 104
Dollars $48,907.25
Participation 26%

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Mark Charles Rosenblum
Jeffrey Eric Susskind

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Robert Brown Knauss
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Blake Lee Harrop
Jeffrey K. Helder
Kevin Sean Hendrick
David Louis Hiller
Frieda Patricia Jacobs
Charles Albert Janssen
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Ruth Brammer Johnson
Carol Mock Kanarek
Douglas H. Kanarek
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William David Klein
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Richard Lee Levin
Bradford L. Livingston
Barrie Lawson Loeks
John Vincent Lonsberg
Thomas Michael Malone
Michael Ray McEvoy
David Lawrence Miller
Gary Everett Mitchell
Kim Sarahjane Mitchell
Jack Alan Molenkamp
Pamela Ann Mull
David Narefsky
Julie Page Neerken
Debra Simmons Neveu
Kiichi Nishino
James H. Novis
Theodore R. Opperwall
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David Lawrence Tripp
Thomas Howard VanDis
Thomas P. Van Dusen
John Sebastian Vento
Kent Lyle Weichmann
Seth Jay Weinberger

HONOR ROLL

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Robert Alan Wynbrandt
Lee Bernard Zeugin

1980

Donors 110
Dollars $40,420.00
Participation 29%

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Stewart A. Feldman

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Eric Asmundsson
Beverly J. Bartow
James D. Holzhauer
Jesse Steven Ishikawa
David Kantor
Tillman L. Lay
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Keefe Alan Brooks
Norman John Bruns
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Keith L. Carson
Paul Jacque Cassingham
Jill Ann Merkovitz Coleman
Daniel Ryan Conway
James Anthony D'Agostini
David William DeBruin
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William J. Dritsas
Marvin Isaac Droz
Jeffrey Miles Eisen
Mark D. Erzen
David Foltyn
Bonnie Marilyn France
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Carol Hackett Garagiola
Jerry Genberg
Kenneth W. Gerver
Steven Louis Gillman
Jonathan Ives Golomb
David Andrew Handzo
Eileen M. Hanrahan
Ronald Ian Heller
Georgeanne Henshaw
Charles F. Hertlein, Jr.
Anne L. Heyns
Seth Roth Jaffe
James Blasdell Jensen, Jr.
James Bruce Jordan
Arthur Joseph Kepes
Dwight Berton King, Jr.
Frederic Ross Klein
Philip Ian Klein
Alan Jon Knauf
Rosalind Jacova Krakauer
Edward Joseph Krauland
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Carol Nancy Lieber
Iris K. Socolofsky-Linder
David Bruce Love
James Kevin Markey
Rodney Dale Martin
Andrew Jay Miller
Ira Sheldon Mondry
Stephen Virgil Moser
Richard Patrick Murphy
Ronald J. Nessim
William John Noble
Alan Richard Palmiter
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Darrell William Pierce
Karen L. Piper
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Donald Brian Rintelman
Jessie Clyde Roberson, Jr.
Dean Alan Rocheleau
Kevin Alexander Russell
Masashi Sakai
Richard A. Samp
Mark E. Sanders
James Elmer Schacht
Clifford Jay Scharman
Ronald Bruce Schrotenboer
Stanley K. Shapiro
Elizabeth Ann Sharrer
Kevin Thomas Smith
Stephanie Marie Smith
T. Murray Smith
Lisa Steinberg Snow
Robert E. Spatt
Jeffrey Phillip Stark
Susan Tukel
Bobby C. Underwood
W. Stevens Vanderploeg
James Frederick Wallack
Michael Alan Weinbaum
Steven A. Weiss
Richard A. Unger Zussman

1981

Donors 106
Dollars $43,660.54
Participation 27%

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Carmen J. Lawrence
Deryck A. Palmer

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Randall R. Kaplan
Jeffrey S. Lehman
Russell E. Makowsky
Karen K. Manning
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Tsunemasa Terai

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William H. Fallon
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Robert W. Fulton
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Signe Sandra Gates
Atsushi Gondo
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Andrew E. Grigsby
Bruce W. Haffey
R. Lee Hagelshaw
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Anita L. Wallgren
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Linda Somers Walton
Christopher M. Wells
Nancy Williams
Cynthia F. Wisner
Deborah K. Wood
Richard L. Wood
Steven N. Zaris
Elizabeth A. Zatina
Matthew D. Zimmerman

1982

Donors 91
Dollars $33,050.00
Participation 22%

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Kathryn M. Brandt
Scott G. Mackin

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Avery K. Williams

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Brian S. Dervishi
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James R. Sobieraj
Michael S. Sperling
Steven M. Stankewicz
Dale E. Stephenson
Daniel J. Stephenson
Raymond J. Sterling
Paul V. Strehlow, III
Stuart A. Streichler
Jeffrey A. Summers
Peter Swiecicki
Dean R. Tousley
James E. Van Valkenburg
George H. Vincent
Robb L. Voyles
Jordan S. Weitberg
Richard I. Werder, Jr.
Sara E. Werder
Paul M. Wyzgoski

1983
15th Reunion

Donors 78
Dollars $21,295.00
Participation 20%

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William J. Gillett
Diann H. Kim

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Miriam R. Arfin
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Paul Thomas Denis
Clifford E. Douglas
Donald A. Dripps
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Michael Dreis Flanagan
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William B. Goodspeed
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Marjorie A. Harris
Mark E. Herrmann
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Michael H. Hoses
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Thomas W. O'Connell
Camille A. Olson
Justin H. Perl
Barton R. Peterson
John C. Petrovski
Nathan P. Petterson
Sylwester Pieckowski
Patricia L. Refo
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Robert J. Rosoff
Cecilia A. Roth
Barbara A. Rothstein
Ira B. Rubinfeld
Genevieve McSweeney Ryan
John F. Schippers
William G. Schmidt
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HONOR ROLL

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Jeffrey M. Stautz
H. Mark Stichel
Barbara L. Strack
Karen S. Strandholm
Howard S. Suskin
Carl A. Valenstein
Al Van Kampen
Barbara Weitz
Barbara Y. Welke
William R. Welke
Marc Wertheimer
J. Greg Whitehair
Timothy L. Williamson

1984

Donors 75
Dollars $16,969.00
Participation 19%

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Stephen M. Merkel
Steven C. Poling
Daniel M. Sandberg
Paul B. Savoldelli

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Michael Thomas Ambroso
Thomas Scott Ashby
Douglas Stewart Bland
Michael Carroll Blaney
Deborah Margaret Bloom
Margaret Waite Clayton
Thomas James Clemens
Massimo Coccia
Sue O. Conway
Marie Regina Deveney
Thomas Edmund Dixon
Martine Rochelle Dunn
Philip Jay Eisenberg
Stephen Thomas Erb
Peter Ben Friedman
Adam Robert Gaslowitz
David Louis Geller
Kyle Anne Gray
K. Urs Grutter
Jeffrey Thompson Harbison
Michael Joseph Hernandez
Michael H. Hoffheimer
Kirk A. Hoopingarner
William F. Howard
John C. Huff
Charles E. Jarrett
Kim P. Jones
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Christopher T. Klimko
David A. Kotzian
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David L. Marshall
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Patricia E. Mundy
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Richard L. Pomeroy
Robert J. Portman
Reinhard Quick
Liana Gioia Ramfjord
Per A. Ramfjord
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Gary A. Rosen
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Megan E. Scott-Kakures
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Michael R. Shpiece
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Joan P. Snyder
Elaine K. Soble
Russell O. Stewart
Teresa Sanelli Tarizzo
Margaret L. Thompson
Clare Tully
Lynn Campbell Tyler
Nathan Upfal
Philip S. Van Der Weele
Paul K. Whitsitt
Cindy M. Wilder
Kurtis T. Wilder
Kurt G. Yost
Sheri A. Young
John F. Zabriskie
Jonathan Zorach

1985

Donors 70
Dollars $12,732.50
Participation 18%

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Ronald M. Schirtzer
Robin A. Walker-Lee

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Emil Arca
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James W. Clark
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Hans-Michael Giesen
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Caroline Seibert Goray
Arnold S. Graber
Darrell J. Graham
Norman W. Graham
Charles M. Greenberg
Laura K. Haddad
Glenn D. Holcombe
Dwayne M. Horii
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Marcia A. Israeloff
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Bruce A. Kaye
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James R. Lancaster
Ronald A. Lang
Jane Macht
Sylvie Deparis-Maze
Alexander G. McGeoch
Deborah Alfred Monson
Donna Evensen Morgan
Ronald S. Okada
Len Perna, Jr.
Paul E. Pirog
Marjorie E. Powell
Marvin L. Rau
Douglas F. Schleicher
David W. Schrumpf
David A. Schuette
Alan J. Schwartz
Jerry Sevy
Carolyn K. Seymour
Robert J. Silverman
Edward S. Stokan
David S. Stone
Duncan A. Stuart
Dennis G. Terez
George J. Tzanetopoulos
Ernest E. Vargo
Bruce H. Vielmetti
Neal C. Villhauer
Thomas F. Walsh
Richard B. Werner, Jr.
Michael A. Woronoff
Young June Yang
Ronald M. Yolles

1986

Donors 76
Dollars $18,947.87
Participation 19%

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Bradley Donald Jackson
W. Todd Miller

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Gary Michael Arkin
Bruce Paul Ashley
Thomas Bean
Ronald Steven Betman
Eric David Brandfonbrener
Susan Elizabeth Brock
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Alexandra Kay Callam
Christopher James Caywood
Timothy Joseph Chorvat
James Rountree Collett
Maureen Margaret Crough
Dana Dorothy Deane
Mary Rose De Young
Richard Norbert Drake
Michael Thomas Edsall
Susan M. Falahee
Andrew R. Feldstein
Clifford Alan Godiner
Charles Gerard Goedert
Martha Juelich Gordon
Robert Blender Gordon
Abner S. Greene
David Mark Greenwald
Matthew Ian Hafter
Gloria A. Hage
John Gregory Hale
Eric Christopher Hard
John Joseph Hern, Jr.
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Roberts Eriks Inveiss
Howard Bruce Iwrey
Harlan David Kahn
Shannan May Kane
Lawrence I. Kiern
Yogo Kimura
Steven V. Krauss
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Gregg Foster Lombardi
Lisa S. Mankofsky
Linda Susan Friedman Marshall
David Marion Matuszewski
Melody Lynn McCoy
Lynn Marie McGovern
Ralph Robin McKee
James Ritchie Modrall
Mark Astley Moran
James Jay Narens
Megan Pinney Norris
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Nathaniel Louis Pernick
Rebecca Lynn Raftery
Kevin V. Recchia
Christopher L. Rizik
Steven A. Roach
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David B. Sickle
Arthur H. Siegal
Lori Ann Silsbury
Thomas M. Skelly
Terri-Lynne Baird Smiles
Andrew Wayne Stumpff
Bradley Merrill Thompson
Mark Daniel Toljanic
Laura Romeo Tucker
Mary Kay VanderWeele
Richard A. Walawender
Jean MacDonald Weipert
Karl Thomas Williams
Milton Lawrence Williams
Bruce Allen Wobeck

1987

Donors 68
Dollars $15,229.00
Participation 17%

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Frances Witty Hamermesh
Michael David Kaminski
Graham E. Taylor

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David Edward Brase
David Alexander Bruscino
Lawrence Stephan Buonomo
John Robert Cahill
Jeffrey O. Davidson
Louis Keith Ebling
Jason Ott Engel
Douglas Richard Fauth
James Howard Gale
Justin Arthur Gerak
Douglas Ronald Ghidina
Mary Rogers Gordon
Troy Wayne Gordon
Steven Jeffrey Greene
Suzanne Paige Cohen
Laura Fitch Harrity
Domenica N. S. Hartman
Lori Francine Hirsch
Max Michael Hirschberger
Eric Richard Hubbard
Kimberly Wyche Huyghue
Michael Laurence Huyghue
Winston Kessler Jones
Kevin P. Kalinich
Martin Henry Karo
Anne Debra S. Kenney
Thomas Jay Knox
Alan Martin Koschik
Marla Joan Kreindler
Dominique Hughes Lechien
Scott Lamoine Long
David Andrew Lullo
Creighton Reid Magid
Teri Threadgill McMahon
Donn Charles Meindertsma
Douglas Alan Mielock
John Mucha, III
Kevin Ronald Nowicki
Glenn Douglas Oliver
Alan Max Olson
James Edwin Pettit
Larry M. Pollack
James Matthew Recker
Tomaz Rizner
Deborah L. Rosoff
J. Adam Rothstein
David Winfield Rowe
Beth Susan Rubin
Regina M. Schlatter
Paul David Seyferth
Neil Farrell Siegel
Louis William Staudenmaier
Tina S. Van Dam
Bradley Carroll Weber
Lee A. Wendel
Felisia Ann Wesson
John Miller West
Mary Jo Newborn Wiggins
Robert Warren Woodruff
Laurie Aline Wright
Sui-Yu Wu
John Anthony Ybarra
John Zavitsanos

1988
10th Reunion

Donors 47
Dollars $12,120.00
Participation 12%

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Steven Gill Bradbury
Gary Alan MacDonald

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Krista Diane Kauper
Fredrick Stuart Levin
Melissa Helen Maxman
Jeffrey David Nickel
Rick Silverman
Susan Kalb Weinberg

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Robert Michael Gerstein
Stephen Marc Gordon
Scott Alan Huizenga
Seth Edgar Jacobson
Tamara Lynn Joseph
Scott Michael Kosnoff
Richard Scott Kuhl
Michael Sean Laane
Robert D. Labes
Marjorie M. Margolies
Andrew James McGuinness
Jeffrey Herman Miller
Eric Wills Orts
Lisa Maria Panepucci
Robert Paul Perry
Robert Charles Petrulis
Terry Francis Quill
Richard Morris Rosenthal
David Joseph Rowland
Nicholas James Stasevich
David Strandberg, III
Craig Lewis Sumberg
Sheila Ann Sundvall
Nancie A. Thomas
Loretta Salzano Vanni
Michael Alan Weil
Richard Gerard Ziegler
Jennifer A. Zinn

HONOR ROLL

1989

Donors 54
Dollars $6,802.50
Participation 13%

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Michael David Rosenthal

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Henry E. Bartony, Jr.
Elizabeth Jolliffe Basten
Michael Aaron Berman
Jasper A. Bovenberg
David Charles Brownstein
Thomas Albert Brusstar
Sandra Miller Cotter
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Frank Emmert
Sara Anne Engle
Frank J. Garcia
Anna Marie Geyso
Robert Daniel Gordon
Douglas Grier
Robert K. Heineman
David Lukas Jenny
Denise Michael Kaplan
Lydia R. B. Kelley
Stephen William Kelley
W. David Koeninger
Carol Beth Krueger-Brophy
Donald Joseph Kula
Brandon David Lawniczak
David Nathan Lutz
John Francis Mahoney
Jonathan L. Marks
Daniel Miller
Susan Luree North
Jessica M. Notini
Audrey Anastasia Polite
Andreas Peter Reindl
Timothy Smith Reiniger
Lucy Sankey Russell
Daniella Saltz
Carol Harla Saper-Berman
James Edward Schaafsma
Eric Emil Schnaufer
Ellen Leigh Seats
Frederick Paul Sheinfield
Kenneth F. Sparks
Jane Ann Siggelkow Stautz
Robert Paul Stefanski
John Pierce Stimson
J. Douglas Toma
Bruce G. Tuchman
Stephen Joseph Valen
Barron Fitzgerald Wallace
David Arthur Westrup
Jack Maurice Williams
Ruth Elaine Zimmerman

1990

Donors 55
Dollars $7,093.19
Participation 14%

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Stephen Paul Griebel

ADVOCATES FOR EXCELLENCE
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Lisa Mihalick Beale
Raymond Eugene Beckering, III
David Andrew Breuch
Elizabeth Beach Bryant
Harold Richard Burroughs
Pamela G. Costas
Scott Leon Dahle
Tracy Donald Daw
Ronald Grant DeWaard
Jamal Laurence El-Hindi
Michael Francis Flanagan
Irenna M. Garapetian
Jerold Lee Gidner
Jeffrey Thomas Gilleran
Heidi Schalge Glance
Paul Eric Glotzer
Susan Marie Guindi
Monika Daniela Hajek
Andrew Russell Horne
Timothy Louis Horner
Thomas Harold Howlett
Kathryn Lucille Johnson
David Jeffrey Kaufman
James Scott Kennell
Constance Blacklock Kiggins
John Francis Klein
Stephen Andrew Klein
Hideaki Kubo
John Isador Lazar
Charles McPhedran
James Coleman Melvin
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James Joseph Rabaut
Michael Gabriel Redstone
Clisson Scott Rexford
Michael Nicholas Romita
Thomas Malcolm Sandilands
Gail Caroline Saracco
Tamara Kettner Severtson
Stephen James Siegel
Anthony Simon
Hiroo Sono
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