

Q LAW uadrangle

NOTES FROM MICHIGAN LAW



Michigan Law
UNIVERSITY OF MICHIGAN LAW SCHOOL

The University of Michigan Law School
Volume 55, Number 2
FALL 2012

Cover Photographs by Leisa Thompson

Cover Design by Tish Holbrook

Copyright © 2012
The Regents of the University of Michigan
All rights reserved.

Law Quadrangle (USPA #144) is issued by
the University of Michigan Law School.
Postage paid at Ann Arbor, Michigan.

Publication Office: Law Quadrangle,
University of Michigan Law School,
Ann Arbor, MI 48109-1215. Published
twice a year.

Postmaster, send address changes to:
Editor, Law Quadrangle
University of Michigan Law School
701 South State Street
Ann Arbor, MI 48109-3091

Director of Communications:
Catherine Behan

Editor: Katie Vloet

Designer: Tish Holbrook

Writers: Lori Atherton, Cynthia Bever,
Andrew Clark, Rebecca Freligh, Stuart
Glascock, Douglas A. Kahn, John Masson,
Clarissa Sansone, Amy Wimmer Schwarb,
Sandra Svoboda, James Tobin, Lawrence
W. Waggoner, Lara Zielin

Photographers: Kevin Casey, Philip Dattilo
Photography, T Charles Erickson, Lara Furar,
Andrew Goldman Photography, Capucine
Granier-Deferre, Ryan Lim, Ariana Lindquist
Photography, John Masson, Michigan
Photography (Scott Soderberg and Martin
Vloet), Leisa Thompson Photography

Illustrator: Carolyn Reed Barritt

Printing: Phoenix Innovate



05 **A MESSAGE FROM
DEAN CAMINKER**

06 **BRIEFS**

- 06 Michigan Access Program:
Revamped and Revived
- 07 European Reunion 2012
- 08 Bickner, Kearsse, and White Named
Distinguished Alumni for 2012
- 09 Exoneree Adjusting to Life Outside
the Walls

12 **FEATURES**

40 **FACULTY NEWS**

- 40 Gordon Hired as First Director of Zell
Entrepreneurship and Law Program
- 43 Katz Study Impacts Ruling in Voting
Rights Case
- 46 Faculty Research

50 **FACULTY VIEWS**

- 50 Retirees Beware: Don't Worry about the
British, "Taxmageddon" is Coming

52 **GIVING**

64 **CLASS NOTES**

- 64 Payton, '96, Takes Yoga Behind Bars
- 67 Saudek, '69: Harnessing Solar Energy to
Light Up Liberia
- 71 Armbrister, '82, Named President of Girard
College
- 77 In Memoriam

78 **CLOSING**

- 78 The Supremes

SPECIAL FEATURES

JUSTICE KAGAN HIGHLIGHTS SOUTH HALL DEDICATION WEEKEND

12



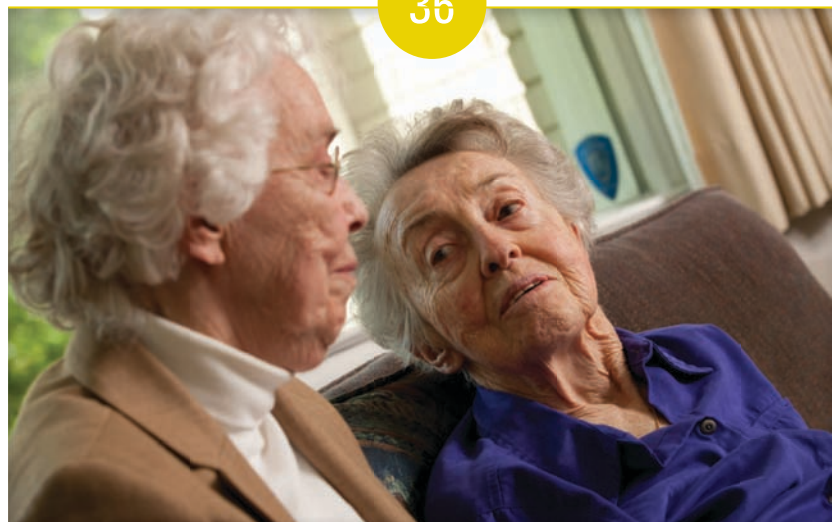
A WORLD OF DIFFERENCE

18



SISTERS IN LAW

36



CONTRIBUTORS



Douglas A. Kahn, the Paul G. Kauper Professor of Law, joined the Law School faculty in 1964. He is a leading figure nationally in tax law, and he teaches courses that include Tax Planning for Business Transactions, Taxation of Individual Income, Corporate Taxation, Partnership Tax, and Legal Process. He authored or coauthored two casebooks, several textbooks, and numerous articles.

Prior to beginning his academic career, he practiced in Washington, D.C., and served as a trial attorney with both the civil and tax divisions of the U.S. Department of Justice.



Ariana Lindquist is an award-winning photographer who divides her time between the United States and China. Her work has appeared in *The Atlantic Monthly*, *The New York Times*, *Time*, *Saveur*, and many other publications. Her numerous awards include a Fulbright and a first-place finish in the White House News Photographers Association's annual competition.



James Tobin is a journalist and historian whose books include *Ernie Pyle's War* and *To Conquer the Air: the Wright Brothers and the Great Race for Flight*, both of which received national awards. A former reporter for *The Detroit News*, he is an associate professor of journalism at Miami University in Ohio. His new book on Franklin Roosevelt and polio will be published in 2013.



Lawrence W. Waggoner, '63, Lewis M. Simes Professor Emeritus of Law, joined the Law School faculty in 1974. He is a leading figure in law reform with both the Uniform Law Commission (ULC) and the American Law Institute (ALI) in the fields of wills, trusts, and future interests. His ULC and ALI law-reform proposals have been adopted by the courts and legislatures in many American states and form the basis of law school courses in

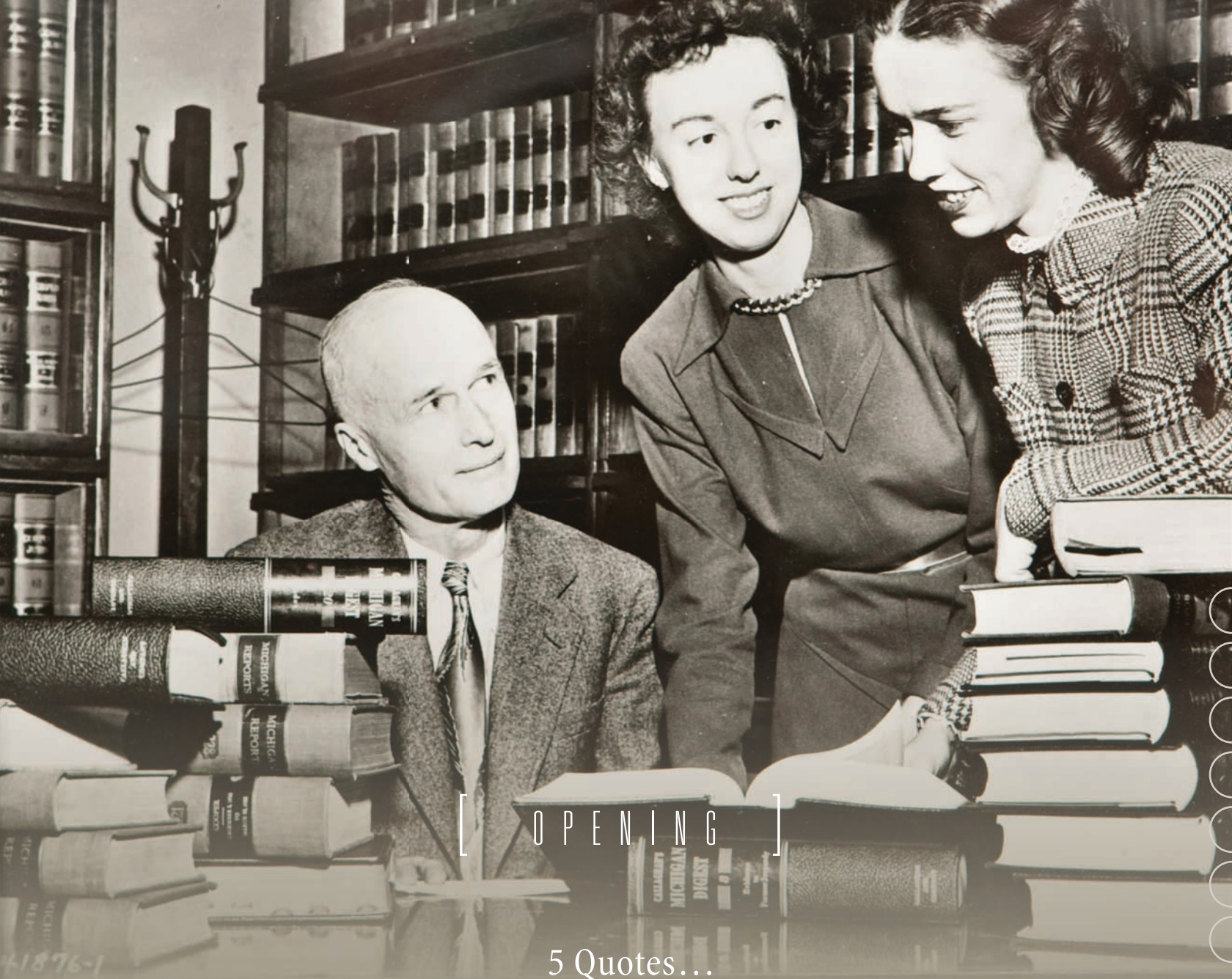
these fields nationwide. Earlier in his career, he practiced law with Cravath, Swaine & Moore in New York City and served on a joint staff in the Department of Defense.

Submit to *Overseas Alumni Notes*

Michigan Law alumni overseas are encouraged to submit notes about their professional and private perspectives, announcements of upcoming events, news of recent gatherings of alumni, and photos for the January 2013 issue of *Overseas Alumni Notes*. The publication is intended to refresh memories of Michigan Law and to reconnect with other alumni living outside of the United States. Please contact Dora-Maria Sonderhoff, assistant director of admissions, at dmsonder@umich.edu with a submission by the end of November.

Story Ideas for the *Law Quadrangle*?

Do you have story ideas for the *Law Quadrangle* or for our online sister publication, *Amicus*? An alum we should profile? A legal trend in which our alumni are prominent? An idea for our old- and new-photos feature in the back of the magazine? Email LQNGeneral@umich.edu.



[OPENING]

5 Quotes...

...In This Issue of the *Law Quadrangle*

1

"We learned how to think about issues from each other's perspectives and found a sense of empathy, wanting to understand where each other were coming from, learning, and growing from that." (p. 6)

2

"I want judges ruling on these cases who have slept outside at night, who understand the importance of wild things." (p. 29)

3

"A lot of times, you'd get a call and they'd say, 'put the lawyer on the phone,' assuming you were the secretary. Now there are enough women lawyers that they don't do that anymore." (p. 38; you'll also learn more about the photo on this page in that story)

4

"I have always felt called to serve the incarcerated. I am committed to this. I believe in the transformative power of yoga." (p. 64)

5

"He was offering snow leopards and rhinoceros horns and pandas. That's a global criminal who recognizes there's a great opportunity for profit." (p. 72)

Thank You, From the Cornerstone of This New Building



On September 7, we were honored by the presence of Supreme Court Associate Justice Elena Kagan at the dedication of the beautiful new South Hall academic building. We were pleased that close to 1,000 alumni and friends could join us at the celebratory dedication weekend, which also featured a Q&A with Justice Kagan, class reunions, and a solid gridiron win over Air Force.

For those of you who could not be in attendance, I wanted to share my thoughts and gratitude regarding the completion of South Hall, as expressed in the speech I gave that day. This state-of-the-art facility was possible only because of the dedication and support of the Michigan Law community. To all of you, thank you, and Go Blue.

Justice Kagan, President Coleman, Regent Deitch, other Regents and executive officers of the University, our very special law alumni family, students, and everyone else here today—welcome to a day of enormous celebration, and thank you for joining us for this special occasion.

The University of Michigan Law School was a very distinguished place long before the Law Quadrangle was even a gleam in William Cook's eye.

Indeed, from the moment we first opened our doors in 1859, Michigan Law was a leader in establishing some important pedagogic trends, and took on a mission consistent with its home in a public university.

From the beginning, Michigan Law promoted a public mission and ethos. Professor Thomas Cooley maintained that the primary obligation of Michigan-trained lawyers was not merely commercial, but also moral and political—to make good laws, and to take part in public life on the behalf of ordinary people.

And our teaching already combined legal theory and practice. As our founding Professor Charles Walker explained in 1859, the Law "Department was intended to make, not theoretical merely, but practical lawyers: not to teach principles merely, but also how to apply them." For example, the Law School was an early adopter of moot court and oratory skills courses. Indeed, in 1889, the law students challenged the Literary Department to a "Pronouncing Contest"—and to the consternation of English professors throughout the land, the lawyers won.

So from the very beginning, Michigan Law had a distinctive voice, and a distinctive role to play in American legal education.

But we also recognize it was William Cook's creation and funding of the Law Quad that truly put us on the national stage.

The Quad's magnificent architecture supported our educational mission. Grand spaces create a sense of purpose; Gothic towers and spires inspire us to reach beyond our present vision; and whimsical gargoyles and common-law cartoons keep us from taking ourselves all too seriously.

William Cook believed that architecture matters, and he was right. His majestic buildings have inspired generations of Michigan Law students.



Our wonderful new additions will be equally inspirational. But they will also do so much more, as pedagogy has changed significantly over the past eight decades.

To be sure, today's Distinguished Alumni Award-winner Professor J.J. White still teaches the same way he did back in 1934. He uses only his brain, a chalkboard to write on, a piece of chalk to write with, and a chalk eraser to throw at students who pass.

But others of us teach in a wide variety of different ways, completely unimagined in Cook's day.

Some of us teach classes in which students work through spreadsheets and other digital information, rather than appellate opinions.

Some of us teach classes for which half the students are sitting here in a South Hall classroom and the other half are sitting somewhere on the other side of the globe.

Some of us teach skills-based courses requiring students and faculty to interact in very flexible classroom environments.

Some of us train young lawyers in live-client clinics to negotiate, and argue in court, and structure real transactions, all of which requires space mimicking a modern law firm.

We teach in all of these different ways, maintaining our longstanding position at the forefront of curricular reform, so as to continue training students to be the leaders and best for modern legal and professional practice, in all of its varied forms.

The Quad, magnificent as it is, needed the supplementation of South Hall, with many wonderful spaces specially outfitted for the curriculum and pedagogy of the 21st century.

And I hope, as you gaze behind me, that you'll agree that South Hall appropriately supplements the Quad's architectural traditions as well, including the fact that the elegant granite comes from the very same quarry.

At the same time, South Hall reflects many appropriate modern-day sensibilities, such as the sustainability measures that helped us achieve LEED Gold Certification.

I believe that, in many ways, we have succeeded in bringing the Law Quad's beautiful buildings into the 21st century.

We don't build very often around here, only every Great Depression or so. But when we do, we do it well.

I'd like briefly to thank the many people who have helped make South Hall a reality:

- Members of the school's Building Committee, especially Chair Becky Eisenberg, and various students over the years, who have helped define the kinds of fresh new spaces we needed;
- Our wonderful architects, from Hartman-Cox in Washington, D.C., and Integrated Design Solutions in Troy, Michigan, and our amazing construction managers from Walbridge;
- The stellar members of the University's Architecture, Engineering, and Construction team;
- The University leaders who supported the project from day one, including the Board of Regents, President Mary Sue Coleman, Provost Phil Hanlon, CFO Tim Slottow, Facilities Guru Hank Baier, and the rest of the University's leadership team;
- Our alumni Campaign Steering Committee, under the inspiring—and I'll say relentless—leadership of Bruce Bickner;
- And of course, our many generous donors, whose support keeps this Law School outstanding.

To all of you here today, thank you from the bottom of my heart, and from the cornerstone of this new building.

Sincerely,

Evan Caminker

Evan Caminker
Dean and Branch Rickey Collegiate Professor of Law

Michigan Access Program: Revamped and Revived

Christine Gregory, '96, knows how important the Michigan Access Program (MAP) can be for students, because when she was a student, the program was a fundamental part of her success at Michigan Law.

"I really needed MAP as a student. It's how I got support, it's how I interacted with the Law School," says Gregory, now assistant dean for student affairs.

The program had begun in the 1960s, founded by the Black Law Students Alliance (BLSA). Later, it developed into the Law School's primary diversity program; when Gregory was

MAP continued under the new setup for several years, with all students invited to participate. Through the course of the changes to the program, though, it "lost its purpose and its mission," Gregory says. "I really tried to figure out how to reclaim that mission, to be more about social justice and leadership and not just about having an extra week to meet people at the start of law school."

She began working with the Program on Intergroup Relations, a social justice education program at the University. The new MAP, which began in the 2010–11 year, was a massive overhaul. The program required applications, on which incoming students had to show that they were committed to social justice.

"I wanted to think about the program in a way that was compliant with Prop. 2, but also more useful to students," Gregory says. "It was important to me that MAP help students raise issues of race and identity in the classroom, which can be a very intimidating space." MAP continues to have a mix of students—and could be a model for other universities that need to change or eliminate race-based programs, but want to offer students an inclusive classroom experience, Gregory says.

One of the exercises is a mock criminal law class in which Mark West, Nippon Life Professor of Law and associate dean for academic affairs, teaches *People v. Goetz*—a case in which race was likely a factor but was never mentioned in the opinion. Students discuss the case, then engage in a critique with faculty. This, plus a conflict-resolution exercise, an arbitration simulation, and more, are designed for students to develop cultural competency skills and be empowered to raise issues of race and identity in class discussions. It works, say the participants.

"The program was useful in thinking about how issues of social justice often need to be forced to the front of conversations and how to look at cases and issues from multiple perspectives," says 2L Perry Teicher. "Coming from different years, different backgrounds, and different experiences made the program and the friendships strong—we learned how to think about issues from each other's perspectives and found a sense of empathy, wanting to understand where each other were coming from, learning, and growing from that."

Adds 2L Betsy Fisher: "The biggest contribution that MAP made to me was to build a sense of community among the social justice-minded students, who without such an opportunity can be hard to find. After a week of intense and honest discussions about identity and the law school atmosphere, the 25 of us were fast friends, and we continued those friendships throughout the school year."

Andrew Dalack, a 2L, found that his MAP training affected him throughout the school year. "Although I would have been willing to raise issues of race or identity during classroom discussions had I not participated in MAP, knowing that there were other MAP students in my section made me more comfortable to initiate these potentially divisive, yet important, conversations."—KV



PHILIP DATTILO PHOTOGRAPHY

1L Noha Moustafa receives her "Change Agent" pin from 3L Betsy Fisher during a MAP ceremony during the program's orientation week just before the start of the school year.

a student, MAP included a weeklong pre-orientation program for students of color. During that week, the program focused on demystifying the law school experience, connecting with fellow minority students, and generally learning about diversity at Michigan Law.

Following the Supreme Court's 2003 decision in *Grutter v. Bollinger*, the Law School made some changes to MAP, even though the decision upheld the Law School's use of affirmative action, Gregory says. MAP was opened to all students beginning in 2004. When Proposal 2 became law in Michigan in 2006—banning all preferential programs based on race, nationality, or gender—"what we had done voluntarily now was required by law," Gregory says.



European Reunion 2012

The European Alumni Reunion in Paris welcomed 160 guests from 18 countries in late June and early July. They included members of prominent global law firms and international organizations, university professors, and international judges, and represented class years from 1959 through 2011, says Lara Furar, director of alumni relations at the Law School.

The festive weekend featured a reception at the Hôtel de Talleyrand; a conference with discussions about China, India, gender discrimination in Europe, constitutional courts, and the global financial situation; a gala dinner at Cercle de l'Union Interalliée, which included a tribute to the late Hessel E. Yntema Professor Emeritus Eric Stein, '42 (whose widow, Ginny, is pictured at the reunion, top left); and a farewell brunch. Pictured below left are Hwesu Murray, '79, and Damali Murray. Bottom right: Dimosthenis (Dimo) Papakrivopoulos, LLM '98, and his guest, Inga Papierska.



Bickner, Kears, and White Named Distinguished Alumni for 2012

By Rebecca Freligh

The three recipients of Michigan Law's 2012 Distinguished Alumni Award have achieved eminent careers in business, the judiciary, and academia. The awardees are Bruce P. Bickner, '68; the Honorable Amalya L. Kears, '62; and James J. White, '62, Michigan's Robert A. Sullivan Professor of Law.

"We are delighted to honor such remarkable alumni as the 2012 recipients of this prestigious award," says Dean Evan Caminker. "All have made an important difference in their fields and to the Law School. All represent the best of Michigan Law."

The dean presented the awards at a ceremony on September 7 during the South Hall dedication weekend.

Bickner, of Sycamore, Illinois, held various executive positions at DeKalb Corporation from 1975 to 1998. He became chair and chief executive officer of DeKalb Genetics Corporation in 1985, oversaw the sale of the company to Monsanto Corporation in 1998, and served as executive vice president of Monsanto from 1998 to 2002. He currently is an independent business consultant and director of several companies. Following a federal clerkship, Bickner practiced from 1970 to 1975 with Sidley & Austin, where he was a partner. Bickner serves on President Mary Sue Coleman's Advisory Group and Dean Caminker's Advisory Council. He chairs the Law School's Development and Alumni Relations Committee and is the former chair of the Law School's Campaign Steering Committee during its successful Michigan Difference campaign.

Kears, of New York City, was named to the U.S. Court of Appeals for the Second Circuit in 1979, the first woman and second African American judge (after Justice Thurgood Marshall) to be appointed to the Second Circuit bench. She has served the appeals court on senior status since 2002. Kears began her career as an associate attorney with Hughes Hubbard & Reid in New York in 1962. In 1969, the firm named her a partner, the first woman and the first African American lawyer to achieve that status. She continued in practice with Hughes Hubbard until 1979, when President Jimmy Carter named her to the federal bench. Kears was the first woman to be elected to the American College of Trial Lawyers.

White, of Ann Arbor, is one of the most highly regarded teachers and scholars in the Law School's history. He has written on many aspects of commercial law: His book *Uniform Commercial Code* (written with Summers and Hillman) is the most frequently cited and widely used treatise on the subject. White also is the author of several casebooks on commercial, bankruptcy, and contracts law. He has served as the reporter for the Revision of Article 5 of the *Uniform Commercial Code* and is a commissioner on uniform laws from Michigan. He practiced privately in Los Angeles before coming to the Michigan faculty in 1964. White served as the Law School's associate dean from 1978 to 1981. He received the Law School's L. Hart Wright Award for Teaching, and the Homer Kripke Achievement Award given by the American College of Commercial Finance Lawyers.

To submit a nomination for the 2013 Distinguished Alumni Award, please visit www.law.umich.edu/alumniandfriends/Pages/DistinguishedAlumniAward.aspx.

From left: White, Kears, Bickner, and Professor Emeritus John Reed, who introduced Kears.





Exoneree Adjusting to Life Outside the Walls

By John Masson

Starting life from scratch after being wrongly imprisoned for more than a quarter of a century for murder and arson is no easy task, as David Lee Gavitt can attest.

“There have been some challenges, but I’m trying to tackle them and deal with them,” says Gavitt, who was exonerated thanks to the efforts of Michigan Law’s Innocence Clinic.

Consider some of those challenges. When Gavitt walked out a prison door in Carson City, Michigan, on June 6, he had two heavy steamer trunks and a typewriter. And that was everything he owned.

The unseen burden he carried with him was heavier: his loss, to wrongful convictions, of fully half of his life. And even that wasn’t the worst of it. He had never been able to properly mourn the deaths of his wife and two small daughters, killed in the 1985 house fire that set him on a collision course with bad science and the criminal justice system.

When his family was buried, Gavitt was still hospitalized with injuries he had sustained trying to rescue them and was well on his way to being falsely charged with their murders.

“The 26 years I did in prison doesn’t even come close to the hell of losing my wife and daughters,” Gavitt says. “That was the ultimate hell. That, and the humiliation I felt just being accused of it.”

His lawyers from the Innocence Clinic—Imran Syed and Caitlin Plummer and professors Bridget McCormack and David Moran, ’91 (all pictured above with Gavitt)—worked to end that humiliation. They had been pushing for his release since September 2010, when then second-year law students Plummer, Syed, and Max Kosman, all 2011 grads, read Gavitt’s application and argued forcefully for the clinic to take his case.

“As the prison door opened, and I saw the expression on David’s face, I was completely overcome with emotion,” Plummer says. “Both immense joy that David finally had this freedom, but also a deep sadness that it took this long. Everyone was at a loss for words; all we could do was hug him and wipe our eyes. It is a moment that I will never forget and one that will continue to inspire me as a lawyer.”

When Gavitt was released, the first thing he wanted was to be driven straight to the cemetery where his family is buried. He

wept at the graveside of his wife and two daughters, finally having the chance to grieve their loss.

An arson expert consulted by the Innocence Clinic said there was “no evidence whatsoever of a crime” in Gavitt’s case. “We knew right away that this case happened during the Dark Ages of arson science,” says Moran, who cofounded the clinic with McCormack. Gavitt is the sixth person freed during the clinic’s three-year history.

“This was during a time when poorly trained experts classified countless natural fires as arsons,” Moran says. (Read more at www.law.umich.edu/quadrangle about the now-debunked theories that convinced jurors that gasoline had been poured on the house fire, and the botched test by a state police crime lab.)

To be sure, challenges remain for Gavitt. If he had been an inmate being paroled, or being released after serving his full sentence, the State of Michigan would have helped him transition to freedom both before and after his release.

As someone whose innocence has been demonstrated in court, however, he receives no such help. The bitter irony is not lost on him: The people who lose large swaths of their lives serving time for crimes they didn’t commit get no help from the very institutions that wronged them in the first place.

“People who are paroled or ‘maxing out,’ they do get assistance from the state,” such as housing assistance and employment counseling. “But exonerees like me and others, they’re just basically shoved out into the world, and good luck,” he says.

Fortunately, Gavitt says, he’s always been a hard worker. Over the course of decades in prison, he managed to work to the top of the inmate job ladder. When he was released, he was a food service clerk, ordering supplies and handling inmate payroll. His pay: 32 cents an hour.

During his incarceration, he was able to amass about \$1,000, which he brought out of prison with him. His girlfriend allowed him to move in with her. He’d had solid job offers, but was forced to delay accepting because of transportation issues. Things began looking up when a kind stranger donated an old, high-mileage car while Gavitt was working on getting a new license—his first since the 1980s.

“As far as financial-wise, it’s still rough,” Gavitt says. Still, he adds, “being confined in prison walls for so long, and then all of a sudden the walls open up and it’s like being reborn.”

Il-Won Kang, LLM '93, appointed to Korea's Constitutional Court

Il-Won Kang was appointed in September to Korea's Constitutional Court, marking the third time since 2010 that a Michigan Law LLM graduate from the class of '93 has been named to his or her country's highest courts.

Kang's appointment as one of nine Constitutional Court justices was approved during a meeting of the National Assembly. Lawmakers appointed other new justices to the court at the same time, according to news reports.

Hwa-Jin Kim, a William W. Cook Global Law Professor at Michigan Law, said the appointment is in keeping with the quality of the cadre of Michigan Law graduates in Korea. "In general, the Korean Michigan Law alumni club is relatively small," he said, adding that it does include other senior judges. "The quality of our graduates is well known to the legal community in Korea."

Mark West, associate dean for academic affairs and the Nippon Life Professor of Law, said the relatively small size of the international program helps account for the collegiality that is its hallmark, and for the tight-knit nature of the international alumni group.

"Michigan Law's history of international legal scholarship stretches back almost to our founding more than 150 years ago," he said. "Justice Kang's appointment to his country's highest court is another example of the strength of that history, and we're delighted to hear about it."

Kang's appointment caps his long list of judicial accomplishments, including sitting as a judge on several lower courts, including the Seoul High Court. He also held a number of appointments to important judicial policy posts, including chief judicial policy coordinator at the National Court Administration for the Korean Supreme Court, and he studied American courts in the National Center for State Courts in 1997. Kang also served internationally as rapporteur for Working Group II (Arbitration and Conciliation) with the United Nations Commission on International Trade Law in Vienna in 2004.

Kang joins 1993 classmates Susanne Baer and Maria Lourdes Punzalan Aranal-Sereno in serving on their countries' high courts; Baer was elected to the German Federal Constitutional Court in 2011, and Sereno was named to the Supreme Court of the Philippines in 2010, recently becoming chief justice (see story at right).—JM

Dean Search Begins

As Dean Caminker enters the final year of his 10-year appointment, an advisory committee assisting the provost in the search for a new dean of the Law School has received input from faculty, administrators, and students, and plans to make its recommendations by the end of fall term 2012.

The committee is chaired by Professor Ellen Katz. Other law faculty on the committee are Alicia Davis, Bruce Frier, Monica Hakimi, Don Herzog, Kyle Logue, Richard Primus, and Kim Thomas, as well as Senior Assistant Dean Sarah Zearfoss, '92; Alison Davis-Blake, the Edward J. Frey Dean of the Ross School of Business at U-M; Robert B. Fiske Jr., '55, HLLD '97, senior counsel in the Litigation Department at Davis Polk & Wardwell; and 3L Kate Gilbert.

The committee will make its recommendations to Provost Philip Hanlon, who, together with President Mary Sue Coleman, will make a recommendation to the Regents for approval.



Sereno, LLM '93, Named Chief Justice of Supreme Court of the Philippines

Maria Lourdes Punzalan Aranal-Sereno, LLM '93, has been named the 24th chief justice of the Republic of the Philippines. Named an associate justice on the country's Supreme Court in 2010, Sereno is the first woman to serve as chief justice.

Appointed at age 52, she could serve as long as 18 years, until the mandatory retirement age of 70. President Benigno S. Aquino III (pictured here with Sereno) appointed her to the court and to the role of chief justice.

"The president is confident that Chief Justice Sereno will lead the judiciary in undertaking much-needed reforms. We believe the judicial branch of government has a historic opportunity to restore our people's confidence in the judicial system," Edwin Lacierda, the president's spokesman, said in a statement.

Sereno previously served as executive director of the Asian Institute of Management Policy Center; taught civil law, negotiable instruments law, and international trade law as a faculty member of the Philippine Judicial Academy; and was on the faculty at the Hague Academy of International Law, Cambodia.



Lawyers Club Renovation Progresses

Construction is under way on the renovation of the Lawyers Club, which has not been altered substantially since it was built in 1924. The project includes the addition of horizontal corridors, primarily private bathrooms, and restoration of the building exterior.

The project is funded in significant part by a \$20 million gift from Berkshire Hathaway Vice Chairman Charles T. Munger, HLLD LAW '10. The remaining amount is coming from central university proceeds and the Lawyers Club, which is run by a separately incorporated, self-sustaining nonprofit organization.

The Lawyers Club is expected to reopen in time for the 2013–14 school year. For the current year, the Law School has worked with four nearby apartment complexes to secure exclusive leasing by law students.

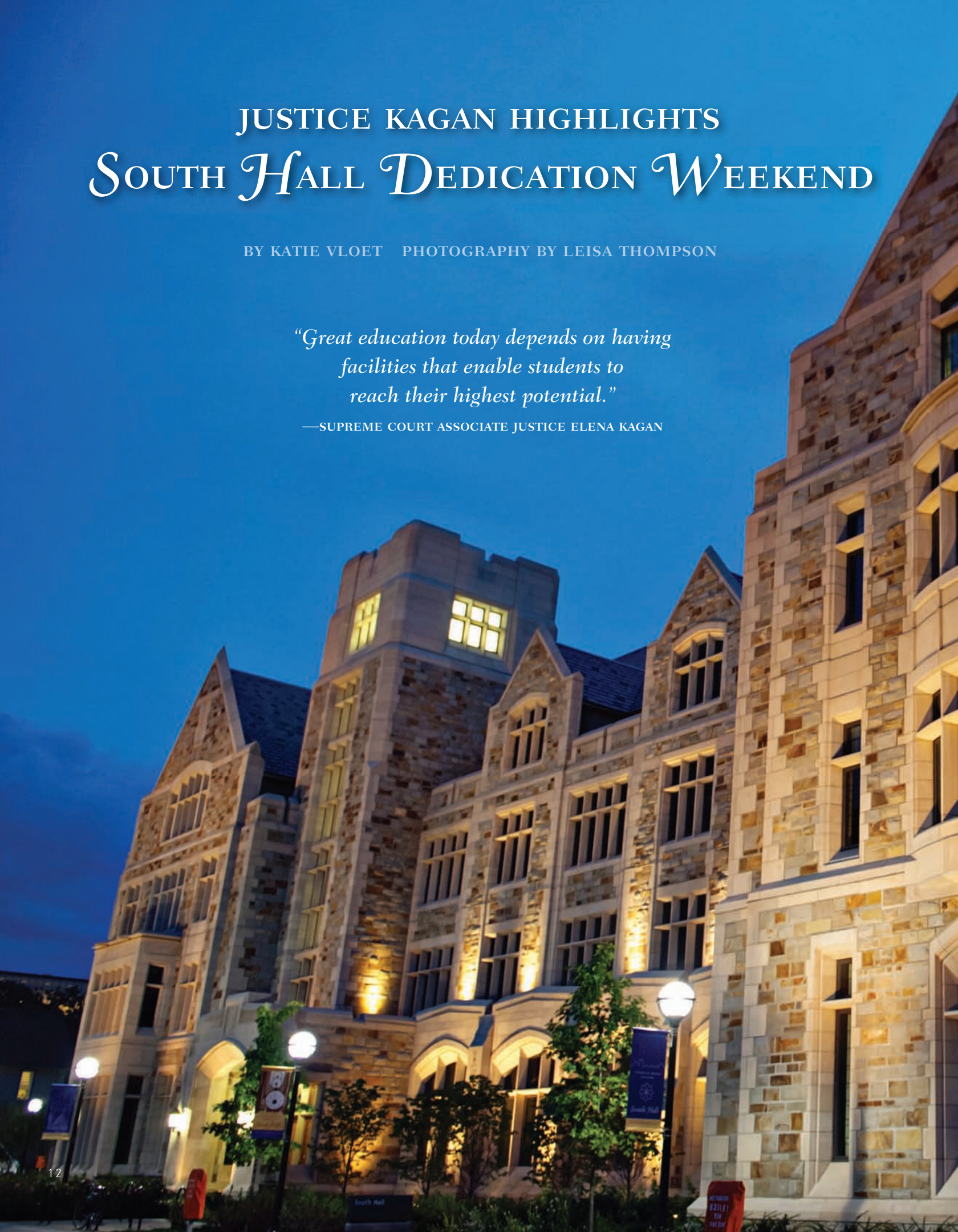


JUSTICE KAGAN HIGHLIGHTS SOUTH HALL DEDICATION WEEKEND

BY KATIE VLOET PHOTOGRAPHY BY LEISA THOMPSON

“Great education today depends on having facilities that enable students to reach their highest potential.”

—SUPREME COURT ASSOCIATE JUSTICE ELENA KAGAN







“We don’t build very often around here, just every Great Depression or so. But when we do, we do it well.”

Dean Evan Caminker spoke those words at the September 7 dedication of the South Hall academic building in a speech that highlighted the architectural and pedagogical significance of the new building, as well as the difficulties of building it during an economic downturn.

“I believe,” he said, “that we have succeeded in bringing the Law Quad’s beautiful buildings into the 21st century.”

Adding to the grandeur of the event was the presence of Supreme Court Associate Justice Elena Kagan, who spoke at the dedication as well as at a Q&A with Caminker earlier in the day.

“How stunning is this,” Justice Kagan said, waving toward the front of South Hall during the dedication ceremony on Monroe Street.

Justice Kagan, former dean of Harvard Law School, understands the importance of great facilities. “Great buildings are really important to great law schools. Great education today depends on having facilities that enable students to reach their highest potential,” she said.

And a great education is exactly what Michigan Law students receive, she said.

“Of the law schools in America, who really provides the kind of training, the kind of education that we would most like the next generation of lawyers to have? Who is able to marry the study of legal theory and legal doctrine and legal skills? . . . Who is able to focus both on domestic law and international law? Who is able to bring it all together?”

“I think the University of Michigan Law School is able to do that like very few other schools do,” she said, calling it “the preeminent public law school in the United States.”

Justice Kagan addresses the dedication audience (top left); meets with faculty, including Professor John Pottow (top right); speaks with Dean Caminker and Senior Assistant Dean Sarah Zearfoss; and with Caminker and University President Mary Sue Coleman.

A LOOK BEHIND THE CURTAIN

During dedication weekend, Justice Kagan gave an inside look at the Supreme Court at a Friday morning talk. She said justices are not motivated to rule in certain cases to favor or disfavor a particular president, that members of the Court genuinely like and respect one another, and that she—the junior justice—has tasks such as serving on the Court’s cafeteria committee.

“There is not a single member of this Court, at a single time, who has made a decision, who has cast a vote, based on *do I like this president, do I not like this president . . . will this help the Democrats, will this help the Republicans?*,” she said. “It is just not the way any member of the Court thinks.”

Still, she said, “there are certain substantive matters that we divide on because we approach Constitutional decision-making in a different sort of way, because we bring different methodologies to the table, because we have different views about governing precedents and how broad or narrow those precedents are.” The Court, she added, would be better off “if we had fewer of these 5-4 cases. . . . I would like to have a Court where there’s more unpredictability of decision-making.”

Justice Kagan made the remarks during a Q&A with Law School Dean Evan Caminker, who served as a Supreme Court clerk around the same time as Justice Kagan and who became dean the same year that she was appointed dean of Harvard Law School.

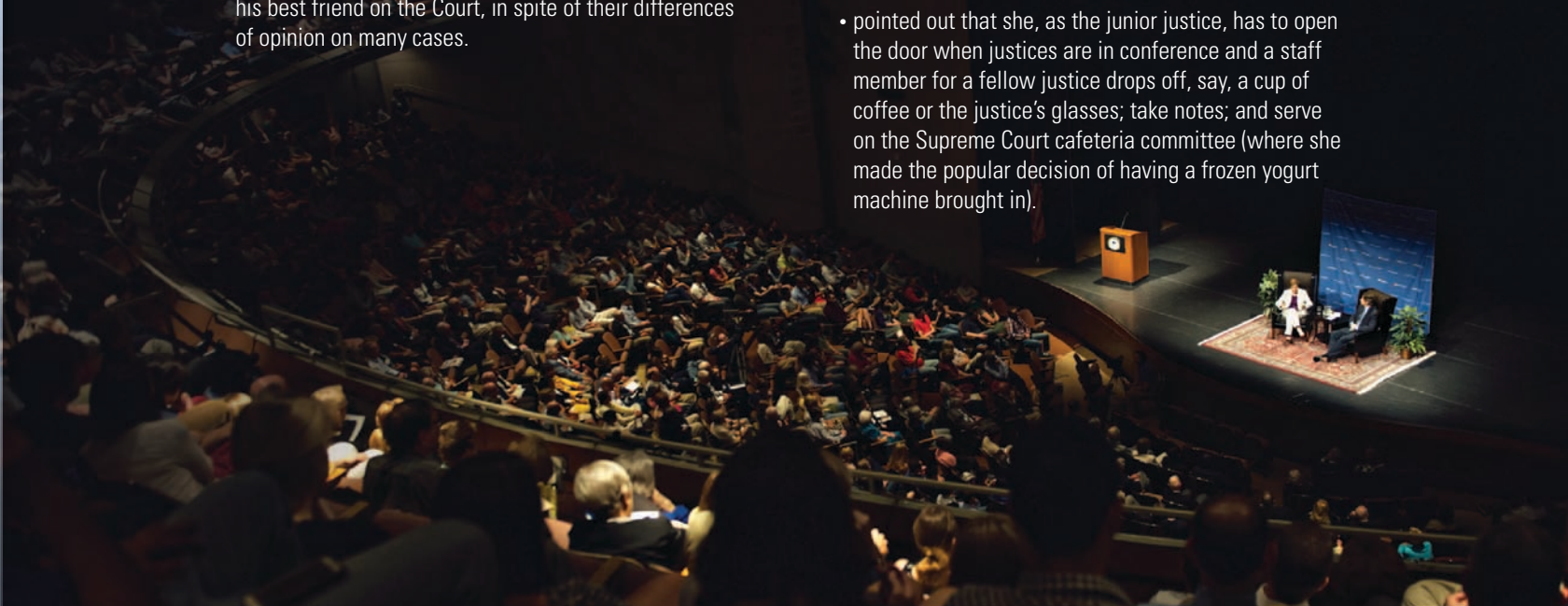
She talked about how collegial the Court is—even more so now, she said, than when she clerked for Justice Thurgood Marshall in 1987.

“This may be the most intimate, warmest institution I’ve ever participated in,” she said. “We all have enormous respect for each other,” she said, adding that Justice Antonin Scalia considers Justice Ruth Bader Ginsburg his best friend on the Court, in spite of their differences of opinion on many cases.



In other portions of the Q&A, Justice Kagan:

- said she used to support allowing cameras into Supreme Court oral arguments, but now wonders whether that would make the institution work “less well,” in part because of her concern that a clip would end up, out of context, on the evening news;
- said that questioning by the justices during oral arguments has grown more detailed and intense in recent years, starting with Scalia, whose view was: “We’ve all read the brief. . . . Let’s try to make this hour of our day useful”;
- disputed a belief that clerks have too much power and influence on the Court’s decisions. “The notion that these 28-year-olds are deciding cases? They’re not.” Clerks are very helpful, though, at deciding which cases the Court should take, she said;
- pointed out that she, as the junior justice, has to open the door when justices are in conference and a staff member for a fellow justice drops off, say, a cup of coffee or the justice’s glasses; take notes; and serve on the Supreme Court cafeteria committee (where she made the popular decision of having a frozen yogurt machine brought in).





A PIECE OF ENDURING BEAUTY

Later in the day, at the dedication of South Hall, the focus was on the building's importance to a Michigan Law legal education and on the institution's gratitude for the extraordinarily generous donors who made the building possible.

Speakers at the event—officiated by Bruce Bickner, '68, chair of the building fundraising committee—included Justice Kagan, U-M President Mary Sue Coleman, U-M Board of Regents Chairman Laurence B. Deitch, '72, and Dean Caminker.

During her speech, Coleman quoted Law Quad benefactor William W. Cook, an 1882 graduate, about the importance of the kind of strong and wide-reaching legal education that Michigan provides: "The character of the legal profession depends on the character of the law schools. The character of the law schools forecasts the future of America."

Caminker spoke of the Law Quad's "magnificent architecture" that has "supported our educational mission" for many decades. "Our wonderful new additions will be equally inspirational," he said. "But they will also do so much more, as pedagogy has changed significantly over the past eight decades."

Construction of the building, which houses state-of-the-art classroom and clinic spaces as well as faculty and staff offices, began in 2009 and was completed last winter.

Each classroom is equipped with flexible, easy-to-use technology to make it easier for professors to bring their points to life. All five full-size classrooms include intuitive, touch-panel control systems, document cameras, a larger touch screen that allows professors to annotate documents projected on video screens, and much more. Two of the rooms are fully equipped for videoconferencing and distance learning.

Other areas of the building call for more specialized equipment—some of it carefully designed to protect the sensitive information lawyers customarily handle. The clinical suites boast five interview rooms with digital equipment that can produce video or audio recordings at the push of a button.





Interviews also can be viewed over a secure Internet connection, allowing professors to monitor the discussions.

The new building received LEED Gold-level certification for Leadership in Energy and Environmental Design from the U.S. Green Building Council, becoming only the second building on campus to earn the distinction.

It had been almost 80 years since Michigan Law last dedicated a new academic building. An associate justice of the Supreme Court also spoke at that ceremony, held in June 1934.

"For the first time it has been given to an American university to establish a unit completely organized and equipped for the training of lawyers, for research in legal science, and for the intimate association at a common meeting place of students and teachers of law with the members of the Bench and Bar," Justice Harlan F. Stone said at the 1934 event.

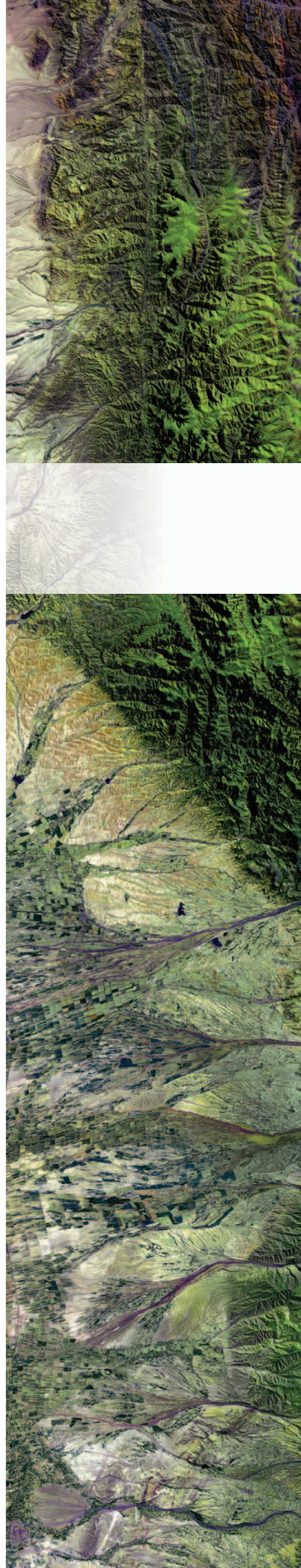
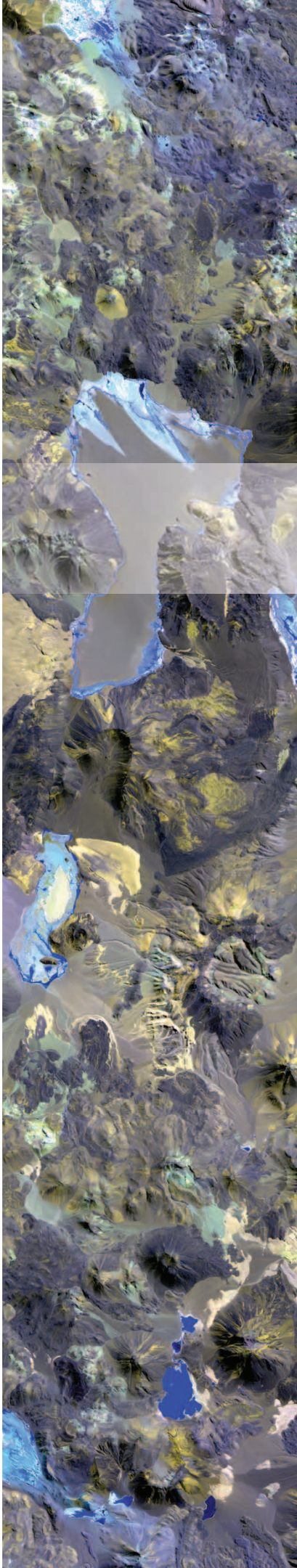
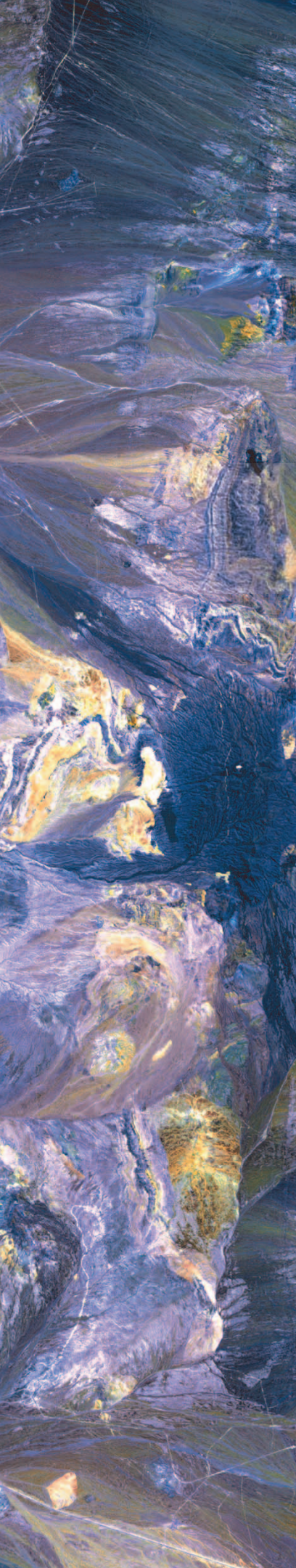
"By that magic," he continued, "which only the modern world has known, in a brief interval of time all the physical equipment which skill and ingenuity could devise to aid those engaged in the common enterprise of advancing the science of the law has been here assembled, clothed in architectural forms of enduring beauty, and richly endowed to insure its service in perpetuity."

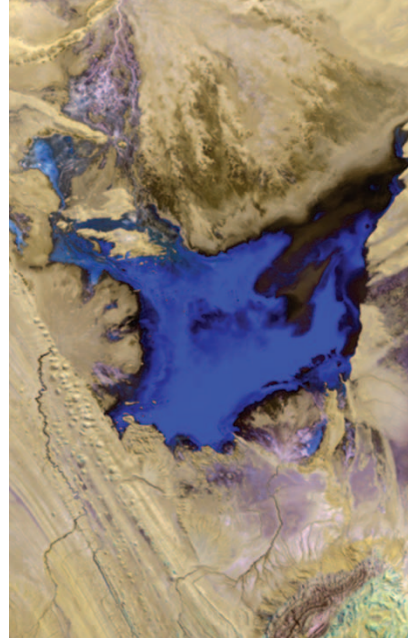
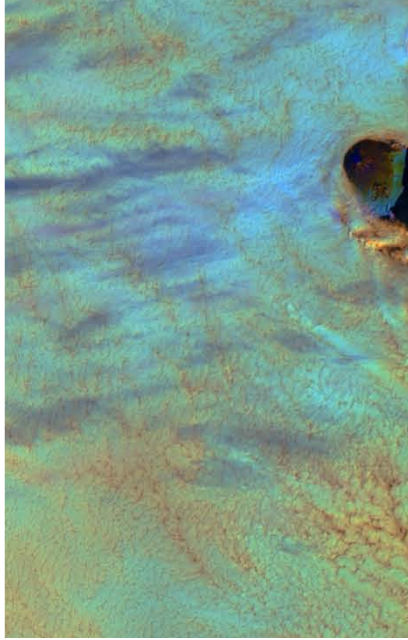
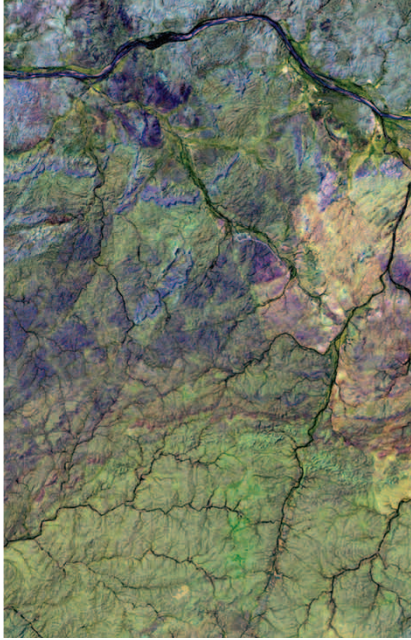
On September 7, 2012, a new piece of enduring beauty officially became part of the storied Law Quad.

John Masson and Lori Atherton contributed to this story.

Opposite page, center: Justice Kagan greets Distinguished Alumni Award honoree Amalya Kears, '62. Opposite page, bottom: University President Mary Sue Coleman addresses the dedication crowd. This page, top: Justice Kagan chats with Yale Kamisar, the Clarence Darrow Distinguished University Professor of Law Emeritus. Top right: Justice Kagan holds an informal discussion with a class. Center: Justice Kagan poses with 3L Adrian Ohmer, 2L Liz Och, and 3L Molly Watters. Bottom: Dean Caminker and Justice Kagan study the Law School's pictorial gift to her.







IMAGES COURTESY OF EARTH AS ART, USGS, EROS, USGS.GOV/IMAGEGALLERY

A WORLD OF DIFFERENCE

BY KATIE VLOET

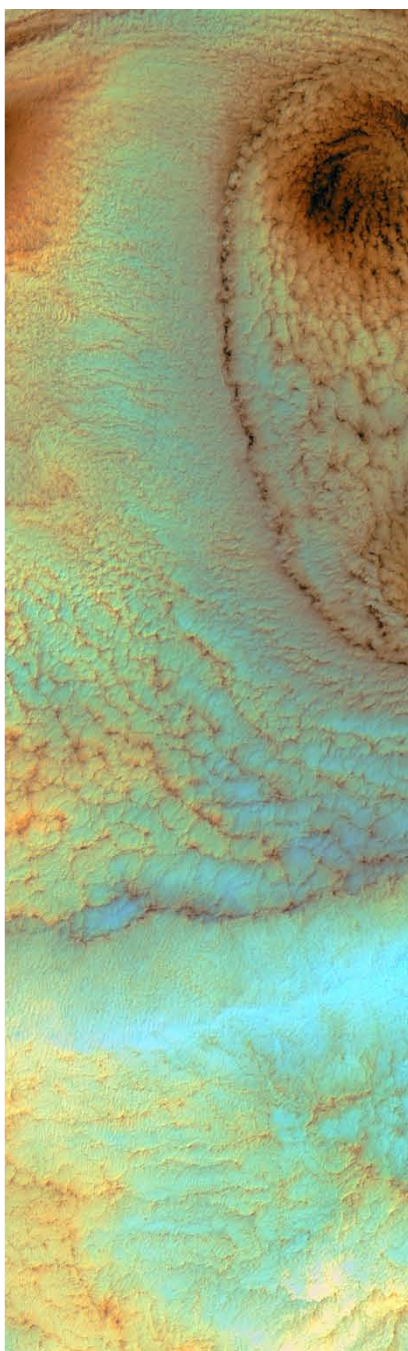
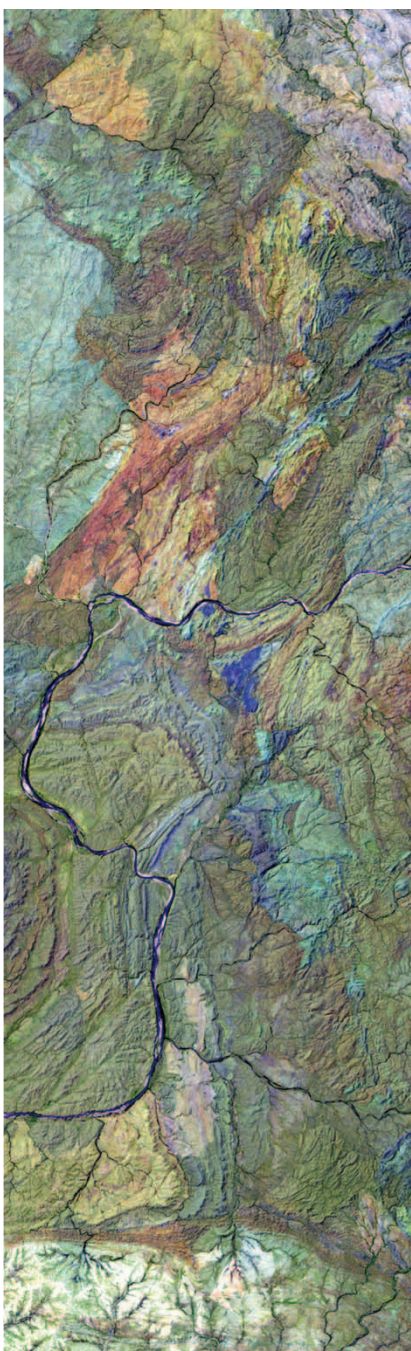
Some love rocks, some love rivers. Some are haunted by tragedies; others are driven by the pursuit of wrongdoers.

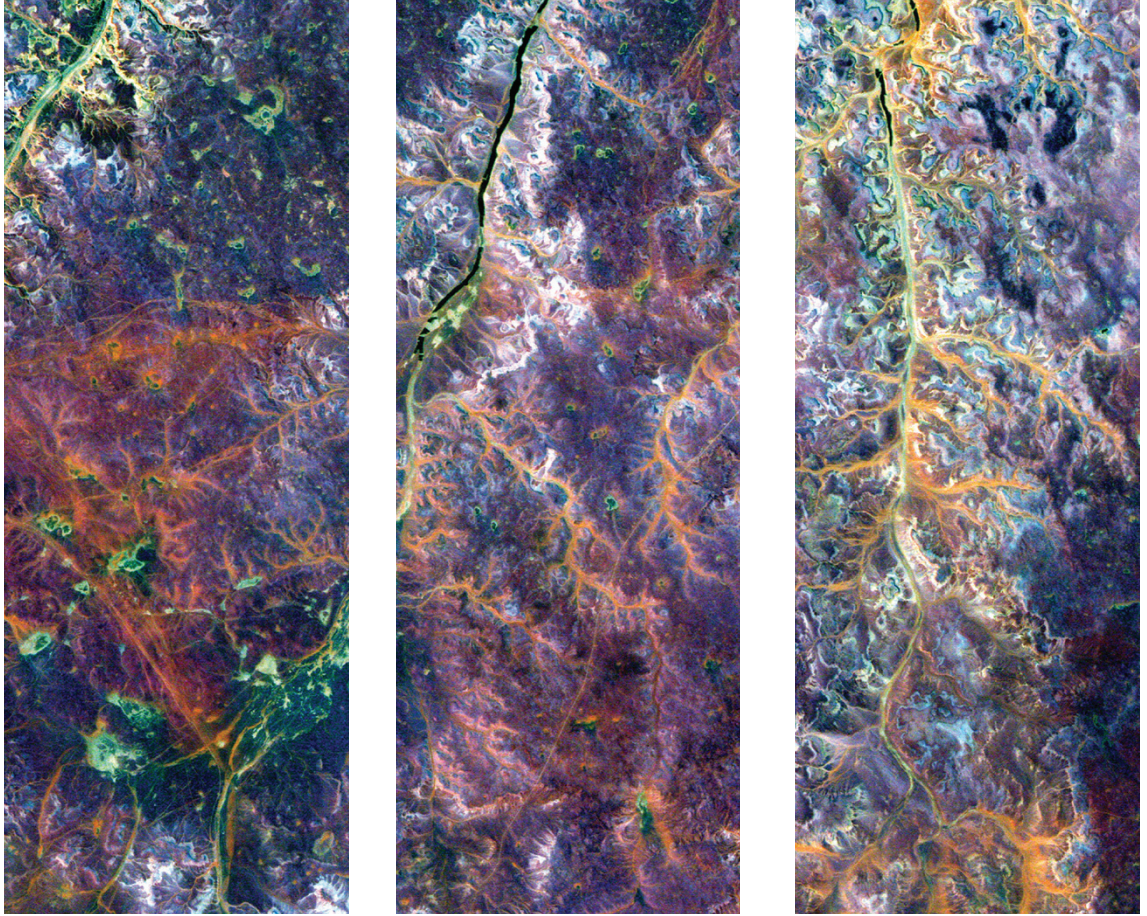
“I grew up in New Jersey and watched fish in a lake that I lived across the street from go belly-up one day. And I watched some of the last space be subdivided in the city I grew up in. That sensitized me to these issues,” says Fred Krupp, '78, president of the Environmental Defense Fund.

People who pursue environmental law as a career have their reasons, many of which we will highlight in the alumni profiles that follow. No matter the reasons, this is an exciting—some would say unsettled—time in the field of environmental law.

The political landscape has veered dramatically since a time when most legislators, Republican and Democrat, supported passage of the Clean Air Act in 1970, the Clean Water Act in 1972, and nearly two dozen environmental statutes during the 1970s. Indeed, environmental issues have become divisive and, at times, politically hazardous—perhaps the reason that neither major-party candidate for president has focused much on them during the current election cycle. But this is exactly the time when environmental issues most need to be addressed, says David Uhlmann, the Jeffrey F. Liss Professor from Practice and the founding director of the five-year-old Environmental Law and Policy Program (ELPP) at Michigan.

“It’s hard to think of a time when partisan differences were greater,” he says. “But it’s also hard to think of a time when environmental issues loomed larger.”





A bit of doom and gloom hung in the air

at the National Association of Environmental Law Societies (NAELS) conference, which ELPP brought to Michigan Law in March. Speakers at the conference said there are plenty of reasons to feel cynical about the attitude in Washington toward environmental issues.

Still, many of them pointed out, there are glimmers of hope: state and local regulations that have been beneficial, changes in the international environmental scene that show promise, and the fact that so many law students attended the conference and are impassioned about the issue.

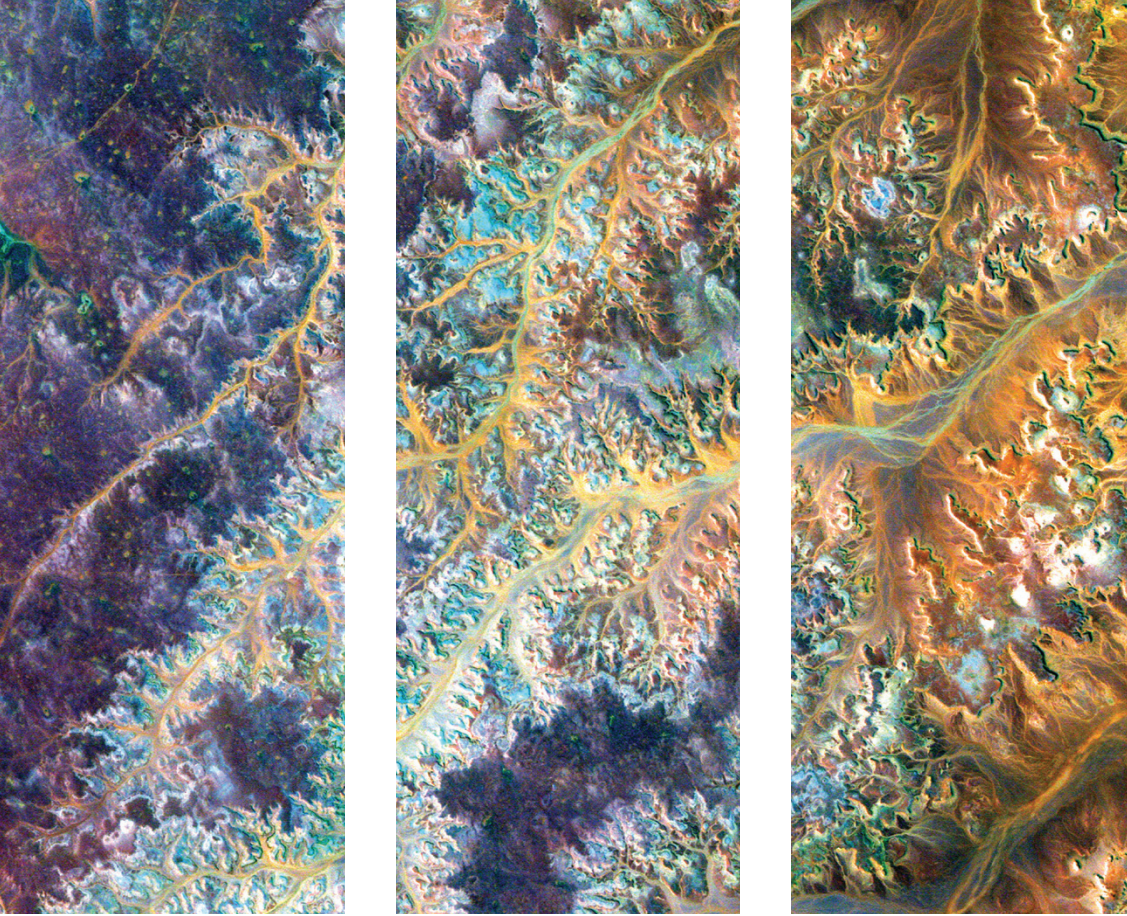
“Now it becomes your story,” NAELS Executive Director Dan Worth told students at the conference, “25 Years Back, 25 Years Forward: Environmental Law at the Crossroads.”

Scott Robinson, 3L, is one of the students who will shape the narrative of that story. With one year to go in law school, he already feels prepared to have an impact on the field of environmental law, and on the world in general.

Robinson is one of six student supervisors for Uhlmann’s Environmental Crimes Project, the first comprehensive, empirical study of environmental criminal prosecutions in the country. More than 100 students have collaborated on the two-year-old project, creating a searchable database about pollution prosecutions investigated by the U.S. Environmental Protection Agency.

He also was part of a yearlong project examining fracking, with ELPP lecturer Sara Gosman, and has worked in the Environmental Law Clinic. “It’s been a tremendous experience. I feel like I’m gaining the experience in law school that I’ll need to go out into the world and be a successful environmental lawyer,” he says.

Liz Och, currently in her third of four years as a dual-degree student, has been involved in a variety of ways: co-chairing an ELPP symposium, serving on the founding committee of the new *Michigan Journal of Environmental and*



Administrative Law (MJEAL), serving as president of the Law School Student Senate, and working toward degrees from the Law School and the U-M School of Natural Resources and Environment. Och credits the documentary *An Inconvenient Truth* with piquing her interest in climate change. She said she is drawn to the issue not only because it's complex and challenging, but also "because it affects everyone.

"This isn't an issue you can avoid by moving to a different part of the world, or by choosing the country over the city," Och says. "It's truly a universal issue that is going to involve serious coordination between actors. It's daunting, but it provides an opportunity to be a part of shaping the future that we live in."

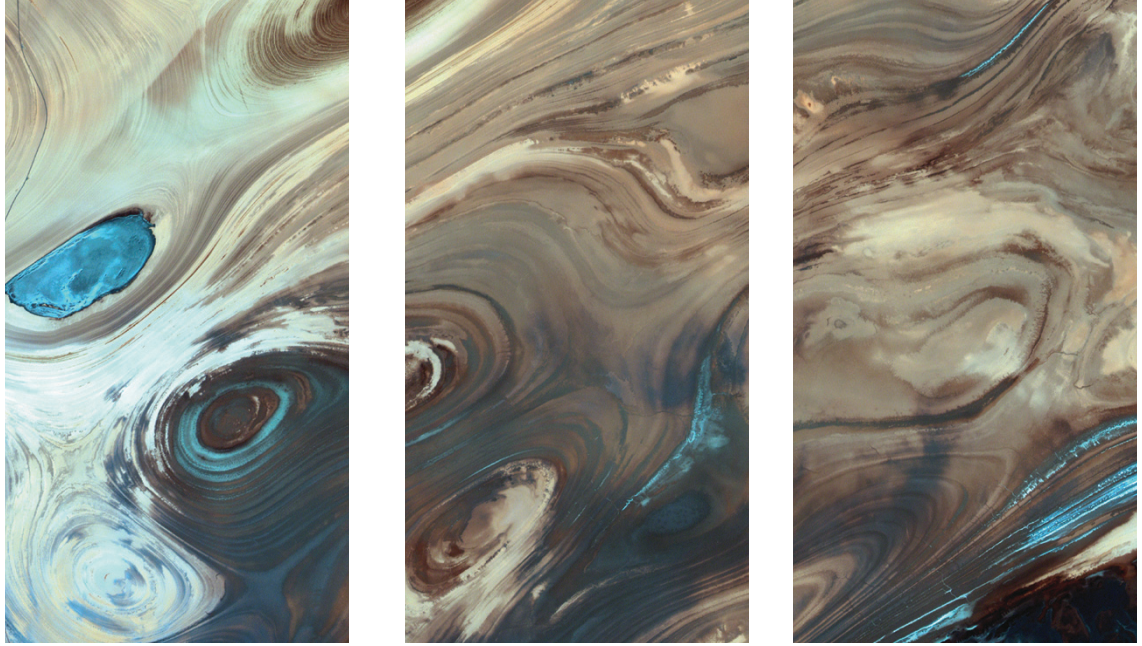
Like Robinson, Och plans to take the Environmental Law Clinic, which operates in conjunction with the National Wildlife Federation (NWF) Great Lakes Regional Center in Ann Arbor and is directed by NWF senior counsel and Adjunct Professor Neil Kagan. Mark Van Putten, '82, began the clinic the year he graduated from Michigan Law, making it one of the oldest environmental law clinics in the country. Students in the clinic—or "collaborators," as Professor Kagan considers them—write briefs and comments on cases, including those dealing with Great Lakes water quality.

"In the past, our biggest concern was toxic pollution," Professor Kagan says. "These days, we deal with 180 nonindigenous invasive species, such as zebra mussels, which disrupt the ecosystem. We also deal with issues like oil spills, as well as trying to keep out future invasive species, such as Asian carp."

The students work on all of these issues; Robinson, for instance, wrote comments on behalf of the NWF regarding threats that invasive species pose to the Great Lakes in light of a proposed EPA vessel permitting process.

Says Professor Kagan: "The students tell me they enjoy the clinic because it gives them an opportunity to practice what they've been learning in class. They get a ton of practical experience in the nuts and bolts of litigation."





The clinic has been around for three decades, and years ago

professors Joseph Sax and Jim Krier made Michigan one of the nation's premier schools for the study of environmental law (see related story, page 32). A resurgence is under way right now, with the addition of ELPP five years ago and the growth of course offerings from about six per year to 25 different classes during the course of those five years.

When Uhlmann arrived, he set out to make ELPP a multifaceted program, with extensive course offerings, a lecture series featuring prominent environmental law professors and practitioners, a speaker series about environmental law careers, and an annual conference focusing on environmental law and policy.

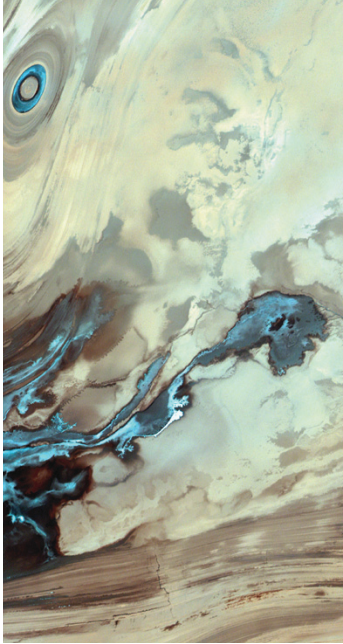
"The program is far more mature than its five years," Uhlmann says.

Those classes range from traditional introductory and advanced courses to innovative skills-focused courses such as Environmental Alternative Dispute Resolution, says Professor Nina Mendelson, who came to Michigan Law in 1999 after working as an attorney with the U.S. Department of Justice's Environment and Natural Resources Division. The curriculum includes a "sweeping array of courses," she says, ranging from traditional doctrinal courses to those focusing on policy concerns and in detail on practice challenges.

"Our environmental courses provide students the chance to apply their conceptual and analytical tools to complex current real-world problems, whether it is analyzing policy responses to global warming or legal tools to address the threat presented by Asian carp to the Great Lakes," says Mendelson, who currently serves as one of three United States special legal advisers to the NAFTA Commission on Environmental Cooperation.

"We seek to train our students in analytical and conceptual thinking at the highest levels," she says, "as well as to equip them for the profession with a practical focus on problem solving skills, advocacy, and ethics. We want our graduates to be as ready as possible to hit the ground running."

Since the school launched ELPP in 2007, Michigan Law has welcomed former EPA Administrator Carol Browner, then-Michigan Governor Jennifer Granholm, and the presidents of the National Wildlife Foundation, Earthjustice, and the Environmental Law Institute, as well as top environmental lawyers from the federal and state governments and major law firms and corporations throughout the United States.



In the past year alone, Michigan Law hosted the 25th Annual Conference of the NAELS, heralded one of the first new journals in more than a decade, the *MJEL*, and developed the first-ever judicial accountability project, “Green Gavels,” in conjunction with the Michigan League of Conservation Voters (see related story, at right). In the coming year, Michigan Law students will be eligible to receive \$20,000 grants as part of the Dow Sustainability Fellowship Program offered by the University’s Graham Environmental Sustainability Institute.

In addition to an impressive crop of full-time faculty members, high-profile visiting professors and adjuncts add to the range of expertise offered at Michigan.

“The ELPP faculty is remarkable,” says Assistant Professor Kristina Daugirdas, who previously worked as an attorney-adviser at the U.S. Department of State, “not only for the depth but also the breadth of its collective expertise and experience working with environmental issues from every angle and at every level, from local to international.”



Green Gavels Project

New web guide presents more than 30 years of Michigan Supreme Court decisions affecting environment

By John Masson

A comprehensive evaluation of every environmental decision made by the Michigan Supreme Court in the last 30 years has yielded the first online reference tool of its kind, a web guide that lets Michigan voters see at a glance how each court decision affected the environment.

The Michigan League of Conservation Voters (LCV) created the Green Gavels online reference tool as a learning aid for Michigan voters. Students at Michigan Law, led by Environmental Law and Policy Program founding director David Uhlmann, researched each case and wrote summaries of each one that fell into the categories of conservation or the environment.

Those summaries were then reviewed by Michigan LCV attorneys and a bipartisan panel, which applied red, yellow, or green gavels to indicate the conservation impact of each decision and each justice’s opinion on it.

“Green Gavels pulls back the heavy velvet curtains that have surrounded the Michigan Supreme Court for so long and allows citizens to look objectively at how each decision impacts our air, land, and water,” Michigan LCV Executive Director Lisa Wozniak said when the project was announced earlier this year.

Uhlmann, the former top environmental prosecutor for the Justice Department and now the Jeffrey F. Liss Professor from Practice at Michigan Law, said the project would help voters understand court decisions.

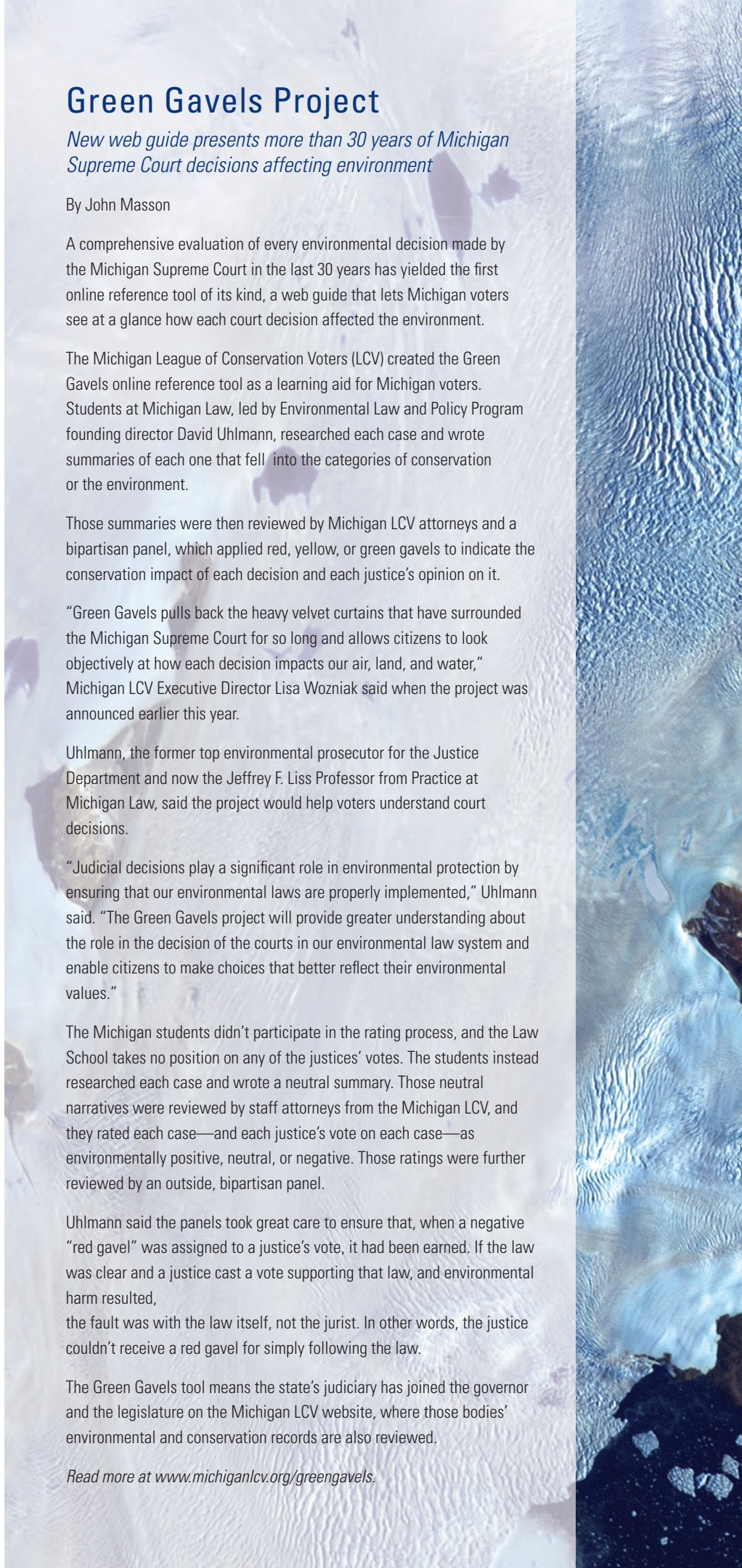
“Judicial decisions play a significant role in environmental protection by ensuring that our environmental laws are properly implemented,” Uhlmann said. “The Green Gavels project will provide greater understanding about the role in the decision of the courts in our environmental law system and enable citizens to make choices that better reflect their environmental values.”

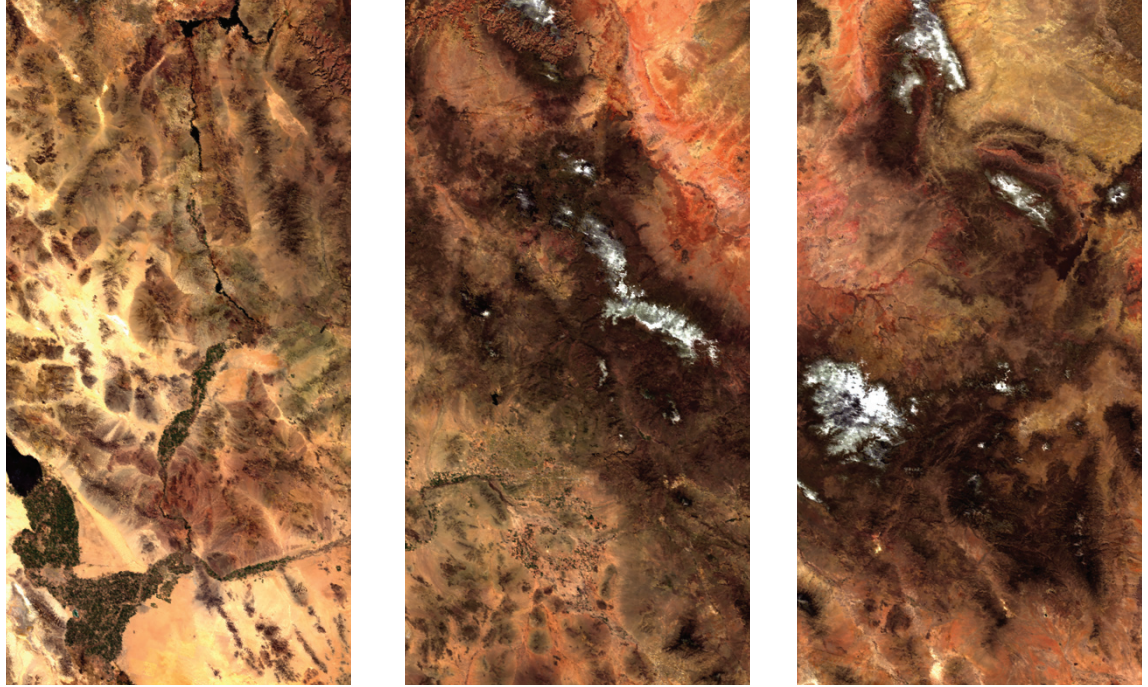
The Michigan students didn’t participate in the rating process, and the Law School takes no position on any of the justices’ votes. The students instead researched each case and wrote a neutral summary. Those neutral narratives were reviewed by staff attorneys from the Michigan LCV, and they rated each case—and each justice’s vote on each case—as environmentally positive, neutral, or negative. Those ratings were further reviewed by an outside, bipartisan panel.

Uhlmann said the panels took great care to ensure that, when a negative “red gavel” was assigned to a justice’s vote, it had been earned. If the law was clear and a justice cast a vote supporting that law, and environmental harm resulted, the fault was with the law itself, not the jurist. In other words, the justice couldn’t receive a red gavel for simply following the law.

The Green Gavels tool means the state’s judiciary has joined the governor and the legislature on the Michigan LCV website, where those bodies’ environmental and conservation records are also reviewed.

Read more at www.michiganlcv.org/greengavels.





Those who choose the field must make the decision

about how and where to practice: at a large firm, a nonprofit, a corporation, or a boutique firm?

“There are two ways of being an environmental lawyer: One is the Robin Hood practice of environmental law, in which you work at a firm, then volunteer for advocacy groups. That is a model that has been used frequently, but the problem is that large law firms have so many conflicts, both real conflicts and issues on which they would not want to anger their business clients,” says Chuck Dayton, ’64.

“The other model is the shoestring practice of environmental law, which is what I did in the 1970s. I left my firm, went to MPIRG [the Minnesota Public Interest Research Group], then started my own firm.” His career came full-circle when he was 50 years old and his small firm joined with a larger one, Leonard, Street and Deinard.

“Many of my friends who once worked on hazardous waste cleanup matters now represent the mining interests,” Dayton says. “They are good people who care about the environment, but the realities of big-firm practice are that if you have a big-paying client, you don’t turn down the business because you might happen to disagree with some of what they may be doing, unless it’s egregious. That just goes with the territory. There can be a kind of moral numbness that goes along with it.”

Yet there are ways to have a positive impact without having to compromise one’s values, or to work with businesses to encourage them to make sustainable decisions.

Regardless of the exact path one takes, everyone in the field shares something in common:

“We’re all in this, we environmental lawyers, because we care about the environment,” Gary Ballesteros, ’88, vice president (law) of Rockwell Automation, said during a recent ELPP Careers in Environmental Law Speakers Series talk at the Law School.

Ballesteros, who studied environmental law at Michigan with Professor Krier, said he used to see a black hat/white hat divide between the bad guys and the good guys—that is, people trying to harm the environment and those trying to save it. His experience through the years is much more nuanced, and he has found many people in the business world who support environmental progress. He told the students in the audience they could support the environment in their work—certainly if they decide to work at a nonprofit or a small firm, but even if they worked within industry.

“You can do well *and* do good in this career.”

Lori Atherton and John Masson contributed to this story.

South Hall Awarded LEED Gold Rating

From the beginning of the planning process, leaders of the University of Michigan Law School sought ways to make the new South Hall academic building a sustainable structure. That effort was recognized in June with the LEED Gold certification rating.

The 100,000-square-foot building's LEED score of 44 placed it solidly in the Gold category, which ranges from 39 to 51 points. LEED, or the Leadership in Energy and Environmental Design, is a rating system designed by the U.S. Green Building Council to evaluate the sustainability features of structures.

"We are very pleased by the LEED Gold certification, and also very proud of how we went about achieving it," said Dean Evan Caminker. "We wanted to make sure everything we were doing was sensible and appropriate for the building, as well as sustainable. We made an effort to seek LEED points by doing only things that would work well for the building and the people who use and maintain it."

South Hall, which opened to the public in January 2012, is a four-story building that combines a nod to history—the use of exterior stone from the same quarry used in the much-older Hutchins Hall, for example—and new features, such as wiring for modern technology.

LEED points were awarded in a number of categories, including the materials and resources used to construct the building, indoor environmental quality, and innovation in design. Dual-flush toilets and low-flow sinks added points for water efficiency; high-efficiency HVAC systems and sensors that reduce indoor lighting with increased daylight contributed to the points awarded in the energy and atmosphere category.

"We have sophisticated lighting and HVAC systems, the likes of which have never been seen on this campus," said Michele Frasier Wing, '98, director of finance and planning at the Law School.

She also pointed out that some of the energy-efficiency standards are more difficult to achieve because of the school's geographic location. "Our systems have to deal with a range of 100 degrees in a year, which is a much bigger challenge than more temperate climates," she said.

Some of the systems are extremely complex. The intricate Quantum lighting system alone, for instance, required a three-day training session for Lois Harden, facilities manager for the Law School.

Around campus, LEED certification has been a priority in recent years. C.S. Mott

"All along, we wanted to make sure the new building was beautiful but also sustainable, and for the Law School to be mindful of its impact," Bullard said. "They've done that, and I'm very happy that we were able to not just meet our goal of getting LEED certification, but to exceed it with the Gold rating."

Rebecca Eisenberg, the faculty chair of the Law School Building Committee, said the Law School found the most sensible ways to create a sustainable building, rather than "groveling for all the LEED points we could get." A roof garden, for instance, would have won more LEED points, but

LEISA THOMPSON PHOTOGRAPHY



Children's Hospital and Von Voigtlander Women's Hospital was awarded LEED Silver certification earlier this year; the Samuel T. Dana Building in the School of Natural Resources and Environment became Gold certified in 2005; and the Stephen M. Ross School of Business Building was certified Silver in 2010.

Michigan Law students were actively engaged in the project from the outset. While the Law School always planned to make the building sustainable, some students urged the school to seek LEED certification for the project as well. One of those students, Sarah Bullard, '10, was pleased to hear the news of the LEED Gold certification.

would not have made sense given the architecture of the Law School's buildings.

"We kept an eye on the LEED criteria to help us think of ways to minimize our environmental footprint, but we used our own judgment with the help of the University architects and engineers to make the best choices for us rather than following a standard list," she said. "In the end I'm happy to have the LEED Gold certification, but I'm really proud that we took responsibility for sound environmental stewardship upon ourselves rather than outsourcing that job to the LEED certifiers."—KV

Fred Krupp, '78: Corporations Can Be Environmental Allies



T. CHARLES ERICKSON

In 1984, Fred Krupp became president of Environmental Defense Fund (EDF), thanks to an ambitious plan he spelled out for the organization and to his unwillingness to listen when the search firm told him he was too young at age 30.

Through the years, Krupp, '78, has worked to find market-based solutions to environmental woes. EDF worked with McDonald's to end its use of Styrofoam clamshells and switch to paper-based packaging for its sandwiches. EDF worked with FedEx to launch the first "street-ready" hybrid delivery trucks, and with fishermen to advance the idea of catch shares to prevent overfishing.

With environmental problems, he says, "sometimes we can battle it out in front of Congress or state legislatures, and maybe that gets to a good answer. But where it's possible to reach an agreement with the stakeholders that gets us to the ambitious goals we need and that the companies can accept, or even thrive under, that can help us accelerate progress."

Many companies are receptive to such changes, he says, because they know they can capture more profit share by producing products people want to use. And in the age of instant information-sharing, heads of companies are more inclined to be good neighbors and good citizens, he says: "They know they have to focus on their real impact as opposed to a clever PR guy spinning the story."

As an undergraduate, Krupp read Professor Joseph Sax's *Defending the Environment* (Knopf, 1971). "I knew then that I wanted to go to Michigan Law School," he says. He took three classes from Sax, who also was Krupp's adviser for his independent study.

"We need to make sure our life-support systems stay intact."

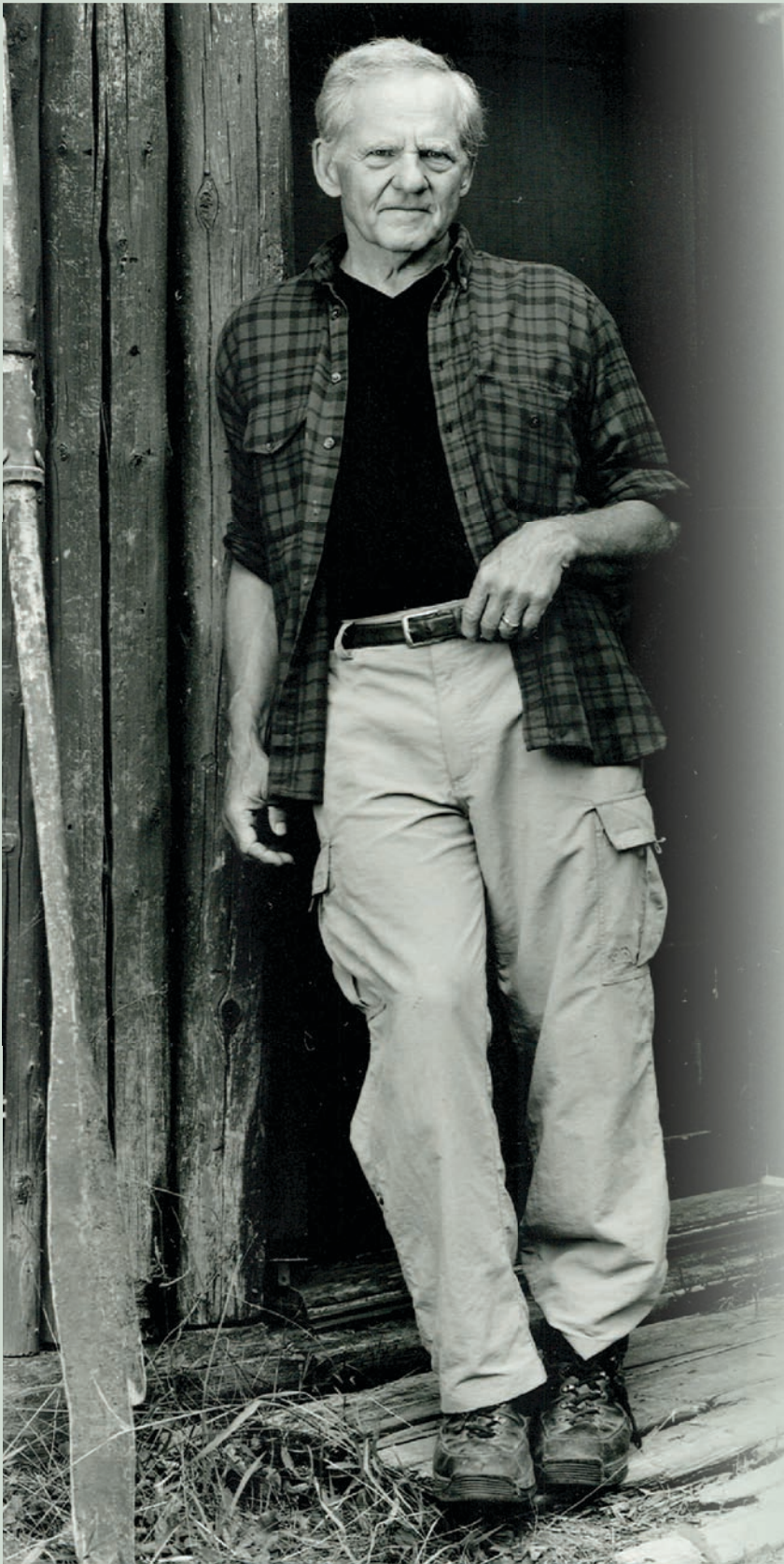
One of the lessons he took away from those classes was that the damage being done to the environment is rapid, and that solutions need to be quick as well.

"We need to make sure our life-support systems stay intact, and we need to figure out how to use regulations that align market

forces so they harness entrepreneurial energy to do just that. We need to have a force as powerful as capitalism to sustain life on Earth.

"I'm hopeful about solving these problems and reaching our ambitious goals, but we have to do it now. We have no time to waste."—KV

Dayton '64: The Compromise that Saved the Boundary Waters



Flash back to Chuck Dayton, '64, during his high-school years: His dad was a biology teacher who decided that, during his summers off, he and his nature-loving family would open a business guiding canoe trips in the pristine Boundary Waters of Minnesota.

"I remember quite vividly my biology teacher telling us the wilderness around the Boundary Waters was being logged, and thinking how great it would be to be able to do something about it," he says.

Many years later, that's exactly what he did.

In the 1970s, Dayton left his job at a law firm and began working as the first lawyer for MPIRG, the Minnesota Public Interest Research Group. Later, he started a boutique firm—Dayton, Herman and Graham—that represented clients with names that started with "Save Our ..." or ended with "...Defense Fund."

His most well-known case occurred in the late 1970s when he was at his boutique firm, representing clients such as the Sierra Club. His clients wanted the Boundary Waters area to remain pure wilderness, while opponents wanted motorboats, logging, and snowmobiling allowed in the area. One of Minnesota's senators at the time, Wendy Anderson, was torn about which side to support, which threatened the likelihood of the pure-wilderness approach to pass in the Senate.

Dayton and Ron Walls, the attorney for the city that encompassed much of the Boundary Waters, decided they needed to come up with a compromise. They decided to allow motorboats on only 10 percent of the lakes, and to ban snowmobiling in all but a couple of small areas. Logging would be prohibited.

Neither Dayton's clients nor Walls's expressed support for the compromise, which the senator took as a good sign: "Nobody seems to like it, so it must be a pretty good compromise," Dayton recalls Anderson saying.

Indeed it was. The compromise led to passage of a bill in Congress, and President Jimmy Carter signed into law the Boundary Waters Canoe Area Wilderness. Dayton was named Environmentalist of the Decade for that and other work by the Minnesota Chapter of the Sierra Club. Now retired, Dayton says it was one of his proudest achievements, and that he and his family still visit the Boundary Waters often.

"The Boundary Waters Canoe Area Wilderness is unique. It is 1,000 lakes interconnected through streams and portages. It's possible to spend months there, paddling from lake to lake without ever crossing your own path," he says. "There's no place like it."

COURTESY CH2M HILL



McLean, '92, Acting Globally

Margaret McLean had a successful career in computer science when she decided she wanted to go into management. “I had good mentors who said I needed to become more global, to think broadly, to think more critically, more strategically, and to write better,” she says.

She enrolled at Michigan Law, convinced that she would never want to practice law. That changed quickly during her 1L year, when she fell in love with the law, the Socratic method, debating with classmates, thinking differently. “I got seduced by it,” she says.

Today, as CH2M Hill’s chief legal officer and general counsel, the native of Ukraine oversees a team of 52 legal and risk management professionals who provide legal, insurance, and compliance support in more than 75 countries. The Colorado-based company—which provides consulting, design, construction, and operations services for corporations and governments—works with clients on environmental, water, and energy issues.

“I look after legal support for operations, mergers and acquisitions, insurance risk management, ethics,” she says.

“Environmental remediation, from water to infrastructure, to nuclear remediation, air and water emissions—we look after it all for our public and private clients. Understanding environmental

“It’s very rewarding to work with clients around the world...”

regulations that impact our clients is integral to what we do.”

After graduating from Michigan Law, she worked at a private law firm for several years, quickly making partner. There, a six-week assignment in London turned into five and a half years in London and Moscow. She was a rainmaker there, keeping herself and 12 associates busy and billing 2,600 hours per year. But with a new daughter at home, she envisioned a slightly less intense schedule.

That led her to make the move to CH2M Hill, where she supported international projects, helped make the company public in 2000, and watched it grow from \$1 billion in annual revenue to \$7 billion and 30,000 employees strong. In 2007, she was named general counsel and chief legal officer.

McLean says she enjoys working on the complex issues involved in environmental law, and to do so at a company that has received global recognition for its sustainable work and ethical way of doing business.

“It’s very rewarding to work with our clients around the world and help them integrate sustainability into their projects,” she says. “We know that it is the right thing to do as a good corporate citizen, and because it makes good business sense to do so—not just in the United States, but all around the world.”

O'Neill, '74, After Exxon Verdict: "I Don't Believe in the Justice System Anymore"

This was not the outcome that Brian O'Neill had hoped for. It was not the outcome for which he had worked 20 years, on behalf of more than 32,000 plaintiffs. No, this wasn't the way things were supposed to go.

O'Neill, '74, represented victims of the 1989 Exxon Valdez oil spill in Alaska's Prince William Sound. The spill killed 250,000 seabirds, wiped out fisheries, and eventually led to as many as 30 suicides by people—including a mayor—who felt hopeless in the wake of the disaster.

O'Neill wanted to provide hope to the people whose livelihoods were affected by the spill. And so he did, in the form of a \$5.3 billion verdict handed down by an Alaskan jury in 1994. Exxon (now Exxon Mobil) fought the verdict, and the dispute lingered in the legal system until a final U.S. Supreme Court ruling in 2008 reduced the amount of punitive damages to \$500 million. The Court said that federal maritime law prevents punitive damages from being any larger than the compensatory damages the company already had been ordered to pay.

That broke down to a relatively small amount for people who had counted on the original award to help them rebuild their careers, their industries, their lives. The duration of the case meant that nearly a quarter of the plaintiffs never got to hear the end result because they had passed away.

"The judicial system is supposed to help people resolve a wrong that they had no control over. But there are thousands of people in Alaska now who think the legal system is stacked against everyone except big corporations," O'Neill says.

He can't blame the Alaskans. Indeed, though he once had faith in the process, he no longer does: "That's one of the reasons I retired a few years earlier than I'd originally planned, because I don't believe in the judicial system anymore."

His outlook on environmental law once was much more optimistic. Always an outdoorsy person, O'Neill's focus on environmental law began when Professor Joseph Sax connected him with a group that needed help protecting wolves in northern Minnesota. Almost all of his environmental cases, including that one, were pro bono—until the Exxon Valdez oil tanker ran aground in 1989.

O'Neill knew colleagues in Alaska, and they asked for his help. For the first five or six years of the case, he says, it was intellectually challenging. After that, though, "it turned into a burden I couldn't get rid of." He wanted to help the victims, many of whom had become friends, but the case continued to take up much of his time even while he had other responsibilities as a partner at Faegre & Benson (now Faegre Baker Daniels).

In spite of his feelings about the Supreme Court's ruling in the Exxon Valdez case, O'Neill says all is not lost for the environment or for environmental law. He anticipates that many cases will end up with more favorable results than the ultimate decision in the Exxon case—especially if decision-makers are aware of the importance of protecting the environment.

"I want judges ruling on these cases who have slept outside at night, who understand the importance of wild things," he says.



Handy, '09: Business and Environmental Concerns Must Coexist Peacefully



COURTESY, WILMERHALE

Growing up, Alicia Handy, '09, was an outdoorsy girl who played in the dirt and loved summer camp. She saw the movie *Twister*, and she knew she wanted to be a storm chaser. Meteorology studies as an undergrad followed, but so did this realization:

"I didn't want to be a PhD student, and I didn't want to live in Oklahoma chasing tornadoes," she says. "Environmental law was a natural transition."

As a student at Michigan Law, she participated in the Geneva Program, through which she worked at the International Centre for Trade and Sustainable Development. That work helped her to understand the link between the environment and international trade, a field she knew nothing about. She also interned at the Center for International Environmental Law and the EPA.

For much of her time in law school, she envisioned working for the government or, perhaps, a nongovernmental organization upon graduation.

But following what turned out to be a great summer associate experience at a law firm, she thought that working at a firm would allow her to practice environmental law with the ability to impact companies' behavior from within. She also relished the chance to explore other areas of the law and to work on litigation—opportunities that working at a firm afforded her.

Now, practicing in the environmental group at WilmerHale's Washington, D.C., office, she also works with the litigation team.

"I did not envision a life at a law firm at all, and I did not envision a life as a potential litigator, but I love it. I'm glad I ended up at a firm that had several options," she says.

"I did not envision life at a law firm...but I love it."

Her practice focuses on federal, state, and local regulatory compliance counseling and litigation, including matters involving the Oil Pollution Act and fracking. She also represents corporate clients on internal, congressional, and executive agency inquiries and investigations.

She has seen positive impacts of working with clients on environmental issues, which gives her hope for the success of sustainability efforts in the future.

She just hopes the country at large will become more open to environmental regulation.

"It's a little disheartening that it's not more appreciated; I would love if people started to see the importance of the health of our environment. You'd like to think it won't have to get back to rivers starting on fire again for people to realize the importance in having environmental regulations."

Friedmann, '12: Pro-Production, Pro-Sustainability

The law firm Rhine Ernest was hoping to hire Joey Friedmann, '12. He was interested but not completely sold on the idea of living in the southern Indiana city of Evansville. But then they took him 500 feet underground in a coal mine, into pitch darkness.

He was sold.

Friedmann is something of an anomaly in the world of environmental law: He puts himself “just right of center” on the conservative side of the spectrum and believes coal and other energy sources don't have to be banned immediately (causing his Law School roommates to jokingly call him “the oil baron”).

“I'm pro-production, and I think production can be done in a way that is sustainable. We're a country that relies on coal. We can't just flip a switch and go to solar power,” says Friedmann.

Another thing that separates him from many of his peers: He earned a master's degree in geology while also pursuing his law degree, a rare dual-degree combination.

Friedmann's love of and appreciation for geology and the environment stemmed largely from rock climbing, which he began doing at age 9. Friedmann added geology to his curriculum after his first semester of law school, when he knew that he wanted to be a lawyer but also wanted to stay close to the land. “I found myself missing the rocks.”

At Rhine Ernest, he will remain close to the rocks. He will help the natural-resources-focused firm's clients in the mineral, oil, and gas industries, including working on issues such as the regulatory requirements for disposal of mining waste and carbon capture projects.

In the job he will draw not only from his experience as a student but also from previous jobs. In the summer of 2010, as a summer fellow with the Department of the Interior, he drafted briefs and reports about the BP oil spill and reviewed renewable energy projects in California. Prior to law school, he worked in London at a corporate finance house that specialized in the junior mining and exploration sector. In that job, he visited gold and other mines in Slovakia, Canada, and Turkey.

All along the way, he has found time to take rock-climbing expeditions. In his limited down-time at Michigan Law, Friedmann founded MLaw Rocks, which makes regular visits to a local climbing gym, and informal fall or spring break trips to the Red River Gorge.

“It's a great sport for law students. Law school is so all-consuming, but rock climbing makes you focus on every movement you're making and forces you to free your mind from your studies, if only for that moment on the wall. You still have to think creatively and problem solve; it's kind of like physical chess.”



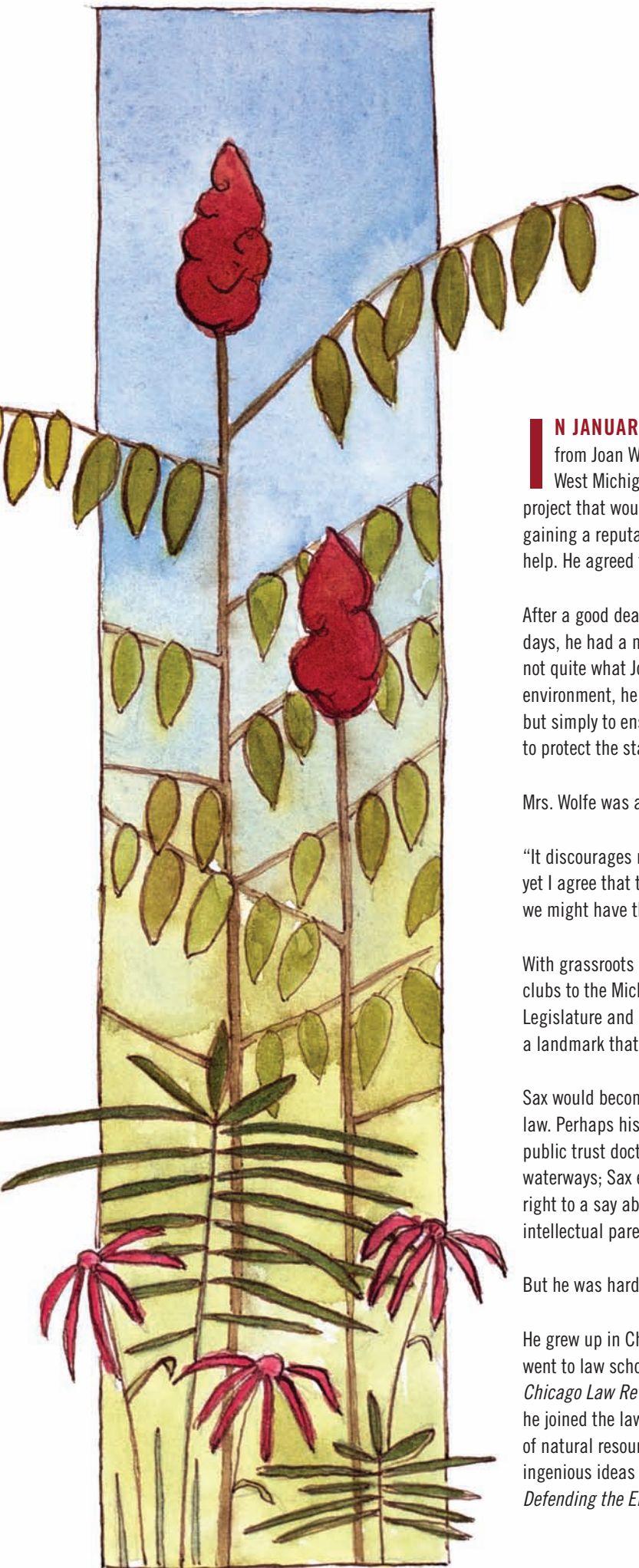
PUBLIC LANDS, PUBLIC TRUST

Joseph Sax Found His Intellectual Home at Michigan Law

By James Tobin

Illustrations by Carolyn Reed Barritt





Editor's note: This is the fourth in a series of articles about the intellectual history of the Law School, and the impact our scholars have had, from the classroom to the Supreme Court.

IN JANUARY 1969, Professor Joseph Sax of the Law School received a letter from Joan Wolfe, lead organizer of a group of small-town activists called the West Michigan Environmental Action Council. The group was fighting an irrigation project that would hurt nearby wetlands, and Wolfe had written to Sax because he was gaining a reputation for new ideas about environmental protection. She asked Sax for help. He agreed to try.

After a good deal of research and discussion, Sax sat down to write. In three and half days, he had a model bill to be proposed in the Michigan Legislature. He knew it was not quite what Joan Wolfe had envisioned, so he explained. The best way to guard the environment, he told her, was not to make a new state board or department or agency, but simply to ensure that any private citizen or community group had the right to sue to protect the state's natural resources.

Mrs. Wolfe was at first taken aback by Sax's approach, then intrigued.

"It discourages me to think that we can only be protected by having the right to sue—yet I agree that there doesn't seem to be any other way," she wrote Sax. "The fact that we might have that right then becomes terribly exciting and important!"

With grassroots backing from groups ranging from local PTAs to garden and gun clubs to the Michigan Jaycees, the bill Sax had written proceeded through the Legislature and became the Michigan Environmental Protection Act of 1970, a landmark that inspired similar statutes around the country.

Sax would become known as one of the nation's leading authorities on environmental law. Perhaps his greatest contribution to legal thought was his reinvigoration of the public trust doctrine. Traditionally the idea had been tied to public claims around waterways; Sax extended the idea to dry land, with major implications for the public's right to a say about what happened to natural resources. With this he became an intellectual parent of the burgeoning environment movement.

But he was hardly a child of wide-open spaces.

He grew up in Chicago, graduated *magna cum laude* from Harvard in 1957, then went to law school at the University of Chicago, where he edited *The University of Chicago Law Review*. After a few years at a private firm and the Department of Justice, he joined the law faculty at the University of Colorado, where his interest in the law of natural resources was kindled. Coming to Michigan Law in 1965, he worked on ingenious ideas about the law of natural resources that soon made up his first book, *Defending the Environment: A Strategy for Citizen Action* (Knopf, 1971).

Sax believed that administrative agencies, with all good intentions, often became as much an obstacle to environmental protection as polluters themselves. The best place to fight for a clean country was the courtroom, he wrote, “not because judges are thought wiser or because the processes of litigation are particularly rapid, but because the court preeminently is a forum where the individual citizen or community group can obtain a hearing on equal terms with the highly organized and experienced interests that have learned so skillfully to manipulate legislative and administrative institutions.

“If we are to save the environment, rather than merely revere it, the citizen can no longer be put off with the easy advice to ‘go get a statute enacted’ or ‘wait until election day,’ while the bulldozer or chain saw stands ready to move.”

He quoted Chief Justice Warren Burger for support: “Consumers are generally among the best vindicators of the public interest.”

In 1980, Sax published *Mountains Without Handrails: Reflections on the National Parks* (University of Michigan Press). Here he forcefully refuted the view that preserving wilderness is elitist. Nature was in the national interest, he argued. Nature had the “peculiar power to stimulate us to reflectiveness by its awesomeness and grandeur, its complexity, the unfamiliarity of untrammelled ecosystems to urban residents, and the absence of distraction.” But it also offered “a successful model of many things that human communities seek: continuity, stability and sustenance, adaptation, sustained productivity, diversity and evolutionary change.”

In 1983, he became the youngest U-M faculty member ever appointed Distinguished University Professor, an honor that allows the recipient to choose the person for whom the chair would be named. Sax chose the name of Philip A. Hart, the Law School alumnus ('37) and U.S. senator from Michigan who led efforts to have the state's Sleeping Bear Dunes and Pictured Rocks designated as national lakeshores.

Two years later, after 20 eventful years in Ann Arbor, Sax left the Law School for the University of California, Berkeley, where he would become James H. House and Hiram H. Hurd Professor of Environmental Regulation. His three daughters were grown. He wanted to live closer to mountains.

“As for the Law School,” he wrote to his colleagues, “it is the place where I grew and prospered professionally, and it shall always be my intellectual home. It was one of the great schools when I first arrived in 1965, and it is a great school now.” 🗣️







Reflections Upon 50 Years In The Law



Hon. Cornelia Kennedy



Hon. Margaret Schaeffer

Sisters, the Honorable Cornelia Kennedy, United States Court of Appeals Sixth Circuit, and the Honorable Margaret Schaeffer, retired 47th District Court Judge, have been in practice for 47 and 49 years. Some of the women who founded the Women Lawyers Association were undoubtedly active, experienced practitioners when they first started practicing. These two successful attorneys and WLAM mem-

SISTERS IN LAW

BY KATIE VLOET

They call each other Nealie and Margie, but for decades, others had a different way of addressing Cornelia Kennedy and Margaret Schaeffer: Your Honor.

Kennedy, '47, has been called the "First Lady of the Michigan Judiciary" for being the first woman appointed to the federal bench in Michigan, and just the fourth woman in the nation to be appointed a federal district court judge, in 1970.

Her sister, Schaeffer, '45, was sworn in as a judge five years later in the 47th Judicial District in Farmington Hills.

Today, they live near each other in the Detroit suburbs. They recently met with the *Law Quadrangle* at Schaeffer's home, where they sat next to each other on a couch framed by a giant picture window and conferred with each other about the details of their lives.

"We were the first sisters to serve as judges anywhere in the country," Schaeffer said.

The Honorable Cornelia Kennedy, '47 (left), and The Honorable Margaret Schaeffer, '45, reminisce about their early years as lawyers.

It's a feat that surely would have made their father and mother proud. The girls (along with sister Christine Gram, who went on to become president of Oakland Community College, Auburn Hills Campus) were raised by father Elmer Groefsema after their mother, Mary, died unexpectedly when Margaret and Cornelia were 11 and 9.

They inherited their love of the law from both parents; their father, a 1917 graduate of the Law School, was a distinguished Detroit trial lawyer, and their mother had been taking classes part-time at Michigan Law prior to her death.

Their father thought all three of his daughters should go to college, and he firmly believed that they should not necessarily be steered toward careers in teaching or nursing, as was the case of many educated women at the time.



The sisters practice law with their father, Elmer Groefsema, a 1917 graduate (pictured with them at his law practice).

After attending U-M for their undergraduate degrees, both women attended Michigan Law. Schaeffer was one of two women in her small wartime class, while Kennedy was one of fewer than 10 women in a much larger class two years later. "I remember having to meet with all the other girls in the lobby—not just because we were women, but because the JAGs took all the meeting rooms," Kennedy said, referring to the Judge Advocate General School that operated at Michigan Law during World War II when she began her studies here.

After law school, the sisters clerked for judges and then joined their father's practice in Detroit. It was a time when being a female lawyer was still a novelty to some; during their clerking days, neither sister saw a woman argue a case. Both of them remember having lonely, solo lunches during the early years of their careers. "Women just didn't ask men to have lunch with them," Kennedy said.

Clients, too, were thrown off. "A lot of times, you'd get a call and they'd say, 'Put the lawyer on the phone,' assuming you were the secretary," Schaeffer recalled. "Now there are enough women lawyers that they don't do that anymore."

One New York firm even told Kennedy that it hired women during the war, but "too bad for me, the war was over," she said.

After their father's death in 1952, Kennedy moved on to Markle and Markle in Detroit. Schaeffer joined her in 1954, following the birth of her second child. In 1966, Kennedy was elected to the Wayne County Circuit Court, where, she learned, the pension system would not benefit the husband of a woman judge unless he was dependent on her at the time of her death (a restriction that did not apply to widows). In 1970, when she was appointed to the federal bench by President Nixon, she learned there were no pensions for the husbands of women federal judges. In both instances, she successfully worked to change the rules that were designed in an era before women were judges.

“A LOT OF TIMES, YOU’D GET A CALL AND THEY’D SAY, ‘PUT THE LAWYER ON THE PHONE,’ ASSUMING YOU WERE THE SECRETARY,” SCHAEFFER RECALLED.



After seven years on the bench, Kennedy rose to the rank of chief judge of the Eastern District, becoming the first woman to be selected as chief judge of a U.S. District Court. Then, in 1979, President Carter nominated her to the U.S. Court of Appeals for the Sixth Circuit. Kennedy still laughs when recounting Senator Orrin Hatch’s reaction to her during confirmation hearings: “By damn, you have a lot of qualifications.”


Those qualifications put her on the short list for the U.S. Supreme Court. President Reagan narrowed his search to just two people in 1981: Kennedy and an Arizona judge named Sandra Day O’Connor, one of whom would become the first female justice. Many thought Kennedy would be the choice; Senator Strom Thurmond “kind of adopted me, urging for my appointment,” Kennedy said.

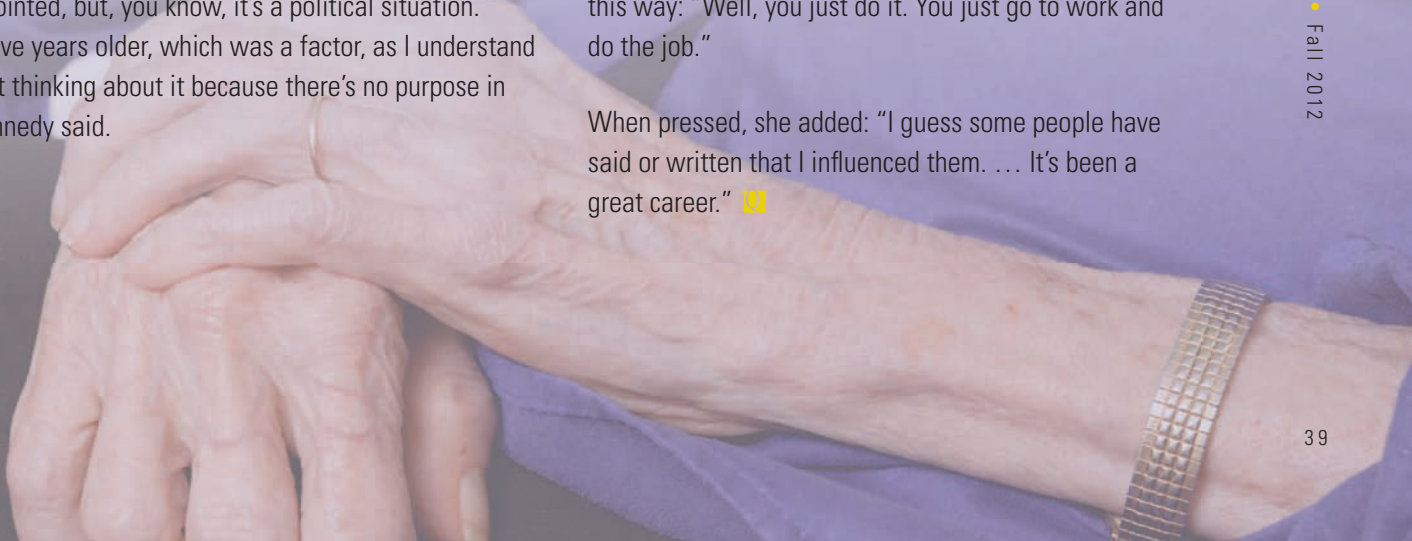
In the end, O’Connor was chosen. “I was somewhat disappointed, but, you know, it’s a political situation. I was five years older, which was a factor, as I understand it. I quit thinking about it because there’s no purpose in it,” Kennedy said.

Schaeffer said she learned a great deal about being a judge from her younger sister. She put that knowledge to good use starting in 1974, when she won the election to become a judge in the 47th Judicial District in Farmington Hills, Michigan. She went on to become the chief judge of the district.

Schaeffer also raised four children, and Kennedy raised one. Schaeffer described the work-life blend as a “neat balancing act,” and said she was heartened when her 7-year-old son wrote this for a school assignment: “I am thankful for my mother because she is a lawyer and earns money for toys and taxes.”

Both women are masters of understatement and humility. After a long and distinguished career, Schaeffer talked more about her sister’s achievements than her own. And Kennedy, with her long list of firsts, summed up her career this way: “Well, you just do it. You just go to work and do the job.”

When pressed, she added: “I guess some people have said or written that I influenced them. . . . It’s been a great career.” 



Gordon Hired as First Director of Zell Entrepreneurship and Law Program

By John Masson



“...our graduates are going to be shining stars in the world of business.”

—Professor Erik Gordon

As Michigan Law’s unique new program in entrepreneurship and law ramps up, newly appointed director Professor Erik Gordon wants his students to gain three main things: knowledge, a skill set, and—most important—a mindset.

An entrepreneur himself, he comes to his new full-time position leading the Law School’s recently established Zell Entrepreneurship and Law (ZEAL) Program from Michigan’s highly regarded Ross School of Business. There, he was a clinical professor and associate director of the Zell Lurie Institute.

The ZEAL Program was established last year with a \$5 million seed gift from Sam Zell, AB ’63, JD ’66, HLLD ’05, the Chicago-based entrepreneur who earned undergraduate and law degrees at Michigan. The program has established a clinic that offers free legal advice to the growing number of student entrepreneurs across U-M’s Ann Arbor campus.

It also will create new Law School coursework to train students to better serve both startup and existing large-scale entrepreneurial businesses.

The dual approach—in combination with the wide variety of entrepreneurial opportunities across campus and U-M’s top schools of business, engineering, and medicine—makes the program unique.

“Erik’s background as an entrepreneur, a teacher, and a lawyer make him an extremely strong choice to guide the ZEAL Program,” says Michigan Law Dean Evan Caminker. “His experience through all three facets of his career will provide valuable perspective as we shape course offerings and guide the program into the future.”

In addition to directing the ZEAL Program, Gordon also joins the ranks of the Law School’s professors from practice. As such, he has some definite ideas about how to make lawyers more helpful to entrepreneurial businesses.

“Many entrepreneurs find lawyers to at best be costly nuisances that you try to avoid,” he says. “At Michigan Law, we’re going to turn out graduates that entrepreneurs seek out as partners to help them build their businesses, as well as graduates who start their own companies.”

That’s where the knowledge, skill set, and mindset triad comes into play.

“We need to develop graduates who understand and appreciate risk the way entrepreneurs do, rather than fear risk the way lawyers do,” he says. “If we accomplish that alone, our graduates are going to be shining stars in the world of business.”

With that in mind, Gordon plans (naturally) an entrepreneurial approach to the task. “We’re going to try things and adjust, as necessary,” he says.

The first order of business is to expose law students, early during their law school experience, to what he calls “true, hard-core entrepreneurship.”

“We have to get them early, while they are still learning what law school can be about,” he says. “We want to nourish the entrepreneurial cells in their brains and get them to grow. We want them to see risk, and say to themselves, ‘What’s the opportunity here?’ An entrepreneur looks at a situation and says, ‘This is scaring away nine out of 10 people. Well, good. The field is less crowded for me.’”

Primus Joins Lead Authors in Contributing to *Modern Criminal Procedure*

By Lori Atherton

It wasn't long ago that Eve Brensike Primus, '01, was a student copiously studying from *Modern Criminal Procedure*. Now, she's a Michigan Law professor who not only uses the casebook in class, but coauthored the latest edition.

Primus contributed two chapters on the right to counsel and pre-trial witness identification that were previously written by Yale Kamisar, the Clarence Darrow Distinguished University Professor of Law Emeritus, who has been a lead author of *Modern Criminal Procedure* since its first edition in 1965. Kamisar asked Primus to take over as his successor on the chapters, with the understanding that she would assume the writing of more chapters over time.

"Yale was my criminal law professor," Primus says, "and I did research for him on the book when I was a student. He made it clear to me when I joined the faculty that this day was coming after I got tenure. It's an exciting project, and I'm honored that he asked me to be involved with it."

Largely considered for decades to be the leading criminal procedure casebook in American legal education, *Modern Criminal Procedure* covers all of the units taught in a criminal procedure class. Because criminal procedure is often divided into two courses at many law schools, including Michigan, the content in the large-volume *Modern Criminal Procedure* is divided into two smaller casebooks: *Basic Criminal Procedure* and *Advanced Criminal Procedure*.

All three casebooks, which are published approximately every three years, are in their 13th edition. A separate casebook, *Criminal Procedure and the Constitution: Leading Supreme Court Cases and Introductory Text*, is published yearly and contains excerpts from the most recent Supreme Court cases related to criminal procedure. Primus wrote about recent Supreme Court developments in pre-trial eyewitness identifications for the *Criminal Procedure and the Constitution* casebook.

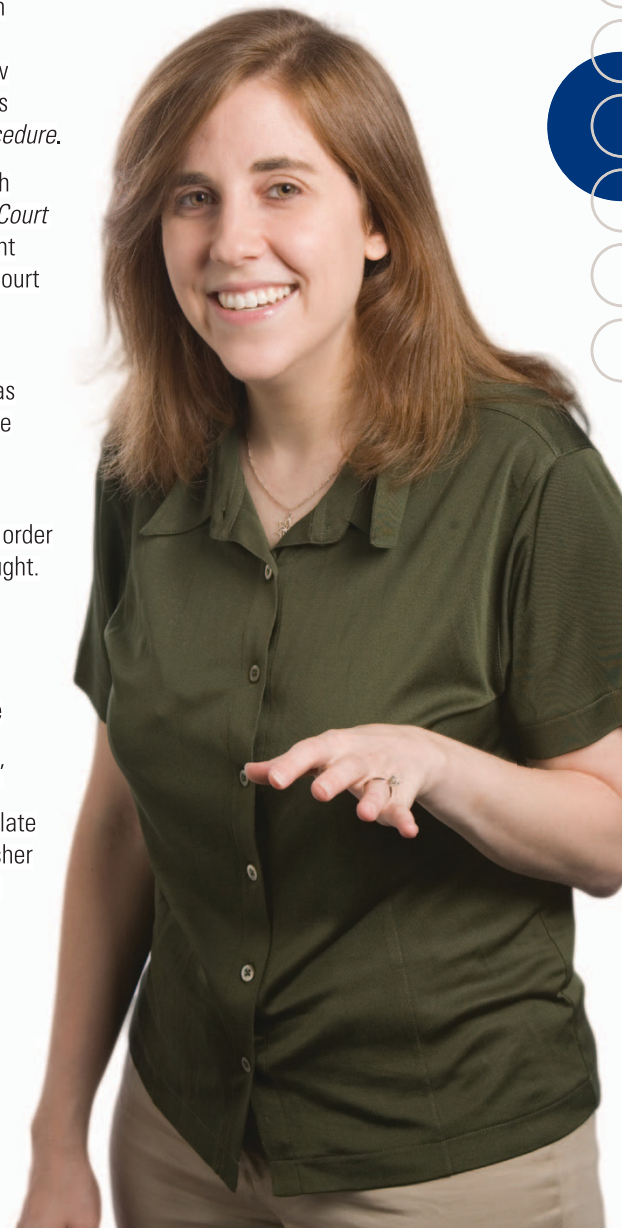
Primus was drawn to the project because of the opportunity to collaborate with Kamisar, as well as coauthor Jerold Israel, the Alene and Allan F. Smith Professor of Law Emeritus. She also welcomed the chance to shape her students' thinking.

"People don't often think about how casebooks will shape the minds of law students and affect how they approach a given subject," she says. "The way in which you organize and order a chapter is the way in which students will internalize the material that they are being taught. This is a unique opportunity and one that I really value."

Also valuable and important, Primus says, is the dedication of the authors to providing a balanced perspective of the cases that they write about. "One of the things that I think is important for a casebook to do," she says, "is to push students to think critically about the cases that they are reading. Because this book includes dissenting opinions as well as majority opinions, students learn that there is more than one way to think about an issue."

Although the newest editions of the *Criminal Procedure* series were recently published in late June, Primus and her coauthors aren't resting on their laurels. They're working with publisher Thomson/West to create a teacher's manual for the casebook series, as well as a website that would enable other professors to contribute feedback and relevant articles that could be cited in the books.

"It's just another way of ensuring we stay on top of everything," Primus says, "and that we're responding to what the users want to see in the casebook."



Scarnecchia: Teaching at Law School is a “Privilege”

By Lori Atherton

Suellyn Scarnecchia, '81, remembers that she was discouraged from taking a clinic as a law student because she was told it wouldn't look good on her resume. “Which is now, of course, the opposite of what we normally advise students,” she said.

Scarnecchia believes strongly in the importance of clinical education, and she is bringing that passion back to the Law School after 10 years. Starting this fall, she is a clinical professor of law in the Human Trafficking Clinic, where she works with her former student and the current clinic director Bridgette Carr, '02.

“There's nothing like leaving and coming back to remind you of what a privilege it is to go to law school here and to teach our students,” Scarnecchia says.

Scarnecchia previously served as a clinical professor of law from 1993 to 2002, and as associate dean for clinical affairs from 1996 to 2002. From 2008 to 2012, she was vice president and general counsel of U-M.

“Coming to the clinic from a more senior position and being more senior myself, it's a lot of fun for me,” she says. “I'm excited about the opportunity to teach and mentor at this very different stage of my career. Having been out in the field, I can bring to students a wider view of how I might help them to become good lawyers.”

That view includes sharing insights from her work as a litigator. Following law school, Scarnecchia joined McCroskey, Feldman, Cochrane & Brock, P.C., a small employment law firm based in Muskegon, Michigan. As one of three lawyers working in the firm's Battle Creek office, she handled cases from the initial interview through trial and appeal, becoming a partner in 1987.

“A lot of my peers went to large firms, where it took longer to be able to try cases,” Scarnecchia says. “I was able to try cases in federal and state court, so it gave me litigation experience that was extremely valuable.”

Seeking work-life balance and a return to Ann Arbor after the birth of her son, Scarnecchia applied

for a job as a clinical assistant professor in Michigan Law's Child Advocacy Law Clinic (CALC) in 1987 through an unorthodox means: by responding to an ad in the *Michigan Bar Journal*. “No clinical professor would ever find their job that way today,” she laughs. “I did none of the clinical preparation that people do now, because clinical teaching really wasn't a developed career path at that point.”

Scarnecchia worked with Clinical Professor Don Duquette, '75, CALC's founder and director, on child protection cases. One of Scarnecchia's notable cases was the high-profile 1993 “Baby Jessica” custody case, in which the supreme courts of Michigan and Iowa ruled that young Jessica, as she was named by her adoptive parents, be returned to her biological parents. Scarnecchia, who represented the adoptive parents, says it was an important case because it helped states to define clearer adoption laws and better ways of resolving adoption issues.

“I loved our practice in the Child Advocacy Clinic,” Scarnecchia says. “It wasn't until later that I realized what a terrific combination of cases we had because students represented children, parents, and the state in different Michigan counties. We were teaching our students to have a critical view of their own clients' cases and the opposing parties' cases, and it was a great way to teach.”

Scarnecchia's interest in the Southwest drew her to the University of New Mexico School of Law, where she became professor of law and dean in 2003. Though she had the distinction of being the first woman dean of the law school, “I didn't feel like it was that big a deal,” she says. “Women were making inroads into deanships, so it wasn't shocking to me that they hired a woman. But it was interesting to hear how alumni and students reacted. They would say how happy they were that I was there and how much it meant to them to have a woman in a leadership position, so I liked that alumni and students could feel that progress was being made by my being in that role.”

In 2008, Scarnecchia returned to Ann Arbor to be closer to family and assumed the role of U-M's vice president and general counsel. She remarked that her younger self would be surprised at her career evolution, because as a student, she was interested in representing individual clients and had no desire to be in academic leadership. The unexpected career path provided her with a lesson that she will pass along to her students.

“I was very motivated to do something that I thought was worthwhile to society,” she says. “The academic management piece came along later. I do a lot of talking to students about not trying to predict in a hard and fast way while they are in law school what their career is going to be like, because there are so many different paths they can take, and they don't really know yet what doors will open and what will excite them.”



Katz Study Impacts Ruling in Voting Rights Case

The majority opinion in a 2012 case upholding the constitutionality of the Voting Rights Act (VRA) relied heavily on a study led by Professor Ellen Katz.

At issue in *Shelby County v. Holder*, decided in the U.S. Court of Appeals for the District of Columbia Circuit, was whether Section 5 of the VRA remains constitutional. That section requires jurisdictions with historically low levels of voter registration and participation to obtain federal approval, known as preclearance, before implementing any change to their voting procedures. Congress first enacted Section 5 in 1965 to address massive African American disenfranchisement in the Jim Crow South and has reauthorized the statute repeatedly in the years since, most recently in 2006.



Shelby County, Alabama, is one of several jurisdictions to challenge Congress's power to reauthorize Section 5. The argument is that current conditions no longer justify requiring covered jurisdictions to obtain federal approval before changing their election practices. After the Supreme Court sidestepped that challenge three years ago in a case from

Texas, Shelby County took up the constitutional claim. A federal trial court rejected the county's argument last year, and a divided appellate court affirmed this spring. In his majority opinion, Judge David Tatel wrote that Congress "drew reasonable conclusions from the extensive evidence it gathered" when renewing the law and that "we owe much deference to the considered judgment of the people's elected representatives."

Judge Tatel's opinion repeatedly cited "Documenting Discrimination in Voting: Judicial Findings Under Section 2 of the Voting Rights Act Since 1982," the 2005 final report of the Voting Rights Initiative (later published in the *University of Michigan Journal of Law Reform*, Vol. 39, No. 4, 2006). Katz led the study, in which she and more than 100 Michigan Law students identified and analyzed 323 lawsuits, encompassing 748 decisions that addressed Section 2 claims since 1982.

"An amazing group of Michigan students came together to work with me on the study," Katz says. "Smart, creative, conscientious, unbelievably hardworking, these students worked on every stage of the project, from defining its scope, presenting the findings, and evaluating their implications." Several of the students involved have gone on to work in voting-related issues at the Department of Justice, civil rights organizations, and private firms.

Unlike Section 5, Section 2 of the VRA applies nationwide. It states that "[n]o voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or [on account of statutorily designated language minority status]." Section 2 informs the ruling on Section 5 because, in the words of Katz's study, the record of Section 2 cases "helps illuminate the extent to which meaningful minority participation in elections has been a reality in recent times."

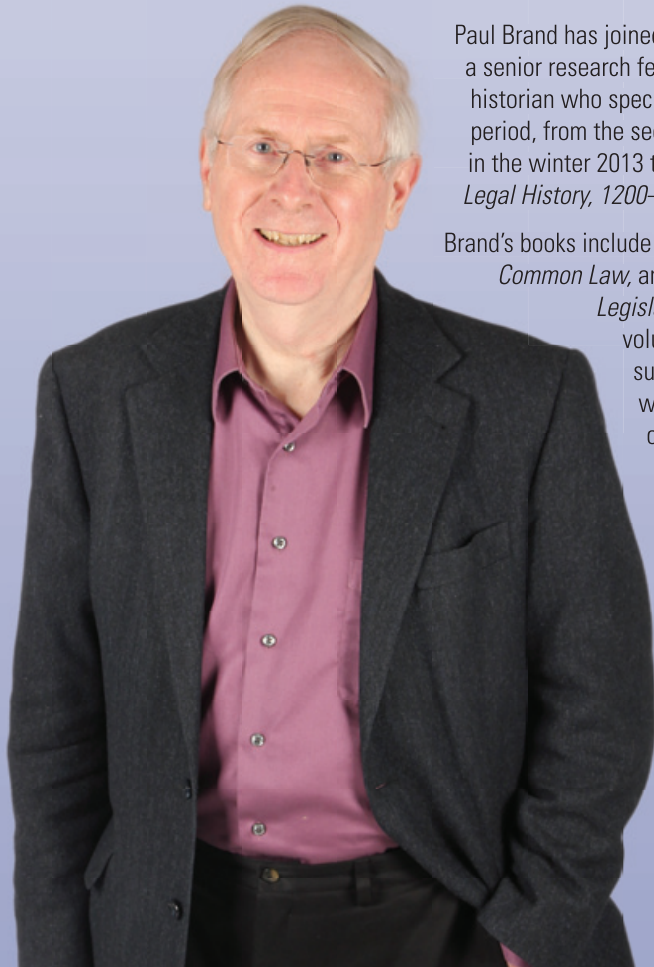
The Katz study found that, four decades after the initial enactment of the VRA, "racial discrimination in voting is far from over. Federal judges adjudicating Section 2 cases over the last 23 years have documented an extensive record of conduct by state and local officials that they have deemed racially discriminatory and intentionally so."

Judge Tatel's opinion in *Shelby County* found that the study provided critical support for Congress's conclusion that the VRA continued to provide important protection for minority voters in covered jurisdictions. Stating that the Katz study provided the "most concrete evidence" comparing jurisdictions subject to the statute and those that are not, Judge Tatel emphasized the study's finding that minority plaintiffs from covered jurisdictions have been more likely to succeed and have, in fact, succeeded more often in Section 2 litigation than did plaintiffs elsewhere.

Katz anticipates that the Shelby County case will be taken up by the Supreme Court this fall. In 2009, the high court bypassed a similar challenge in *Northwest Austin Municipal Utility District Number One v. Holder*, while expressing considerable skepticism about the continued need for the VRA's regional provisions.

"Judge Tatel's *Shelby County* opinion responds that that skepticism and carefully explains why the VRA's regional provisions are still needed," says Katz. "Whether the Supreme Court will agree remains to be seen."—KV

Legal Historian Brand Joins Faculty



Paul Brand has joined the faculty as a William W. Cook Global Law Professor. He is a senior research fellow at All Souls College at the University of Oxford, and a legal historian who specializes in Anglo-American common law during its first formative period, from the second half of the 12th century to the early 14th century. Beginning in the winter 2013 term, he will teach *An Introduction to the Main Sources of English Legal History, 1200–1350*.

Brand's books include *The Origins of the English Legal Profession*, *The Making of the Common Law*, and *Kings, Barons and Justices: The Making and Enforcement of Legislation in Thirteenth-Century England*. He has also edited four volumes of *The Earliest English Law Reports*, which include all the surviving pre-1290 law reports, and is working on further volumes, which will cover the much larger quantity of unedited law reports of the following two decades. He is also the author of a large number of articles.

Brand previously was an assistant keeper at the Public Record Office in London, a lecturer in law at University College, Dublin, and a research fellow of the Institute of Historical Research in London. In 1997, he was elected a fellow of All Souls College at the University of Oxford.

He has been a visiting professor at Columbia University Law School and a distinguished visiting professor at the Arizona Center for Medieval and Renaissance Studies, as well as the Merriam Visiting Professor of Law at Arizona State University. In addition, he is a fellow of the British Academy and vice president of the Selden Society. Brand received his BA, MA, and DPhil from Oxford University.—LA

Criminal Law, Legal Philosophy Prof. Mendlow Joins Faculty

Gabriel (Gabe) Mendlow has been hired by the Law School to teach criminal law, criminal procedure, and legal philosophy. During the 2012–2013 academic year, he will work full time in Detroit as a special assistant United States attorney in the General Crimes Unit of the U.S. Attorney's Office for the Eastern District of Michigan. In the winter term, he will teach a Law School seminar called *Moral Issues in Criminal Law*, which will take a philosophical approach to such topics as the justification of punishment and the scope and limits of the criminal law.

Before joining the Law School faculty, Mendlow served as law clerk to Justice Richard N. Palmer of the Connecticut Supreme Court and as postdoctoral

associate and law and philosophy fellow at Yale Law School and the Yale Philosophy Department. There, he taught philosophy graduate seminars on the nature and justification of criminal punishment and on action and moral responsibility.

Mendlow holds a JD from Yale Law School, where he won the Felix S. Cohen Prize for the best essay on legal philosophy. He also holds a PhD in philosophy from Princeton University, where he was awarded a Jacob K. Javits Fellowship by the United States Department of Education. He earned an AB in social studies from Harvard College, *magna cum laude* with highest honors in field. Prof. Mendlow is admitted to practice law in Connecticut. He and his wife have two children.—LA



Affordable Care Act Opinion Cites Caminker Paper

A scholarly paper authored by Michigan Law Dean Evan Caminker was cited in the U.S. Supreme Court opinion, authored by Justice Ruth Bader Ginsburg, in the Affordable Care Act case that was decided in June.

The paper, "State Sovereignty and Subordinacy," was published in the *Columbia Law Review* in 1995. Justice Ginsburg cited it while discussing the considerable amount of autonomy the states retain in administering Medicaid. She argued that far from disempowering state agencies and bringing them into strict federal orbit, Medicaid is designed to promote "cooperative federalism."

Caminker's work argues that cooperative federalism can preserve "a significant role for state discretion in achieving specified federal goals, where the alternative is complete federal preemption of any state regulatory role."

"Absent from the nationalized model, of course, is the state-level policy discretion and experimentation that is Medicaid's hallmark; undoubtedly the interests of federalism are better served when States retain a meaningful role in the implementation of a program of such importance," Justice Ginsburg wrote in the opinion.



Bagenstos Testifies Before Senate Committee In Support of ENDA

By Lori Atherton

When the U.S. Senate Committee on Health, Education, Labor and Pensions hosted a committee hearing regarding the Employment Non-Discrimination Act (ENDA), Professor Samuel Bagenstos was one of several experts who provided testimony in support of the proposed legislation. If passed, ENDA would prohibit employment discrimination on the basis of sexual orientation or gender identity.



"ENDA is an exceptionally important bill and one that is much needed,"

Bagenstos said during the June hearing, the first one on ENDA since 2009. "It will be the logical next step in our nation's commitment to eradicating workplace discrimination."

An expert in civil rights and employment discrimination law, and the former no. 2 official in the Department of Justice's Civil Rights Division, Bagenstos made three essential points during his testimony: "Discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals is a serious problem; the current legal regime is inadequate to respond to that problem; and ENDA is an appropriately tailored remedy for that problem."

LGBT individuals face tough choices in the workplace, Bagenstos said, including being forced to give up job opportunities in their chosen field because of discrimination, or having to hide their sexual orientation or gender identity in order to keep their jobs, "at great psychological cost and [with] fear of discovery."

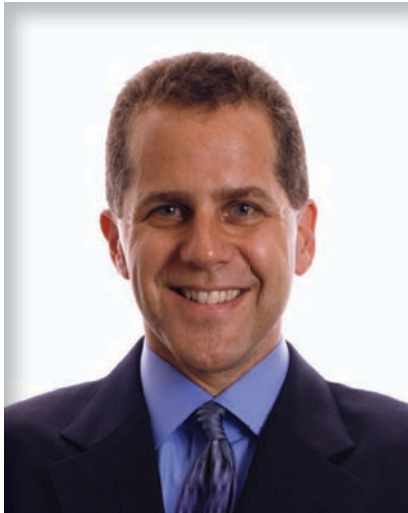
Bagenstos said current laws addressing discrimination against LGBT persons are inadequate; only 16 states and Washington, D.C., prohibit workplace discrimination based on sexual orientation or gender identity. Another five states prohibit workplace discrimination based on sexual orientation but do not include any prohibition on gender identity discrimination.

"The enforcement procedures and remedies for those statutes vary," he said. "They do not provide the clear and strong set of remedies—crucially including access to federal courts—that Congress has developed for workplace discrimination over the past five decades. And LGBT workers outside of those states enjoy no clear state statutory protection against discrimination at all."

He added: "In responding to these problems, ENDA would do nothing more than extend to sexual orientation and gender identity discrimination the same basic legal structure that has applied to other forms of employment discrimination for nearly 50 years."

Editor's note: This is a sample of some recent faculty research. Longer versions of these articles are available at www.law.umich.edu/quadrangle. Research stories also are available at the MLaw Newsroom, www.law.umich.edu/newsroom

Finances of Low-Income Americans Reveal Where System Falls Short, Barr Writes in New Book



No Slack: The Financial Lives of Low-Income Americans—a 2012 book by Professor Michael S. Barr—analyzes the financial choices made by the low- and moderate-income Americans who were among those most battered by the Great Recession.

Drawing on data gathered from 1,000 Metro Detroit families during the subprime lending boom, Barr, who is also a nonresident senior fellow in economics at the Brookings Institution, analyzes how the financial system has largely failed low-income households. That failure often forces a reliance on payday loans, pawnshops, and paycheck-cashing services to help provide some breathing room in budgets that otherwise contain no slack. These services come at a disproportionately high cost for a population that can ill afford them, and subprime mortgage lending left many families worse off.

In *No Slack* (Brookings Institution Press), Barr recommends policy changes that would help low-income Americans by, among other things, reforming mortgage lending practices and improving consumer protections—both topics he helped the Obama Administration champion during his tenure as assistant secretary of the treasury for financial institutions. He argues that improving financial education

and consumer protection, as well as providing low- and moderate-income Americans access to low-cost, no-frills banking services, will improve the lives of millions of Americans who work hard and play by the rules.—JM

Radin's Book Tackles Boilerplate

In her forthcoming book, *Boilerplate*, Margaret Jane Radin—the Henry King Ransom Professor of Law—points out that people don't have any real choice about tacitly agreeing to a sheaf of forms before completing even the most benign transaction. She also is not a fan of the reams of suffocating fine print that users encounter online, where most of us simply resign ourselves and click "I Agree" rather than plow through page after page of incomprehensible verbiage.

The problem with firms' growing use of boilerplate, Radin says, is that the practice forces us to sign away basic legal rights of our democracy and its commitment to the rule of law—such as jury trials, or choice of jurisdiction, or the ability to take part in a class action. The result, she concludes, is an erosion of the core rights of citizens that threatens the democratic order. She calls upon consumer groups to push back against mass-market boilerplate rights deletions and calls upon judges and regulatory authorities to keep mass-market boilerplate rights deletions in check.

Boilerplate, due out in November and published by Princeton University Press, stems from the shock Radin felt several years ago when she began encountering multi-page End User Licensing Agreements (EULAs) that pop up automatically when new software is being installed.

"These things that came with the software called themselves contracts, and I thought, 'How can you even enforce these?' They were using things that nobody reads to take away rights," Radin says. "It started with the EULAs, which come onto your screen automatically, and you have to click through them just to be able to use what you've bought."—JM



Logue Argues Some Regulation Could be Outsourced to Insurance Companies

Could insurance be a substitute for government regulation of safety? At least in some cases, the answer is yes, Michigan Law Professor Kyle Logue and University of Chicago law and economics professor Omri Ben-Shahar argue in a new paper, “Outsourcing Regulation: How Insurance Reduces Moral Hazard.” The paper will be printed in the *Michigan Law Review*, available at www.michiganlawreview.org.

“In many (though obviously not all) situations, private insurers, because of their inherent informational comparative advantage, should be expected to do the job of regulation better than public regulators and courts,” the paper says.

Indeed, the authors write, the law should at times mandate insurance coverage, “in order to harness the regulatory capacity of insurers,” with mandatory liability insurance serving as a substitute, for instance, for much of food safety regulation. “Such mandatory insurance would be equivalent to making insurers the licensing agents for certain types of risky activities.”

That does not take government out of the process entirely, however. The law should, the paper says, monitor the “integrity of insurers’ decisions as regulators, anytime competition does not provide sufficient discipline.”—KV



Hakimi Argues for New Legal Framework on Targeting and Security Detention



A recent paper by Professor Monica Hakimi proposes a new legal framework for assessing when states may target or detain (without criminal process) suspected terrorists or other nonstate actors.

The paper, published in June in the *Michigan Law Review*, examines what Hakimi considers the flawed method for answering that question in international law—namely, having to classify the situation into one of four regulatory “domains”: law enforcement, emergency, armed conflict for civilians, or armed conflict for combatants.

A new, functional approach, Hakimi says, would use three substantive principles to guide nations in determining whether targeting or preventively detaining a suspected terrorist is justified: liberty-security, mitigation, and mistake.—JM

Community Notification Laws May Lead to More Child Porn, Prescott Writes

Child pornography crimes differ from other sex offenses, so child pornographers should not be subjected to the same community notification as traditional sex offenders, writes Professor J.J. Prescott in the recent *Federal Sentencing Reporter* article "Child Pornography and Community Notification: How an Attempt to Reduce Crime Can Achieve the Opposite."

Applying one-size-fits-all community notification requirements—more commonly known as public sex offender registries—to child pornographers isn't a good idea and may actually increase crime rather than inhibit it, he says.

"One of the takeaways from this article is that we ought to be very careful about who counts as a sex offender for purposes of notification laws," says Prescott, who researches and writes about sex offender registration and notification laws. "On its own terms, notification seems out of place in this context. Most child pornographers are possessors; they have never attacked children. But the real concern is that making the identity of convicted child porn possessors public may have the unintended consequence of making it easier for child porn networks to form."
—LA



Medicare Design Flaws Mandate Reform, Bagley Says

"Structural infirmities" will stunt the effectiveness of a set of important Medicare reforms included in the Affordable Care Act, Professor Nicholas Bagley says in his new draft paper, "Bedside Bureaucrats: Why Medicare Reform Hasn't Worked," set to be published in early 2013 in the *Georgetown Law Journal*.

"The article is really focused on charting exactly how some of the design choices made at the inception of the program have undermined reform efforts over time," Bagley said. "Those same design choices are very likely to hamper the Medicare reforms embedded in the Affordable Care Act. . . . This is Organizational Theory 101. Medicare can't long continue on its current course. Reform will become a budgetary necessity."

The challenge, Bagley writes, is to create an administrative structure that forces the private "army of physicians" that implement Medicare at the bedside to account for competing demands on taxpayer dollars. With that in mind, Bagley argues, Medicare must be refashioned around private organizations with the incentives, leverage, and legitimacy to shape physician practice patterns "in a cost-conscious and clinically sensitive manner." Political resistance to this kind of reform, he predicts, will be intense.—JM



Difference Between Medieval Islam and Christendom Focus of Hudson Research Grant

John Hudson, a William W. Cook Global Law Professor who also teaches at St. Andrews University in Scotland, is among the recipients of a \$4 million European Union grant designed for collaboratively studying some of the differences between medieval Islam and medieval Christendom, then examining lessons relevant to the modern world.

“If you look at the world in 700, if there’s a place that looks like it will become highly bureaucratized and institutional, with considerable political continuity, it’s the Islamic world, not Christendom,” says Hudson, one of four academics who will coordinate the program. “Of course, the outcome is the reverse, which obviously kicks us into a discussion of the modern world.”

What makes the topic even more interesting, Hudson says, is that the entire Mediterranean world shared the common classical legacy, particularly of the Romans—yet the areas dominated by Christianity nevertheless developed in ways significantly different from those areas dominated by Islam. The topics under examination include English Common Law, Continental Civil Law, and Islamic Law.—JM



Moran Contributes to Paper on Shaken Baby Syndrome



David Moran, '91, cofounder of the Michigan Innocence Clinic, uses his educational background in physics, theoretical physics, and mathematics to help explain a statistical issue at the root of the shaken baby debate.

Moran became involved with the paper, which appears in the *Houston Journal of Health Law and Policy*, after the clinic's 2010 exoneration of Julie Baumer, who had been wrongfully convicted in a shaken baby case. He writes that a basic statistical blunder helped create the misperception that any child with certain symptoms must, ipso facto, have been abusively shaken by a caretaker. His portion of the paper explains a statistics concept known as Bayes' Theorem. It's a mistake so common it has its own grimly ironic nickname: the Prosecutor's Fallacy.

Suppose that an airport machine that checks for explosives hidden in checked bags is 99 percent accurate in detecting explosives. This means that the machine will sound an alarm 99 times if 100 bags with explosives are fed through the machine, and will sound an alarm only once if 100 bags without explosives are fed through the machine. In other words, bags containing explosives are 99 times as likely to make the alarm sound as bags not containing explosives. If the alarm sounds, how

likely is it that the bag contains explosives? Not likely at all. If one million bags are checked by machine, one of which contains explosives (a number that is almost certainly too high), there would be approximately 10,000 false alarms for every true alarm.

Similarly, if significantly more children suffer a particular injury from natural or accidental causes than suffer the same injury as a result of abuse, then it's clearly wrong to extrapolate, from the set that was abused, that that particular injury is a clear sign of abuse.

The article, coauthored with law professor Keith Findley of the University of Wisconsin, pediatric radiologist Patrick Barnes from Stanford University, and neuropathologist Waney Squire from Oxford University, argues that many infant injuries diagnosed as caused by shaken baby syndrome or other abusive head trauma were in fact caused by accidental trauma or natural causes, such as stroke.—JM

Retirees Beware: Don't Worry About the British, "Taxmageddon" Is Coming

By Douglas A. Kahn and Lawrence W. Waggoner

Editor's note: This article is adapted from the authors' article published under a similar title in 136 Tax Notes 107 (July 2, 2012), available electronically at ssrn.com/abstract=2103615.

Retirees beware. The easy money policy of the Federal Open Market Committee and the 15% tax rate on qualified dividends have encouraged retirees, especially middle-income retired savers, to reorient their nest eggs away from certificates of deposit, Treasuries, and money market funds to dividend-paying stocks and mutual funds. According to Internal Revenue Service data for 2010 (the last year for which data are available), 53% of taxpayers age 65 or older with itemized deductions reported qualified dividend income amounting to 46.3% of the qualified dividend income reported by all taxpayers; 48% of taxpayers age 65 or older with itemized deductions reported net capital gains amounting to 27.8% of the net capital gains reported by all such taxpayers.

But, on January 1, "Taxmageddon" is coming.¹ Unless Congress extends the current rates or reaches an agreement on tax reform, dividends will then be taxed as ordinary income at a marginal rate as high as 39.6% and net capital gains will then be taxed at 20%. For high-income taxpayers, a 3.8% Medicare surtax will be added to the taxation of net capital gains, dividend income, interest, and other investment income, bringing the highest marginal rate to 43.4%.²

The favorable tax treatment for qualified dividends and net capital gains is clearly under assault. The Simpson-Bowles Commission recommended that long-term capital gains and qualified dividends

be taxed as ordinary income at marginal rates as high as 28% (31.8% with the Medicare surtax added). And then there's the "Buffett Rule." Warren Buffett's *New York Times* op-ed "Stop Coddling the Super-Rich" set in motion a national debate about whether there should be a 30% tax rate on an individual's income in excess of \$1 million.

We offer a compromise.³ Instead of taxing dividends as ordinary income and net capital gains at 20%, our compromise would apply a graduated tax rate schedule to both. We would aggregate all qualified dividends and net capital gains into a single figure, which for convenience we refer to as aggregated dividends and net capital gains, or ADCG for short. Although we don't propose specific rates, we do offer a sample schedule to illustrate the effect of a graduated rate system.

Our sample schedule takes the following form: 15% on the first \$250,000 of ADCG, 20% on the next \$250,000, 25% on the next \$500,000, and 30% on ADCG above \$1 million. The bracket ranges would be indexed for inflation. Under our sample schedule, the super-rich—including Warren Buffett, Mitt Romney, and especially the wealthy who did not earn their fortunes (such as trust-fund babies)—would end up paying 30% on their ADCG that exceeds the million-dollar mark. It seems to us that this simple compromise would satisfy those who want the super-rich to pay higher taxes and also satisfy a quite different constituency: retirees who worked for a living, saved as much of their after-tax dollars as they could, and invested their nest eggs in dividend-paying stocks or mutual funds.

¹ The term "Taxmageddon" refers to the dramatic increase in tax rates that are scheduled to take effect on January 1, 2013. The term was coined by David Leonhardt in his article, in *The New York Times*, "Coming Soon: Taxmageddon," *N.Y. Times*, Apr. 13, 2012, available at www.nytimes.com/2012/04/15/Sunday-review/coming-soon-taxmageddon.html?_r=1&pagewanted=all.

² Although the Obama Administration's proposed budget for 2013 supports taxing dividends as ordinary income and capital gains at 20%, a Democratic proposal in the Senate would tax dividends at 20% for high-income taxpayers for a one-year period. See Middle Class Tax Cut Act, S. 3412, 112th Cong. 2d Sess. (2012). The Senate passed the bill on July 25, 2012, by a vote of 51–48, but the House defeated it on Aug. 1, 2012, by a vote of 257–170.

³ We have not sought to project the revenue effects of our proposal.

Although our proposal would apply to all investors, we focus on middle-income retired savers, because they are at the point in life when they no longer live on earnings from their human capital. They are also experiencing an increase in longevity and are often in fear of outliving their assets and becoming a financial burden on their families. They are also aware that the costs of nursing home care can exhaust their assets quickly and force them on Medicaid.

How would our proposal apply to various taxpayers?⁴ We begin with the super-rich. Our super-rich exemplars are Mitt and Ann Romney. We chose the Romneys because, unlike others in that wealth category who are not running for political office, they have released their recent tax returns. The Romneys' 2011 federal income tax return shows AD CG of \$9,032,132. As shown in the following table, their tax on that amount would be \$1,354,820. If the currently scheduled post-2012 tax rates take effect, their 2013 tax on that amount would rise to \$2,197,614. Under our sample graduated rate schedule, however, their tax would be even higher, rising to \$2,622,140, because their AD CG is mostly composed of net capital gains, not dividends.⁵ Their 2010 tax return shows AD CG of \$15,446,388. On that amount, their tax under current rates would be \$2,316,958, their 2013 tax under the currently scheduled post-2012 rates would be \$3,698,051, and their 2013 tax under our sample graduated rate schedule would be \$4,546,416.

We turn now to a prosperous retiree, say one with AD CG of \$1.5 million. This retiree's 2012 tax would be \$225,000. Under our sample graduated rate schedule, the tax would rise to \$362,500. Under the scheduled 2013 rates, the tax could range from a low of \$300,000 (if all of the AD CG were net capital gains) to a high of \$550,548 (if all of the AD CG were dividends).⁶

Finally, we look at a moderately affluent retired saver with AD CG of \$250,000 and a middle-income retired saver with AD CG of \$100,000. The 2012 tax on the \$250,000 would be \$37,500 and on the \$100,000 would be \$15,000. Under our sample graduated rate schedule, their taxes would be the same. Under the scheduled 2013 rates, the taxes on the AD CG of \$250,000 would range from \$50,000 (if all of the AD CG were net capital gains) to \$64,911 (if all of the AD CG were dividends). The scheduled 2013 taxes on the \$100,000 would range from \$20,000 (if all of the AD CG were net capital gains) to \$19,005 (if all of the AD CG were dividends).

Our proposal for a graduated-rate system for AD CG appears to us to be a sensible compromise. A 30% tax rate on the AD CG of the very wealthy would not only double the current tax rate that they now enjoy but would also satisfy the objective of the Buffett Rule. Continuing the current 15% rate for those whose AD CG is far more modest would avoid the looming "Taxmageddon" that these retirees might soon experience.

The Super-Rich

Mitt & Ann Romney's Federal Income Tax Returns	ADCG	Current (Pre-2013) Tax	Post-2012 Tax If Congress Fails to Reach Agreement Before 2013	Post-2012 Tax Under Our Sample Graduated Rate Schedule on AD CG
2011 Return	\$9,032,132	\$1,354,820	\$2,197,614	\$2,622,140
2010 Return	\$15,446,388	\$2,316,958	\$3,698,051	\$4,546,416

⁴ In making our calculations, we have not taken the Medicare surtax into account, because that tax would apply (or not) equally in all of the situations, and so would not alter the comparisons.

⁵ Their 2011 qualified dividends were \$2,221,956 and their net capital gains were \$6,810,176. In this the Romneys are typical of the very wealthy, who, with their personal and professional contacts in the business and financial communities, have more investment vehicles available to them than ordinary investors. The Internal Revenue Service reported that in 2010 (the latest year for which data are available), 11,166 taxpayers with itemized deductions had adjusted gross income of \$10 million or more: 10,500 of them reported qualified dividends averaging \$2.57 million each; 10,925 of them reported net capital gains averaging \$13.95 million each. The IRS also reported that in 2009, again the latest year for which this statistic is available, the 400 taxpayers with the largest adjusted gross incomes had 6% of all of the dividends but 16% of all of the net capital gains reported by all taxpayers. With a marginal rate of 39.6% on dividends and a flat rate of 20% on net capital gains, the AD CG of the wealthy will be even more likely tilted toward net capital gains if the 2013 rates take effect.

⁶ In the interest of simplicity, the 2013 tax calculations regarding dividends for this and the next two retirees are made on the basis of a married taxpayer filing jointly whose outside (non-ADCG) income equals the taxpayer's deductions.

GIVING

A ZEAL for Business Law Education



For the fall semester, 67 students listed the new Entrepreneurship Clinic as their top choice—more than did so for any of the Law School's 13 other clinics.

In the Entrepreneurship Clinic, Michigan Law students provide legal services and counseling to student entrepreneurs at U-M—bringing the Law School, for the first time, into the vibrant network of entrepreneurship

activity throughout the campus.

The Entrepreneurship Clinic anchors the Zell Entrepreneurship and Law Program (ZEAL), named for its seed investor, Sam Zell, '66, and designed to train the next generation of lawyers as leaders in law and business. This fall, the Law School welcomed ZEAL's new director, Professor Erik Gordon, who came to our faculty from directing the Zell Lurie Institute at U-M's Ross School of Business. Professor Gordon aims to build a great entrepreneurship program that serves students, society, and alumni well. (You can read more about Professor Gordon on page 40.)

For several years, Dean Evan Caminker has sought to find ways for Michigan Law students to learn more about business and working with business clients. This major curricular initiative includes the addition of our International Transactions Clinic (where students learn about cross-border transactions by doing them), more business-related courses, and more chances to learn and practice business law skills inside and beyond the classroom. ZEAL will build on that foundation to include cutting-edge upper division courses, intensive short courses, plus panels and speaker series, with the Entrepreneurship Clinic as a hub.

The result will be a program that prepares students with the legal, business, and entrepreneurial skills to counsel and drive successful businesses of all kinds.

We're currently seeking matching funds for part of Mr. Zell's generous gift, as he required. If you're interested in the opportunity to shape the future of business law education at Michigan Law, we would be pleased to talk with you. You may reach us by calling 734.615.4500. Thank you!

Sincerely,

Todd M. Baily
Assistant Dean for Development
and Alumni Relations

Bill Cassebaum, '56, peruses the list of donors to South Hall in the beautiful new display on the building's first floor.



*Building support***E. Lisk Wyckoff Jr., '60, and The Homeland Foundation**

"What does the E stand for?" Duke Ellington asked E. Lisk Wyckoff Jr. at the first meeting between the composer/bandleader/pianist and his prospective tax and estate lawyer.

"Edward," said Wyckoff.

Edward Kennedy Ellington smiled. Yes, thought the Duke, he could do business with this man.

The dazzling client was one face in a parade of high-profile entertainers and business people, both domestic and foreign, whom Wyckoff has counseled on tax, estate, and trust matters throughout his career. As an early specialist in foreign trusts, Wyckoff became not only a rainmaker, but a knowledgeable speaker and writer in a then-new area of the law.

"I had the good fortune to be able to generate my own business"—an atypical scenario for a trust-and-estate lawyer in the early 1970s, says Wyckoff. "That brought in a lot of different clients and legal matters."

As trustee and president of the Homeland Foundation, Wyckoff has been instrumental in making two significant gifts to Michigan Law. The first commitment, in 1999, endowed the Chauncey Stillman Professorship for Ethics, Morality, and the Practice of Law. That professorship has been held since its creation by Carl Schneider, also a professor of internal medicine.

Recently the Homeland Foundation made a gift of \$1 million for the building project as an extension of its previous generosity.

A Leckie Scholar at Michigan Law, Wyckoff earned his bread (literally) as a waiter in the Lawyers Club dining room. His career assumed its first shape when, in his 3L year, he wrote a research paper on an admiralty law topic, under the guidance of the late Professor William W. Bishop. That study, along with Wyckoff's experience in the U.S. Navy, positioned him well to take a job after graduation with the leading New York City admiralty firm of Burlingham, Hupper & Kennedy.

While he was practicing with Burlingham, he also became counsel to the New York State Senate Judiciary Committee in Albany. "It was a wonderful experience," he says. "I was drafting laws of all kinds."

When he got an up-close look at the redrafting of the New York trust and estate law, Wyckoff decided to switch to the field that became his specialty for the rest of his career. He practiced with several small firms, including Valcenti, Leighton, Reed & Pine, where he became a partner and got considerable experience in the creation of foreign trusts by U.S. and other nationals.

Wyckoff went on to co-head the trust and estates department at Kelley, Drye & Warren (1979–93) and to head that department at Kramer, Levin, Naftalis & Frankel (1993–2001), both in New York City.

For nearly 25 years, Wyckoff also served as special counsel to the New York State Bankers Association Trust Division, working on significant laws affecting trusts, like the New York Prudent Investor Rule and the New York Reasonable Compensation Statute for trustee fees. Since 1947 he has been the author for *West's McKinney's Forms for ESP (New York Estates and Surrogate's Practice)*, originally four volumes and now 10 volumes, for which he provides annual updates and systematic recom compilations.

Wyckoff, who lives in Old Lyme, Connecticut, with his wife, Elizabeth, and their two children, also finds time to chair the board of the Wyckoff House. The small farmhouse museum, New York City's first landmarked building, was built in 1652 and stands as a reminder of his family's history, and of the heritage of the Dutch in North America.



Building support

Skadden, Arps, Slate, Meagher & Flom LLP



Adams



Beisner



Butler



Finkelstein



Goldner



Gorman



Hassan



Huff



Jacobson



Krupp



Lopo



MacDonald



McGovern

A collective gift of \$1.3 million from Michigan Law alumni at Skadden, Arps, Slate, Meagher & Flom LLP has put the Law School's building campaign over the top.

The Skadden gift was instrumental in the Law School's reaching its \$70 million goal in private support toward the total project cost of \$102 million. All 22 current and retired Skadden partners who are Michigan Law alumni gave to the combined gift, as did six counsel who are alumni of the Law School.

In recognition, the glass-enclosed study and media lounge in the lower level of the Robert B. Aikens Commons has been named the Skadden Study (see following page).

The gift had its roots in individual commitments made by Chicago partners John Rayis, '80, and Seth Jacobson, '88, before the 2009 South Hall groundbreaking. Both felt deeply grateful for what Michigan has made possible for them and their families.

"I will never be able to repay the Law School enough for what it's done for me," Rayis says.

This year, the gift took on a firm-wide dimension. Rayis and Jacobson, who had long supported the idea of a collective commitment, joined forces with New York partner Stuart Finkelstein, '85, who had the same vision. They immediately involved John Nannes, '73, of the firm's Washington office, who they knew to be a key fundraiser for and donor to the Law School.

The partners set their sights on naming the study, a popular and much-used student space that offered a recognition opportunity at the \$1 million level. They divided the names of Michigan Law alumni at the firm and began to approach each person personally to ask for a pledge to a firm-wide gift.

The pitch was direct, their belief in it wholehearted: Michigan Law helped you get to where you are today.

Reaction was swift and enthusiastic. Momentum grew as each new pledge rolled in, and 100 percent participation looked attainable. Within less than three months, the fundraisers were able to announce a collective gift of \$1.3 million, greatly exceeding their goal. "This was a wonderfully collaborative and genuinely joint undertaking," says Nannes.



The successful effort, the four partners say, speaks to Skadden's commitment to the Law School, which today has more than 60 Michigan alumni partners, counsel, and associates.

"A lot of people involved in this gift feel that a Michigan legacy is important," says Finkelstein. "The fact that there are so many attorneys here from Michigan Law School says something about the quality of the education and how it prepares you to be successful in the real world."

Thanks to donors like the Skadden alumni, the house that Cook built is now more beautiful and functional than ever.

"Michigan is one of the top law schools anywhere," says Jacobson, "and it's important to have world-class facilities to go with the world-class professors and world-class curriculum."

Individual Skadden donors of \$50,000 or more, like all building donors at this level, are recognized on a permanent display in South Hall. In addition to the partners quoted, they also include Phillip Adams, '72, John Beisner '78, Jack Butler, '80, Bruce Goldner, '92, Eric Gorman, '95, Susan Hassan, '96, P.J. Huff, '96, Peter Krupp, '86, Diana Lopo, '81, Gary MacDonald, '88, Lynn McGovern, '86, Ron Meisler, '99, Rodd Schreiber, '87, Deborah Schumer Tuchman, '80, and Erica Ward, '75

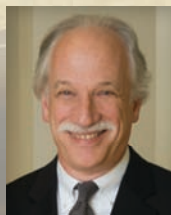
Additional participants in the collective gift include Les Goldman, '70, Ryan Junck, '03, David Kolin, '87, Alessandra Murata, '99, Tim Nelsen, '72, Bill Pelster, '67, Nick Peristerakis, '97, Richard Prins, '77, and Frank Shaw, '88.



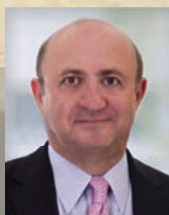
PHILIP DATTILO PHOTOGRAPHY



Meisler



Nannes



Rayis



Schreiber



Tuchman



Ward



Donors to the collective gift outside the Skadden Study, from left: Dean Caminker, John Nannes, '73, Phil Adams, '72, Seth Jacobson, '88, Stu Finkelstein, '85, John Rayis, '80, Rodd Schreiber, '87, Susan Hassan, '96, and Bruce Goldner, '92. Front: Erica Ward, '75. At right is Erica Munzel, '83, senior regional director in the Law School's development office.



Left: Trudy Jacobson, AB '88, and Seth Jacobson, '88, say U-M is a very special place and the Law School has opened up many opportunities for them.

Below: The dean and John Rayis banter about that university in East Lansing.

Skadden Study Dedication

The Skadden Study was formally dedicated September 15, 2012, with a program that featured remarks by Dean Caminker on behalf of the Law School, remarks by John Nannes, '73, on behalf of the Skadden firm, and a reading of a letter from President Mary Sue Coleman by the Law School's Erica Munzel, '83, who worked with Skadden donors on the gift. A performance by the Friars topped off the program.



LEISA THOMPSON PHOTOGRAPHY



The Friars perform a song written especially to thank Skadden donors for their generosity.

Right: Champions of the gift within the firm cut the ribbon to the Skadden Study: (from left) Stu Finkelstein, '85, Seth Jacobson, '88, Dean Caminker, John Rayis, '80, and John Nannes, '73.



Building support/student support/planned giving

Frederick Mahan, '57

Commitment and vision. Frederick Mahan, a child of uneducated immigrants who labored hard to make his dreams come true, possesses both qualities in abundance.

"Fortunately, no prestigious law firm made me an offer. I succeeded on my own terms," Mahan says, adding that he didn't do it alone. Michigan Law has loomed large in his life. Mahan's vision now is one of legacy, and he hopes his philanthropy will encourage other alumni to give back too.

"I want to give to the Law School in order to provide future students what William W. Cook gave to us," says Mahan, of San Francisco. "He gave us a place where we can be inspired. And the school equipped me with the substance to make my own way in life."

In gratitude, Mahan has given to the Law School's two highest priorities, the building project and student support. He is funding a scholarship to promote professionalism in the law and has generously provided for Michigan Law in his estate plan.

Born in Charleston, West Virginia, Mahan graduated from a military prep school and Gettysburg College, working his way through both. At Gettysburg (another institution he holds dear), he was a spiritual seeker, initiating a study of philosophy, psychology, religion, and life's great questions that continues to this day.

After service in the Air Force, he chose Michigan because he says he always sought the best. He earned his way through school once again, working as a dining-room waiter and a switchboard operator in the Lawyers Club, and at various summer jobs.

Diploma in hand, he envisioned five cities as potential spots to establish a career. A friend suggested San Francisco. For Mahan, it was love at first sight for the City by the Bay.

His career as an insurance defense litigator unfolded in unpredictable ways. Attorneys referred clients when their firms had conflicts of interest. He incorporated two nonprofit corporations for the purpose of constructing high-rise apartment buildings adjacent to the church he attended. He litigated or settled several lucrative plaintiff cases. It was all the working of divine providence, thought Mahan, with a lot of help from that Michigan inspiration.

"Along the way there was uncertainty," he allows, "but I never dreamed that I would be able to take on San Francisco or any other major city and succeed against all odds. My achievements as an attorney are a monument to Michigan Law. Now it is time to pass it on."

In retirement, Mahan devotes his time to traveling with Martha, his wife of more than 50 years; going to the symphony and opera; reading; and writing. He is troubled by the state of the nation and has written a book articulating his beliefs, *God Alone Is the Truth and the Way* (iUniverse Inc., 2008).



While much about the legal profession today disappoints Mahan, he believes Michigan Law still stands for the qualities of morality, ethics, and professionalism that will be required of students who receive the Mahan Scholarships.

"Michigan is a place where they still have the conviction that they are the leaders and the best," he says. "And they are. I believe that."

Law School Fund

Margaret Seif, '86

When Margaret (“Marnie”) Seif came to law school, she dreamed of working for a record company—cutting deals, writing contracts, and, yes, managing a rock band. Intellectual property, in those pre-Internet days, mostly meant entertainment-related copyrights and the patent law niche, which held no allure for Seif.

But a funny thing happened as Seif’s career launched: Her professional trajectory lined up precisely with the worldwide technological revolution.

“Intellectual property came to be something real and important, and it happened in a direction where I started focusing, which was technology,” says Seif, of Newton, Massachusetts. “That was just serendipity.”

Seif is vice president, general counsel, and secretary of Analog Devices Inc., a multinational semiconductor manufacturer headquartered in Norwood, Massachusetts. Her career has unfolded through a series of law-firm and in-house jobs, including working for several failed enterprises.

“I was always a risk-taker, because I thought it was fun,” she says. “But I got smarter about my risks as time went on.”

Technology grabbed her when she was practicing with a Boston law firm. She loved the clients—software engineers with startup companies—whom she regarded as smart, rational, and engaged in fascinating problems.

“I really connected into the way they thought and what they were trying to achieve,” says Seif. “When you’re working with clients to solve their problems, you become a business partner to them, and that’s how I wanted to practice law.”

When Seif came to Analog in 2006, the 40-year-old company—a graybeard by tech-world standards—had never had a general counsel and employed few lawyers. Seif, who jokes that her DNA composition has shifted from law to business, quickly remade the group, bringing corporate and contract work in house, sending litigation and patent writing out.



“On my first day here I said this backroom function called legal is going to become a strategic player, or I will have failed my job,” she recalls. “And we did.”

Seif has generously supported the Law School Fund since graduation, almost as many years as she has traveled the globe with her husband, Dr. William Land, with whom she has two daughters. Giving back to the institutions that gave you a leg up, she says, is a no-brainer.

“I don’t kid myself that where I am today is all about my talent and intellect,” she says. “I draw a straight line from my undergraduate school to my law school to my career. It’s that simple.”

Recent Gifts

Nancy and Dewey Crawford, '66, of Winnetka, Illinois, have made a gift of \$33,760 in honor of the 45-year reunion of the Class of 1966, bringing their total building gift to \$250,000 and continuing their support of the Law School Fund at the Cavaedium Society level. Dewey is a former partner in Foley & Lardner's Chicago office, where he co-chaired the office's Business Law Department and was a member of the firm's Transactional & Securities and Finance & Financial Institutions practices.



Patricia and John Lummis, '82, of Jackson, Wyoming, have made a gift of \$50,000 to the building project in honor of the 30-year reunion of the Class of 1982, for which John served as co-chair. John is a private investor and has served as a senior adviser and operating partner for various hedge funds and private equity funds with interests in the

insurance sector. Previously he was the chief operating officer and chief financial officer of RenaissanceRe, a leading reinsurance company.



Michele Schara and Randy Mehrberg, '80, of Princeton, New Jersey, have made a gift of \$50,000 for the Law School's building project, for artwork, decor, or historical displays that would inspire students and alumni alike. Longtime supporters of the Law School, the couple

previously endowed the Service Day program for entering 1L students in honor of former Dean of Students Susan M. Eklund, '73. Randy is president of PSEG Energy Holdings and has served on the Dean's Advisory Council since it was formed in 2006.



Erica A. Munzel, '83, of Ann Arbor, has made a gift of \$50,000 to the building project. After practicing law in Chicago for 10 years, Erica joined the University of Michigan Law School's administrative staff, where she is senior regional director in the Office of Development and Alumni Relations, working with alumni in the Midwestern states.

Amy and Bart Peterson, '83, of Indianapolis have made a gift of \$50,000 for the building project. Bart is senior vice president of corporate affairs and communications for Eli Lilly & Company.



Joan Platt Simon and Joel Simon, '60, of Bethesda, Maryland, have made a gift of \$50,000 for the building project. Joel is special counsel to Lerner Enterprises LLC, and Joan is a real estate developer on Capitol Hill in Washington, D.C.



Bruce Tuchman, '89, of Scarsdale, New York, has made a gift of \$50,000 in support of the International Transactions Clinic Enhancement Fund. Bruce is president of AMC/Sundance Channel Global, the international division of AMC Networks Inc.



Susan Wartell, ABED '59, of Bingham Farms, Michigan, has made a gift of \$100,000 to endow the C. Robert and Susan Wartell Memorial Scholarship Fund in honor of her late husband, **C. Robert Wartell**, AB '57, JD '60.

Carol and John Williams, '59, of Leawood, Kansas, have made a gift of \$50,000 for the building project. John is retired from practice with Blackwell, Sanders, Matheny, Weary & Lombardi (now Husch Blackwell LLP). They are longtime scholarship donors and supporters of the Law School Fund at the Cavaedium Society level.

This fall, Michigan Law will bring back our annual Report of Giving in a more environmentally friendly form. The report will contain an honor roll of donors for fiscal 2012 and personal stories on how your gifts are being used at the Law School. Information on how to access the report will reach you in November.

GIVING

Dedication Weekend

The weekend of festivities celebrating the dedication of South Hall was also a chance for the Law School to thank alumni and friends who made the building possible through their generous support. The dedication ceremony on September 7 was the weekend's highlight. Guests also enjoyed the public conversation between Justice Elena Kagan and Dean Evan Caminker, a celebratory dinner, and an open house with the opportunity to explore all of South Hall.

Top: Marla Feldman, BS '78, DDS '82, Justice Elena Kagan, Stewart Feldman, '80, and Dean Caminker share a moment after dinner. Second from top: Longtime friends Barbara and Daniel Van Dyke, BSEAA '64, JD '68, Bruce Bickner, '68, and Joan Bickner at the Distinguished Alumni Awards program. Van Dyke introduced his classmate Bickner, one of this year's award recipients. Third from top: Antonina, Norina (3L), and Jim D'Agostini, BBA '77, JD '80, arrive for the dedication of South Hall. Below: Jeanette Lehr snaps a photo of husband Terry Carlson, '78, master of ceremonies for the Distinguished Alumni Awards program, and their son, Henry Carlson, a senior in the College of Literature, Science, and the Arts.





Top: Bruce Featherstone, '77, Sabrina Featherstone (right), and Sabrina's mother, Adele Hager Saunders, AB '55, relax in the South Hall seminar room named by Bruce and classmate Bob Gorlin. Above: Sheila and Steve Hamp, MMP '78, HLLD '02, before dinner in the Aikens Commons. Below, left: Chris Jeffries, '74 (right), benefactor of the Jeffries Lounge, with son Sean and wife Lisa, enjoys the ceremonial dedication of South Hall. Below, right: Masayuki Oku, LLM '75 (center), with Mark West, the Nippon Life Professor of Law and associate dean for academic affairs, and Virginia Gordan, assistant dean for international affairs, in the Sumitomo Mitsui Banking Corp. Room in South Hall. Oku is chairman of the board of Sumitomo Mitsui Financial Group Inc. At right: From left, John Denniston, AB '80, JD '83, his mother, Rose Mary Denniston, Teri Anson, and Todd Anson, '80, visit the South Hall room that honors the memory of the late John L. Denniston, '51, who was John's father, Rose Mary's husband, and Todd's family friend.



The John L. Denniston Room



GIVING



(Clockwise from top left) Jan Jentes, AB '53, and Bill Jentes, AB '53, JD '56, arrive at dinner. Patty and John Nickoll, '60, get a look at the John F. Nickoll Family Room, classroom 1025 in South Hall. Bob Fiske, '55, HLLD '97, chats with Jentes before the Kagan-Caminker conversation. Richard Burns, AB '68, JD '71, and Liz Burns, at the reception before dinner. Kim and George Vincent, AB '79, JD '82, in the Aikens Commons. Jane Irwin, '80, with husband Bob Romo and son Robbie Romo.



Top left: Three generations of the Knauss family at Michigan Law: Andy Knauss, a 1L; his father, Chuck Knauss, '81; former Michigan Law faculty member Robert L. Knauss, '57; and Rob Knauss, '79. Top right: Ron Davis and Barbara Rom, AB '69, JD '72, arrive at the Power Center for the Kagan-Caminker conversation. Center: Stephen Brown, AB '66, JD '69, and Faith Brown, AB '69, visit a seminar room in South Hall. Below: From left, Chris Donnelly, '80, Rob Spatt, '80, and Dennis Ross, AB '74, JD '78, enjoy coffee and dessert near an illuminated South Hall.



Payton, '96, Takes Yoga Behind Bars

By Stuart Glascock



PHOTO BY SCOTT ELMQUIST, COURTESY OF RICHMONDPRIVATEYOGA.COM

Every Friday night Gwendolyn Payton, '96, transitions from top-flight class-action litigator to jailhouse yoga instructor.

Her metamorphosis unfurls in her 41st-floor office in Seattle's downtown financial district, where Payton is a partner at Lane Powell PC, one of the Pacific Northwest's largest law firms.

First, she holsters her always-on Blackberry and swaps her professional courtroom attire for gym togs. On a 12-minute walk to the jail, Payton makes the mental leap. She temporarily sidelines thoughts of her firm's class-action practice group, hiring, and pro-bono committees, all of which she chairs. As she leaves behind the Emerald City's postmodern glass and steel public library, luxury retailers, and theaters, she ponders the strange, hidden subculture she's about to penetrate.

Just beyond the urban glitz and glamour, she arrives at a drab, manila-colored, concrete fortress: the King County Correctional Facility. Built in 1986, the 20-story structure could have been designed by Kafka for the KGB. It exudes misery.

Clearing security—a gauntlet of identification checks, metal detectors, surveillance cams, remote-controlled steel doors, and guards with guns and Tasers—extracts 40 minutes. Inside the lockup, 14 edgy men in burnt-orange, jail-issued jumpsuits queue up for yoga in the clink.

For the next two hours, Payton pilots them through a taxing series of yoga postures—poses that exhaust muscles from the inside out. The men twist, lunge, and sweat—not to pump up their biceps, but to build up inner might.

In her class, the first 30 minutes “really tire them physically. It's the best gift I can give them,” Payton says. “They will be sweating and screaming and moaning. I get immediate feedback. They are not shy.”

As the session ends, the men bask, stretched out on the floor. Their chests rise and fall in slow, relaxed rhythms. The deep breathing warms the instructor's heart. “This is when I know it is successful,” she says.

When it's over, the inmates file back to their multilevel cell blocks feeling less confrontational and high strung.

“I have always felt called to serve the incarcerated,” Payton says. “I am committed to this. I believe in the transformative power of yoga.”

In a big part of that service, Payton volunteers for Yoga Behind Bars, a Washington state nonprofit that places certified yoga teachers inside correctional settings. About 35 yoga teachers give free classes at seven prisons and jails.

Teaching yoga in a frenetic jail reminds Natalie Smith, executive director of Yoga Behind Bars, of emergency room triage: Many jail detainees await transfer, release, or trial and do not yet know the length of their imprisonment. And some face shock at being incarcerated. Others endure withdrawal from drugs or alcohol. Many suffer war zone-like injuries from gang fights, stabbings, gunshots, or car wrecks. Everyone looks over their shoulders.

“We are trying to keep people safe and sane in that moment,” Smith says. “We're trying to give someone a moment of peace in their most difficult hour.”

Citing the benefits of mindfulness practices, corrections-based mental health professionals cheer Yoga Behind Bars. The program costs taxpayers nothing.

“Volunteers who provide programs to inmates are the unsung heroes in corrections,” says Commander William Hayes, spokesman for the jail.

One Seattle jail yoga student said the program should extend “all over the jail, not just one unit.” Another praised the exercise: “For a second, I was at complete peace with myself.”

Practicing yoga can spark unexpected emotions; jailed men sometimes shed tears in yoga class, Payton says. The average age in men's jail is 37. Four of five are incarcerated for nonviolent conduct, such as property offenses and criminal trespass.

Behind bars, Payton doesn't dig into Eastern philosophy or explore Sanskrit terms. “We're not there to do anything but yoga,” Payton says. “The yoga allows the men to manage stress. They experience calm.”

For more about this story, visit www.law.umich.edu/quadrangle.

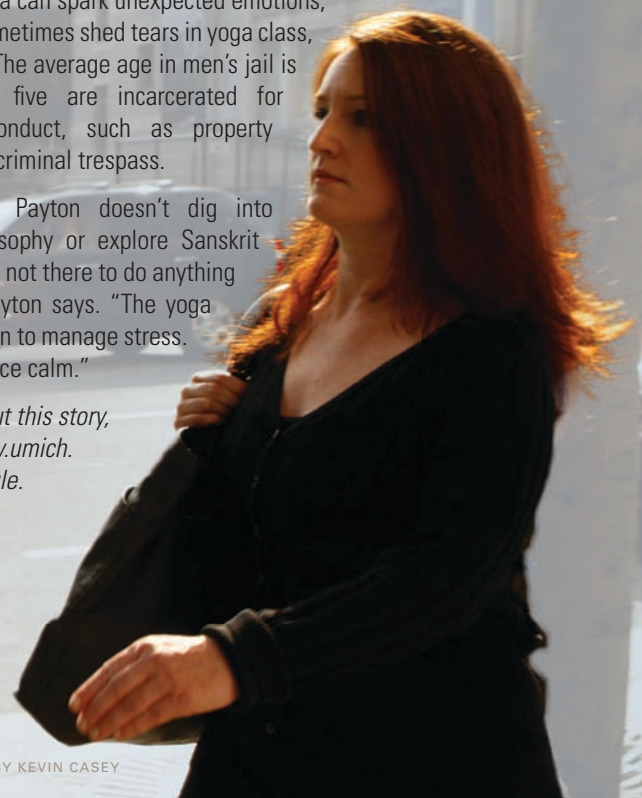


PHOTO BY KEVIN CASEY

1966

Jon Carlson received a Lifetime Achievement Award at the *Institutional Investor Magazine's* 19th annual Mutual Fund Industry Awards Ceremony for his actions as an independent director of mutual funds that helped reform fund governance rules and practices to better serve the interests of shareholders.

1969

John J. McGonagle has coauthored his 20th book, *Proactive Intelligence: The Successful Executive's Guide to Intelligence* (Springer), with Carolyn M. Vella.

1970

Gregory L. Curtner has joined Schiff Hardin LLP as a partner, and is leading the firm's Antitrust and Trade Regulation Practice firm-wide, working from both the Ann Arbor and New York offices. He also will be integral to the firm's Sports Law Practice. Before joining Schiff Hardin, he was a principal at Miller Canfield in Ann Arbor.

John S. Pfarr has written a book, *The Inventor's Fortune Up For Grabs* (Book Publishers Network), along with one of his clients, Suzanne G. Beyer. The book tells the story, from two perspectives, of a group of 10 cousins trying to receive some of their great-uncle's trust before it falls into the hands of strangers. Pfarr shows the case's journey through the Rhode Island court system, while his client, Beyer, shows the reader what happened in her family of cousins during this six-year case. *The Will on Investigation Discovery* featured the estate story last year and featured Pfarr and Beyer.



David Lick, a shareholder at Foster Swift Collins & Swift P.C., was elected to the 2012 executive committee for the Design-Build Institute of America (DBIA).

Lick will oversee public-private partnerships for the DBIA.

1973

Edmund Cooke Jr. has joined Gordon & Rees LLP as senior counsel in the firm's Washington, D.C., office. In addition to counseling and representing Fortune 500 companies in legal matters covering a wide array of employment issues, he specializes in diversity counseling and providing assistance with complex disputes and investigations from regulatory agencies and civil rights groups. He also helps clients design and implement diversity plans and employment audits, crisis communications, and diversity supplier programs. He is making the move to Gordon & Rees from the D.C. office of Drinker Biddle & Reath LLP, where he was a member of the Labor & Employment Group.

1974



Bruce Howell joined Schwabe, Williamson & Wyatt in the firm's Portland, Oregon, office. He joins Schwabe from the Dallas office of the St. Louis-based law firm

Bryan Cave LLC, and will continue to focus his practice in the area of health care at Schwabe. He has extensive experience with physician practice issues, fraud and abuse, and reimbursement.

1975



James D. Spaniolo, president of The University of Texas at Arlington, will retire from the university. He will continue to lead the university until the University

of Texas System Board of Regents completes a search for his successor. Under his leadership, UT Arlington has been transformed into a residential campus that forms the nucleus of a growing college town, and his administration is credited for dramatically lifting and improving the profile of the University—

boosting enrollment, increasing research expenditures, recruiting new faculty, assembling a strong executive team, strengthening the academic profile, leading the way in online and international education programs, and constructing major new facilities. He also forged collaborative partnerships with the City of Arlington and other institutions and organizations, both public and private.

1976

Patrick E. Mears, a partner in Barnes & Thornburg's Grand Rapids office, has been re-elected chair of the national Finance, Insolvency, and Restructuring Department. He has served in the leadership position for the past six years. In addition, he has been appointed as an observer to two Uniform Law Commission committees. His assigned committees include the Receivership Study Committee and the Residential Real Estate Mortgage Foreclosure Process and Protections Drafting Committee. Also, he has been elected president of the West Michigan Chapter of the Turnaround Management Association (TMA) for 2012–13. As president, he will officially represent the chapter and will take on various responsibilities, including planning and coordinating activities for the chapter and conducting meetings of the chapter's board of directors. He previously served as chair of TMA's Programs and Membership Committee, and as a member of the board of directors.

Mark Mestel is the recipient of the Washington Association of Criminal Defense Lawyers' 2012 William O. Douglas Award. This is considered the organization's most prestigious honor, recognizing an outstanding attorney who exemplifies extraordinary achievement, courage, and dedication to the practice of criminal law. He has been a member of the Washington Association of Criminal Defense Lawyers since its creation, and he has been practicing for more than 30 years.



CLASS NOTES

1978



Randall R. Hall was named the new Business Law Department leader at Plunkett Cooney, where he is a partner. He focuses his personal practice in

the areas of banking law and commercial real estate, and he has been licensed to practice in Michigan and Texas for more than 30 years. In his role as Business Law Department leader, he oversees the day-to-day operations of the firm's Corporate and Transactional Practice, which includes approximately 50 attorneys in Michigan, Ohio, and Indiana.



Anthony J. Kolenic Jr., a partner with Warner Norcross & Judd LLP, has been honored with Muskegon (Michigan) Community College's Distinguished Alumni

Award. The Distinguished Alumni Award is given annually and is the highest honor that the college bestows upon its alumni. He received the award based on his outstanding achievements both in his personal and professional life and for his commitment to community service. In addition to the award, he spoke to graduating students during the commencement ceremony in April.

1979



Seventeen members of the class of '79, along with 13 of their spouses, decided not to wait for a reunion year to get together. They met up the weekend of March 16–18, 2012, at the John Rutledge House in Charleston, South Carolina, and had a wonderful time.

Julie A. Greenberg published a book with NYU Press, *Intersexuality and the Law: Why Sex Matters*. She is a law professor and former associate dean of faculty at Thomas Jefferson School of Law in San Diego. She teaches Business Associations, Sexuality and the Law, and Gender and the Law. Her recent scholarship, which has been cited by a number of courts, focuses on legal issues related to intersexuality and gender identity.

Steven D. Weyhing has joined the law firm of Warner Norcross & Judd LLP as senior counsel. He will concentrate his practice on litigation, government, utility, agricultural, and environmental law, practicing in the firm's Lansing, Michigan, office. Prior to joining Warner Norcross, he was a member of Kelley Cawthorne in Lansing. He has also worked at the law firms of Butzel Long and Miller Canfield.

1980



Ron Heller was elected vice chair of the Land Use Commission of the State of Hawaii. He was appointed to the commission in 2010 by Governor Linda Lingle, and was elected by the commission itself as vice chair for 2012–13. He continues to practice law in Honolulu, concentrating on tax and business litigation, with Torkildson Katz.



Charles Hertlein, a partner in Dinsmore's Cincinnati office, has been recognized for his superior client service as a 2012 BTI Client Service All-Star. The honor is awarded by BTI Consulting Group. He is a partner in Dinsmore's Corporate Department, primarily practicing in corporate, securities, and mergers and acquisitions.

Elaine Mittleman has been working on the issue of post office closings, and her work was featured in an article in the *Washington Post*, "NoVa residents battle to save local post offices." She is fighting to save her local Post Office, and she has begun advising other groups around the country on how to obtain documents and challenge rulings before their post offices are closed.

1981



Charles M. Denton, a partner in Barnes & Thornburg LLP's Grand Rapids, Michigan, office and chair of the firm's Environmental Department, has been elected to the Michigan Chemistry Counsel's (MCC) board of directors for a one-year term. He was appointed at the MCC Annual Meeting in May. Denton will continue as chair of the MCC Government Affairs Committee.

1982



Mark T. Boonstra, a principal in the Ann Arbor office of Miller Canfield, has been reappointed by the Michigan Supreme Court to the Committee on Model Civil Jury Instructions, which drafts standard instructions for juries in civil cases. The committee, comprising 21 lawyers and judges, is charged with ensuring that the Model Civil Jury Instructions are concise, understandable, conversational, not slanted, and not argumentative. It also has the authority to amend or repeal existing instructions and, when appropriate, adopt new instructions. At Miller Canfield, he is co-chair of the firm's Appellate Section and deputy leader of the Litigation Group, handling business and commercial disputes of all kinds.

Bill Dobbs penned an article titled "Justice Doesn't Require Vengeance" that was published on *The New York Times* website in April in the Room for Debate section.





Saudek, '69: Harnessing Solar Energy to Light Up Liberia

By Lori Atherton

In a country where most homes lack electricity, “kids can’t study, businesses can’t operate, people can’t do their work at home,” says Robert Saudek, ‘69.

That’s why he is working with the Liberian Energy Network (LEN) to bring solar lights to one of the poorest countries in the world.

Saudek is the vice president, treasurer, and director of LEN, a nonprofit organization founded by Richard Fahey, a retired environmental lawyer from Ohio and former Peace Corps volunteer who served in Liberia in the 1960s. The two met in 2011, when both were fellows of Harvard University’s Advanced Leadership Initiative, a program that helps late-career or retired professionals apply their leadership skills toward addressing social problems.

“What appealed to me about LEN is that there is a serious need for electricity in Liberia; houses just go dark at night,” says Saudek, a founder and retired managing partner of Morris, Manning & Martin, LLP, one of Atlanta’s largest law firms. “And yet, there is a solution—these solar lights, which are portable and not terribly expensive.”

Like many Third World countries, Liberia is struggling to rebuild its infrastructure, particularly its electric grid, following more than a decade of civil war, which ended in 2003. While some businesses and some affluent Liberians use generators, most of the country’s poorer inhabitants are forced to rely on firewood, candlelight, or kerosene lamps to light their homes and businesses after sundown.

Saudek made his first visit to Liberia in May to work on the distribution of LEN’s first shipment of 200 solar lights. Another order of 540 lights already has been placed, and a third shipment is expected to reach Liberia later in the year. The goal, he says, is to have 2,000 solar lights delivered to Liberia in the first year of LEN’s existence.

LEN sells the lights in its retail shop in the capital of Monrovia, as well as through partner organizations, such as the Ganta Methodist Mission Hospital, Advanced Youth Project, and the Christ Network for Good, charging only enough for the lights to offset the cost of manufacturing, shipping, and other operational expenses.

“There is a trend in the social enterprise world not to give things away, but rather to create revenue to the extent necessary to break even and try to make it affordable to the people you are trying to reach,” Saudek says. “It’s basically a break-even, nonprofit model.”

Several sizes and types of solar lights are available; the smallest is a reading light, which costs about \$17, while the largest (more than \$500) is capable of lighting a hospital

ward. Another model, roughly the size of a portable flashlight, sells for \$62 and has the ability to charge cell phones, which have become popular in Liberia in recent years, but are expensive to charge considering the average Liberian makes 52 cents a day.

“The cell phone phenomenon is inconsistent with a country that has too little money,” Saudek says, “and yet five or so years ago, people started buying cell phones. It’s really the only way people can stay in touch and operate over there. But there is a cost to charge cell phones; you have to go to cell-phone charging centers, and that costs \$40 to \$50 per year. Most of our solar lights not only will provide lighting for the purchasers but also will allow the purchasers to save the cost of charging their cell phones, and will provide opportunities for the purchasers to generate income by charging their friends and neighbors to charge their cell phones on the solar light.”

Providing a solution to Liberia’s energy needs, as well as seeing how receptive Liberians are to using solar energy, is fulfilling for Saudek, who considers his work with LEN to be a new career.

“It’s been a wonderful development to have a second career of this type,” Saudek says. “Taking on something that’s consequential and challenging and doing good for people who are in severe need has been a great thing for me. I would encourage other lawyers at this stage of their careers to look into doing something like this. They won’t regret it.”

For more information on the Liberian Energy Network, visit lightingliberia.org.



Shahshahani, '04, Elected President of National Lawyers Guild

By Lara Zielin

Azadeh Shahshahani was born in 1979, four days after the Iranian revolution. Her name means “free-spirited” in Persian, so it’s perhaps fitting that, today, Shahshahani directs the National Security and Immigrants’ Rights Project at the ACLU of Georgia. From this post, she works on human-rights issues and battles for the fair treatment of refugees and immigrants, especially those behind bars.

“I thought for a time you had to be in the United Nations or in some major metropolitan area to do human-rights work and make a difference,” says Shahshahani, the newly elected president of the National Lawyers Guild (NLG)—the first woman of color ever to hold the position.

As it turns out, there’s plenty to do right here in the United States.

Shahshahani, '04, was in her second semester of law school when the September 11 terrorist attacks occurred. “I immediately started hearing about friends being approached by the FBI. Many thought they had to subject themselves to questioning without legal representation.” These post-9/11 experiences showed Shahshahani how vulnerable certain communities could be to discrimination.

When Shahshahani graduated, she went with her husband, Maysam Ghovanloo (MS '03, PhD '04), whom she met at U-M, to North Carolina, where he had a teaching job. There, she approached the North Carolina ACLU “with the idea for a project that would empower [Muslim and immigrant communities] during FBI questioning, or while facing discriminatory practices.” Once her husband landed a job at Georgia Tech, Shahshahani expanded her role with the ACLU in Georgia.

“When I started, it was in the middle of the Georgia legislative session,” she says. The legislature was in the process of trying to pass a host of anti-immigrant measures. In addition, “people in a local county where local police had become involved with immigration enforcement were getting picked up and arrested, and the conditions in the jail at that time were not humane. I got to work immediately.”

Shahshahani has battled tirelessly to improve conditions in immigration detention centers. Georgia has four—one of which is the largest in the United States. She helped write a report on a three-year study of the centers, and the conditions inside. The report documents violations of detainees’ due-process rights, inadequate living conditions, inadequate medical and mental health care, and abuse of power by those in charge. One of Shahshahani’s goals is to get those facilities that are managed by private companies to revert back to government oversight. “Profit is being made by the imprisonment of human beings in substandard conditions,” she says.

As president of NLG—the country’s oldest network of public-interest and human-rights activists working within the legal system—she looks forward to better engaging law students with a passion for social justice and law. “NLG lawyers have traditionally worked with people who have had their rights violated,” she says. “It’s critical to expose these violations, to create conversation around it. That’s what needs to happen in order to create change.”

“Profit is being made by the imprisonment of human beings in substandard conditions.”

—Azadeh Shahshahani, '04



PHOTO BY MARKO ROBINSON



Tim Hester, a partner at Covington & Burling LLP in Washington, D.C., was elected to serve a second four-year term as chair of the Management

Committee. His practice is concentrated in the field of antitrust litigation and antitrust counseling matters.

Richard I. Werder Jr. has been inducted as a fellow in the American College of Trial Lawyers. He is a partner at Quinn Emanuel in New York.

1983

Jonathan Hollingsworth became the Ohio State Bar Association's (OSBA) president-elect at the OSBA's Annual Convention in Cincinnati. He will take office as OSBA president on July 1, 2013. He is principal in the Dayton firm of J. Hollingsworth & Associates, LLC, where



he concentrates on litigation, employment, corporate and business, insurance defense, medical malpractice, personal injury, and legal disciplinary matters.

Denise J. Lewis, a partner at Honigman Miller Schwartz and Cohn LLP, has been appointed to the Board of Trustees for St. John Providence Health System, one of the largest providers of inpatient care in Michigan and one of the largest employers in metro Detroit. She has served on the boards of several nonprofit organizations in Metro Detroit over the years. She is a member of Honigman's Real Estate Department.

1984

Margaret Chutich serves as a judge on the Minnesota Court of Appeals, having been appointed by Governor Mark Dayton in January 2012. Before that, she served for three years as assistant dean at the Hubert H.

Humphrey School of Public Affairs at the University of Minnesota, overseeing many aspects of the student experience, from recruitment to career planning. Prior to that, she practiced law for 25 years in various capacities at the Minnesota Attorney General's Office, including service as deputy attorney general of the Law Enforcement Section.



Rose Ann Sullivan has joined TechVision21, a Washington, D.C.-based firm of technology policy experts, as a senior adviser. She brings

more than 25 years of experience in business, law, and government to the TechVision21 team, where she continues to advise clients on issues pertaining to technology and intellectual property.

1985

Robert A. Boonin, a frequent speaker on labor and employment matters, was a featured speaker during the Society for Human Resource Management Annual Conference & Exhibition. This is the sixth consecutive year that he has been invited to present at this conference. He is an attorney and shareholder with Butzel Long in Ann Arbor, and his practice is concentrated in the areas of labor, employment discrimination, and education law.

Hans-Michael Giesen, LLM, formed a new Berlin-based law firm, which will be known as Giesen Heidbrink, with Alfried Heidbrink in March. Both initially were partners for many years at Freshfields Bruckhaus Deringer and its legacy firms. His practice focuses on company law, transactions, and corporate notarial services.

Reed D. Rubinstein, former senior counsel and Regulatory Committee Executive at the U.S. Chamber of Commerce, has joined Dinsmore's Washington, D.C., office. He joins the firm as a partner in the Corporate Department, focusing his practice on regulatory and federal advocacy matters.



Bill Sailer has been elected as a fellow in the College of Labor & Employment Lawyers. His current role is senior vice president and legal counsel at Qualcomm Inc.,

where he has practiced for the last 15 years.

1987



Carolyn Evani was named president of The Komen Phoenix board of directors for 2012-13. She has served on the board since 2009, most recently as vice

president. She was the chair of the 2009 Komen Phoenix Race for the Cure and was named the Komen Phoenix Affiliate Volunteer of the Year in 2007.



J. Adam Rothstein, a partner in Honigman Miller Schwartz and Cohn LLP's Real Estate Department, has been appointed Michigan state director for the International Council

of Shopping Centers Inc. (ICSC) for a one-year term. In this volunteer role, he will advocate for the interests of owners, developers, investors, marketers, and other retail specialists across the state. His practice is focused on counseling shopping center, hotel, self-storage, and office building owners and investors, nationally, in acquisitions, dispositions, financings, and major tenant leasing. He also advises real estate owners and operators in joint ventures, syndications, and investment fund creation.



CLASS NOTES

1988



Alison Kean Campbell was appointed general counsel of Metro in Portland, Oregon. Metro is the only regionally elected government in the country, responsible for region-wide growth, land use, parks, and transportation planning for the Portland area's 25 cities and three counties. She and her husband, **Bruce Campbell**, '88, live in Portland and have two children, Annie, a junior at Dartmouth, and Ben, a senior in high school.



Vince Hess, a partner in the Dallas office of international law firm Locke Lord, is coauthor of a chapter in the Third Edition of well-read legal treatise *Business and*

Commercial Litigation in Federal Courts. He and a colleague coauthored a chapter on "Costs and Disbursements" in a reference volume that is considered the go-to source for commercial litigation.

Matt Hrebec, a shareholder in the Lansing, Michigan, office of Foster Swift Collins & Smith, P.C., was elected to serve on the firm's Executive Committee as treasurer. His primary practice areas are corporate transactions, securities regulation, and employee benefits.

1989

William Bock III, a partner with Indianapolis-based Kroger, Gardis & Regas LLP, was a speaker at the U-M Law School's Sports Law Society conference, "Going for the Gold," a symposium about the legal issues surrounding the summer Olympics. He has substantial experience in athletic drug testing matters and sports eligibility disputes. He also serves as general counsel to the United States Anti-Doping Agency.



John "Jocko" Knappmann has been appointed to the executive staff of the Wayne County CEO to work in the area of governmental relations and special projects.

He has worked for Wayne County, Michigan, in various capacities since his graduation from law school. He also is an adjunct lecturer for criminal justice courses with the Detroit campus of the University of Phoenix and recently was elected treasurer of the Wayne County Art Institute Authority Board.

Jeffrey A. Ott, a partner at the law firm Warner Norcross & Judd LLP in Grand Rapids, Michigan, has been appointed to a three-year term on the Albion College Board of Trustees. Albion College is an independent residential college in south-central Michigan. His practice is concentrated in securities and business law, with an emphasis on financial institutions.

Kiren Dosanjh Zucker was promoted to the rank of professor in the College of Business and Economics at California State University, Northridge. She teaches management and business law courses.

1990

James R. Rowader Jr. was named by the Association of Corporate Counsel as a 2012 ACC Value Champion. He is vice president and general counsel for employee and labor relations at Target Corporation. Additionally, he and fellow Michigan Law alum **Theresa Harris**, '91, celebrated their 20th wedding anniversary on Labor Day 2012.

1992

Joseph Schmitt, a shareholder at Nilan Johnson Lewis in Minneapolis, was named by the Association of Corporate Counsel (ACC) as a 2012 ACC Value Champion. The judges commended him for handling employment and labor law work with a variety of fee arrangements that have generated predictability and savings.

Melissa Tatum has been named director of the Indigenous Peoples Law & Policy Program (IPLP) at the University of Arizona James E. Rogers College of Law. She joined the college in January 2009 as a research professor of law and associate director of IPLP. She is a nationally renowned scholar on federal Indian law, particularly with respect to tribal courts.

1994



Otto Beatty III, co-owner of E.E. Ward Moving & Storage Co. LLC, was appointed to the Small Business Council of the Columbus (Ohio)

Chamber of Commerce for a three-year term. The Small Business Council reinforces the chamber's mission to better serve the small business community and the Columbus business environment. Additionally, E.E. Ward Moving & Storage Co. LLC, has been selected by the Better Business Bureau (BBB) Center for Character Ethics to receive the 2012 Torch Award for EthicalEnterprising. Beatty also was selected by Columbus Mayor Michael Coleman to represent the city at the White House Business Council and Business Forward forum.

Noah A. Finkel of Seyfarth Shaw LLP coauthored a book, *Wage & Hour Collective and Class Litigation* (Law Journal Press), with his partners Brett C. Bartlett and Andrew M. Paley.

Richard E. Golden has joined the law firm of Parker McCay P.A. as an associate. He joins the School Law Department and is based in the firm's Lawrenceville, New Jersey, office. His practice is focused in the areas of school law and public sector labor/employment. Prior to joining Parker McCay, he was counsel to the superintendent of Camden Community Services in New Jersey for six years.

John H. Goselin II has joined Duane Morris as a partner in the firm's Trial Practice Group in its Atlanta office. He joins Duane Morris from Cetera Financial Group, where he was chief litigation counsel. He focuses his practice in the area of financial services litigation. He represents broker-dealers and investment advisers on a range of matters.



Margo Wolf O'Donnell was honored by the Law Bulletin Publishing Company in its 2012 edition of the *Women in Law: "Women Making an Impact"* special supplement. She was recognized among 15 Chicagoland women attorneys for her "commitment to excellence in her legal work, along with her active leadership in the community." O'Donnell also was highlighted in *Today's Chicago Women* magazine as one of Chicago's "100 Women to Watch." She is a shareholder at Vedder Price in Chicago in the firm's Employment and Litigation practice groups.

1995

Brian L. Johnson has been named partner in the law firm of Dingeman, Dancer & Christopherson in Traverse City, Michigan. He has been with the firm for 10 years, practicing in the areas of estate planning, probate, general business practice, and real estate.

Frederick R. Juckniess joined Schiff Hardin as a partner in the Antitrust and Trade Regulation Group, and will work in the Ann Arbor office. He also will be integral to the firm's Sports Law Practice. Before joining Schiff Hardin, he was a principal at Miller Canfield in Ann Arbor.

Pablo Quiñones, formerly an assistant United States attorney in the Criminal Division of the U.S. Attorney's Office for the Southern District of New York, is joining Reed Smith LLP's Global Regulatory Enforcement Group as a partner in the New York office. As an assistant U.S. attorney for eight years, he was responsible for numerous grand jury investigations and prosecutions of major cases involving securities fraud, public corruption, narcoterrorism, money laundering, and RICO crimes. Prior to joining the U.S. Attorney's Office in 2004, he represented businesses in complex commercial litigation at Anderson Kill & Olick, P.C., and served as an associate general counsel at AmeriChoice Health Services Inc., now a UnitedHealth Group company.

Armbrister, '82, Named President of Girard College

By Amy Wimmer Schwarb

Clarence D. Armbrister was first introduced to Girard College in Philadelphia through his trusts and estates class at U-M, where law students learned about a 1968 Supreme Court ruling denying certiorari that opened the school to students of all races.

The decision, made 13 years after the court's landmark *Brown v. Board of Education* ruling, found that public policy outweighed the will of the school's benefactor, who had died in 1831 and left behind funding for a school to educate white male orphans ages 6 to 18.

Armbrister, '82, who grew up in Miami and earned his undergraduate degree at the University of Pennsylvania, went on to build his career in Philadelphia—first as a lawyer at a private firm, then in public service as, among other positions, city treasurer of Philadelphia.

Armbrister's latest stop in his diverse career has taken him to the helm of the Girard College, the private school he had studied as a law student. As an African American man, he now steers the institution that still relies on the funding left behind by a man who wanted his school to benefit only whites. "It is somewhat ironic," Armbrister says, "that I sit in this seat."

Armbrister began his career in the public finance department of Saul, Ewing, Remick & Saul (now Saul Ewing) after clerking for the firm between his 2L and 3L years. The job put him at an interesting intersection of political science and economics—his areas of study as an undergrad—because his firm represented the city of Philadelphia in the early 1990s, as it grappled with the possibility of bankruptcy.

He made partner in seven years but took a career detour after 12 years at the firm, when he left to serve as city treasurer under then Mayor Edward G. Rendell. In that position, he helped the city crawl back financially from the brink of bankruptcy, and Philadelphia returned to investment-grade status on Armbrister's watch.

Armbrister never did return to the practice of law. He went on to hold such diverse positions as managing director of the Philadelphia School District; director of the public finance department at PaineWebber; executive vice president and chief operating officer at Temple University; and chief of staff for Philadelphia Mayor Michael A. Nutter. Before accepting his position at Girard, Armbrister was senior vice president and chief of staff to the president of Johns Hopkins University.

Now, at Girard, Armbrister will combine the incarnations of his career to lead a formidable boarding school in his beloved adopted hometown, Philadelphia. Today, the school's mission is to provide full scholarships to students in grades 1 through 12 who have single parents and limited finances.

The bequest 19th-century merchant Stephen Girard left the school was, at the time, the largest private charitable gift in American history. And while Girard's vision has expanded, the mission is the same.

"He was a consummate businessperson who had the foresight to see that young men in particular who did not have parents would need assistance in providing a high-quality education," Armbrister says. "When you look at what this institution has produced in terms of leaders in business and commerce around the United States, it's rather extraordinary."



KEITH STEININGER, GIRARD COLLEGE

Christy, '91: Reptile Writer

By Sandra Svoboda

A law degree can pave a career path through many places. The route for Bryan Christy, '91, has snaked through a reptile-harvesting factory in southeast Asia, a Florida smuggling operation, and the exotic animal collection of a notorious narcotics dealer.

But Christy is not prosecuting or defending those involved. He's chronicling them as a contributing writer at *National Geographic* and author of the book *The Lizard King: The True Crimes and Passions of the World's Greatest Reptile Smugglers* (Twelve, 2008), which recently was optioned for a feature-length film. He keeps a blog at www.thelizardkingbook.com, where he opines about issues and events related to the animal trade.

With all of his works, his background in the law influences what he writes—and, just as important, what he doesn't include.

"I write my stories as airtight as a legal brief, and that's because I'm dealing with stories that sometimes become criminal cases," Christy says.

In some instances, he ends up trying people in the court of public opinion. A recent article about Anson Wong, a Malaysian animal dealer, led to major governmental reforms there. In response, in part, to public outcry, Wong was prosecuted and sentenced to five years in prison.

"He was offering snow leopards and rhinoceros horns and pandas," Christy says. "That's a global criminal who recognizes there's a great opportunity for profit."

Christy, a native of New Jersey, chose Michigan Law for its international law program. He made the most of it, completing an internship in the U.S. Trade Representative's office during his 3L year, publishing an article in the *Michigan Journal of International Law*, and following up with a Fulbright to Japan and a year at Tokyo University law school. His career trajectory took off.

He had gone to law school because he was afraid to be a writer, something he reminded himself of often during his intense law practice. "If something bad happened during the day in my law firm life, I'd say, well, I'm really a writer," Christy says.

After his father fell ill, Christy admitted to himself and his father that writing was his real passion. So in 1995, he quit his young but promising law practice at Powell, Goldstein, Frazer & Murphy in Washington, D.C., and went broke trying to be a writer. He started with a novel, lost his house and car, and was five years unemployed. Then his uncle, a retired FBI undercover agent, showed up and urged him to follow the natural curiosity he'd had as a kid and to use the investigative ability he'd honed as a lawyer.

"That got me started in the nonfiction arena," Christy says. "Part of me did love being a lawyer so I got to combine the two careers. Then things took off emotionally and stylistically."



He also channeled lessons from law professors. "I can still hear Yale Kamisar yelling, which probably informs every sentence I write: Make it bigger, more significant, get the important things out, don't bury them," he says.

Christy looked toward what had been his childhood hobby, collecting small lizards and turtles and then snakes, which had brought him healthy attention on "show-and-tell" day at school. He found an adult world full of colorful personalities, exotic species, a criminal element, and an underfunded federal government operation trying to go after those who flouted international law.

The personalities made for intriguing plot lines for his book, which focuses on a second-generation Florida reptile dealer who was prosecuted, has served time, and is now reportedly clean. He also writes about the federal investigators who spend years trying to prosecute animal-related crimes, which are not always the top priority in legal circles, and who chased Wong around the globe as best they could.

While *Lizard King* focuses on the supply side of the reptile market equation, Christy says the demand side bears noting. "The customers are high-end collectors. They have money and interest. Often it's a childhood interest that is rekindled, and they collect in sets: species sets or even subspecies sets," Christy says. "So a guy will have an interest in tortoises and he will want every tortoise specific to, say, Madagascar, where the rarest tortoises are. They want bigger and rarer."

The book reflects the moral lessons against criminal activity and the "harvesting" of rare species for pets. But it doesn't make a blanket statement against all reptile collecting, and it recognizes that there is a spectrum of appropriate views on the issue.

"The unfortunate reality of our society, at least in the United States, is that kids have fewer and fewer opportunities to interact in a tactile way with nature, and reptiles are one of the few forms of wildlife that children and young people can pick up and touch," Christy says. "That's what got me started."

The problems begin when collectors start wanting "the un-gettable," as Christy describes it. "Those things are un-gettable because they're difficult to find or because they're illegal," he says. "Unfortunately, with the people that have a passion for going out and finding these things under rotting logs, there is a subset of those people who can't stop. They become adults who want to flip logs and those logs are customs law and regulations."

Christy just completed a two-year global investigation into the illegal ivory trade. That story is out this month (October) on the cover of National Geographic.

Robert J. Wierenga joined Schiff Hardin as a partner in the Antitrust and Trade Regulation Group, and will work in the Ann Arbor office. He will also be integral to the firm's Sports Law Practice. Before joining Schiff Hardin, he was a principal at Miller Canfield in Ann Arbor.

1996



Michelle Madden Dempsey has been awarded tenure and promoted to the rank of professor of law at Villanova University School of Law, where she teaches Criminal

Law, Evidence, Jurisprudence, Feminist Legal Theory, and Sexuality and Law. She previously was a lecturer in law and tutorial fellow at the University of Oxford, England.

1997



Eric Hecker is a partner at Cuti Hecker Wang LLP, a firm that he cofounded in 2011. His practice focuses on civil rights litigation, including First Amendment,

children's rights, police misconduct, and election law issues. He currently represents the New York Senate Democrats in connection with an ongoing legislative redistricting process.

Kaethe Morris Hoffer, deputy executive and legal director of the Chicago Alliance Against Sexual Exploitation (CAASE), received the Chicago Foundation for Women's 2012 Impact Award. The awards honor local attorneys and activists who have defended women's rights in the courtroom, the capitol, and beyond. She is being recognized for advocating for the rights of survivors and working to eradicate sexual assault and prostitution. She leads CAASE's legal program, the Sexual Assault Justice Project, which offers free legal representation to survivors of rape, sexual abuse, prostitution, and sex trafficking.

1999

Elliot M. Regenstein of EducationCounsel LLC gave a presentation, "Guam Early Childhood Summit," at Guam's Early Learning Summit in April. He worked on a strategic plan with the Early Learning Council, and then had a large meeting for the stakeholders and the governor.

2000

Chris McCleary has been hired to serve as general counsel for The Echo Nest, providing legal guidance and leadership in licensing and other corporate engagements. The Echo Nest is a music intelligence platform powering music applications across the web and devices. He has 12 years of experience representing big data, tech startups, and digital media companies, most recently as vice president of Business Development and Strategic Partnerships at Rovi Corporation.

2001

Damany F. Ransom has been elected a shareholder at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, in the firm's Atlanta office. He is a member of the Product Liability and Mass Tort Practice Group, and he defends product liability and toxic tort cases involving pharmaceutical products, medical devices, dietary supplements, chemical exposure, and premises liability. His practice also includes business litigation, in which he prosecutes and defends lawsuits involving breach of contract, fraud, breach of fiduciary duty, and other business torts.



Bethany Steffke Sweeny, an attorney and shareholder with Butzel Long, has been elected to a three-year term on the Board of Directors of SafeHouse Center in Ann Arbor.

SafeHouse Center is a nonprofit agency that provides services and support for people impacted by domestic violence or sexual assault, providing free and confidential services for any person victimized who lives or works in Washtenaw County.

2002

Kimberly K. Kefalas joined Schiff Hardin as a partner in the Antitrust and Trade Regulation Group, and will work in the Ann Arbor office. She will also be integral to the firm's Sports Law Practice. Before joining Schiff Hardin, she was a principal at Miller Canfield in Ann Arbor.



Hamid M. Khan has been appointed senior program officer at the Rule of Law Center of the United States Institute of Peace. He supervises rule of law efforts in Afghanistan,

including facilitating academic study of the 2004 Constitution, study of customary justice practices and linkages, and evaluating international principles of transitional justice with classical and contemporary Islamic law. He also has been appointed professorial lecturer in law at the George Washington University Law School, teaching courses on Islamic Law.



David C. McKone has been elected to Nixon Peabody LLP's partnership. His practice in Chicago focuses on litigating patent and other intellectual property

disputes, primarily in federal court.



Katherine M. Rahill, a partner at Jenner & Block, has been selected as a recipient of the Chicago Foundation for Women's 2012 Impact Award. She is

being recognized for her leadership of Jenner & Block's participation in the Circuit Court of Cook County Domestic Violence Division's Order of Protection Pro Bono Representation Program. Through the program, which began in 2011, volunteer attorneys assist clients



CLASS NOTES

in obtaining both emergency and plenary orders of protection. The firm is one of several in the city that is partnering with the court to help victims of domestic violence, and she has chaired the firm's participation in this pilot project.



Emily J. Zelenock, a partner in Honigman Miller Schwartz and Cohn LLP's Intellectual Property and Technology Practice Group, recently authored a chapter in

the book *Protecting Rights in International Business Transactions* (Aspatore Books). Her chapter, entitled "Understanding the Cultural Complexities of IP Issues in Cross-Border Deals," discusses a variety of issues that businesses and attorneys may encounter when negotiating and entering into international business transactions involving intellectual property. Also, she was named co-chair of the Scholarship Committee for the Federal Circuit Bar Association.

2003



Michael Groebe of Foley & Lardner LLP has been promoted to senior counsel. His practice focuses on advising employers in all aspects of employment law,

including large-scale layoffs, and he has experience representing employers before state and federal courts and administrative agencies, such as the Equal Employment Opportunity Commission and National Labor Relations Board. He is a member of the firm's Labor & Employment Practice, the Automotive Industry Team, and the Trade Secret/Noncompete Specialty Practice.

Sonia Rolland authored a book, *Development at the WTO* (Oxford University Press), which offers perspectives to negotiators and litigators on how to use international law and how to reinterpret WTO agreements in a way that is more cognizant of the demands of developing country members. She is an associate professor at Northeastern University School of Law, and previously she was a visiting professor at the U-M Law School.

2004



Jeffrey Jones, of counsel with Barran Liebman LLP, has earned tenure as an associate professor of law at Lewis & Clark Law School. He joined the law school faculty

in the fall 2007 and became an associate professor in 2010. He teaches Employment Law, a Disability Law Seminar, Jurisprudence & Property, and Legal Elements.

Daniel W. Linna Jr., a partner in Honigman Miller Schwartz and Cohn LLP's Commercial Law, Bankruptcy, and Reorganization Department, was the moderator and one of three presenters in a recent webinar entitled "What Commercial Litigators Need to Know About Bankruptcy." The webinar was hosted by the Commercial Litigation Committee of the Business Law Section of the State Bar of Michigan.

2007

Aaron R. Petty was named the winner of the 2010–11 Eisenberg Prize by the American Academy of Appellate Lawyers for his article "The Hidden Harmony of Appellate Jurisdiction," 62 *South Carolina Law Review* 353 (2010).

Jennifer D. Rupert has joined Frost Brown Todd as a senior associate in the Labor and Employment Practice Group. Her practice is concentrated in employment law, representing employers in both state and federal court in claims of age, gender, race, and disability discrimination, wrongful discharge, retaliation, sexual harassment, breach of contract, and defamation.

Suzanne L. Wahl, previously an associate with Miller Canfield in Ann Arbor, joined Schiff Hardin as an associate in the Antitrust and Trade Regulation Group. Her practice covers general commercial litigation, including both antitrust and class action cases.

2008



Emily Liu of Skadden, Arps, Slate, Meaher & Flom LLP, was honored as one of the recipients of The Legal Aid Society of New York City's 2011 Pro Bono Publico Award.

The Honorable Jonathan Lippman, chief judge of the State of New York, presided over the ceremony in Manhattan and presented the awards to lawyers who have provided exceptional legal service to low-income New Yorkers. She was recognized for providing excellent representation to clients in The Legal Aid Society's Harlem Community Law Office in a variety of litigated matters in the civil practice.



Sonya S. Mays was named a vice president in Deutsche Bank's Investment Banking Practice, based in New York City. She is focused on providing capital markets and

M&A advisory services to the industrial and manufacturing sectors, with special emphases on construction and automotive companies. She joined Deutsche Bank in 2008 as an associate.



Mihas, '02: 'You Go to Law School Dreaming of Doing Cases Like That'

By Sandra Svoboda

When he left the news producer's chair at the Detroit NBC affiliate for law school, Harry Mihas, '02, thought his next career would be in criminal law.

He got the law part right, but the criminal specialty took a few more years. And when it happened, one of his first cases drew headlines.

Mihas was on the team of defense attorneys that represented the Hutaree's nine members arrested in March 2010 on federal charges of plotting to kill police officers by using illegal explosives and guns. Seven members of the Adrian, Michigan-based anti-government group went to trial in early 2012. In March a federal judge ended the trial before it ever reached the jury.

Judge Victoria Roberts ruled the government could not prove charges of seditious conspiracy and conspiracy to possess weapons of mass destruction. She dismissed the cases against five of the defendants, while two defendants eventually pled guilty to a weapons charge. As part of her ruling, Judge Roberts found the Hutaree's anti-government rhetoric was First Amendment-protected speech.

"You go to law school dreaming of doing cases like that, but until you actually get one, it's still a dream," Mihas says. "The law is the law, but the art and technique of lawyers that you get exposed to in cases like this can really help you elevate your work and your expectations for yourself."

Getting to that federal courtroom wasn't Mihas's first career goal. A native of River Rouge, the first suburb downriver from Detroit, he wanted a change after high school; he earned a bachelor's degree in history and a master's in civil rights history from Clemson University in 1992, then worked in television news for several years, including news producer at WDIV-TV 4 in Detroit. By 1999, he knew he needed a new profession.

"I looked at the guys who were 50 years old, who'd had two heart attacks, three divorces and were still working the same amount of hours," he says. "There's no light at the end of the tunnel in television, and you know you're not going to change it because there are 2,000 other people willing to do the job."

At Michigan Law, he got busy. Mihas was a student representative on the admissions and scholarship committee, a liaison for the Latino Law Student Association ("We didn't have a Greek one," he says), worked on the *Journal of Law Reform*, clerked at the Wayne County Prosecutor's Office, and held a graduate student assistantship teaching writing in the art history department.

He was a law student on September 11, 2001, and remembers professors refusing to cancel class. "Professor [Yale] Kamisar told us that we were not going to cower to the people that brought the Twin Towers down. So we kept on going." Mihas says.



After graduation, his first job was in the general counsel's office at Detroit Public Schools. Then he landed four clerkships with federal judges in St. Louis and Detroit. The economic downturn of the last decade caused his layoff from a large Detroit firm, which he treated as a blessing.

"I was doing mostly commercial and business litigation. It was trial work, which I had some interest in, but at the end of the day, I was looking at it and thinking, 'It's just about money.' I get more excited when it's somebody's rights or there is a victim to a crime as opposed to just money involved," Mihas says.

He landed at the Oakland County Prosecutor's office before striking out on his own as a criminal defense lawyer in 2011. At one of his federal clerkships, Mihas had met William Swor, a noted Detroit criminal defense attorney, who had said, "If you ever get into private practice, call me." So Mihas did.

Swor was the court-appointed counsel for Hutaree leader David Stone Sr., and asked Mihas to be second chair.

Despite the highly publicized case reminding Mihas of his television news days, his work was legal. "Research, going through discovery, helping with motions, prepping for jury selection and cross examination," he describes it.

"The trial itself was exhausting. We were always on edge and had new deadlines. There was always a surprise," he says.

He credits the defense team with much of the resulting not-guilty verdicts from trial but also asserts that the "agents in the field overreached" and that the government tried to inflate the danger the group potentially posed by painting them as terrorists rather than going after them for weapons charges.

"That seems to be one of the lessons learned in the Hutaree case," he says. "In this day and age of terrorism and fearing terrorists, terrorism enforcement is about manufacturing a threat where there really isn't one, not necessarily ending terrorism."

2009

Emily E. Edsenga joined Goldberg Kohn as an associate in Commercial Finance in Chicago.

Katherine G. McKeon has joined Sacks, Glazier, Franklin, & Lodise LLP, a litigation boutique in Los Angeles, as an associate. She focuses her practice on trusts and estates litigation.

Gregory W. Lavigne Jr. joined Frost Brown Todd as an associate in the Cincinnati office in the Lending and Commercial Services Practice Group. He is experienced in taxable and tax-exempt financing, focusing on public finance, project finance, structured finance, economic development, securities law, and public debt federal and state tax matters.

2010

Kyle Recker joined Squire Sanders as an associate in the firm's Columbus, Ohio, office. His practice focuses on real estate matters. Prior to joining Squire Sanders, he was a corporate lawyer for a manufacturer of life-sustaining medical devices, where he was responsible for handling matters related to contracts and commercial transactions, anti-kickback laws, FDA regulations, and other compliance and regulatory matters. He also managed many of the day-to-day operations of the legal affairs department.

2011



Aaron E. Bass has joined Honigman Miller Schwartz and Cohn LLP as an associate in the Real Estate Department in the firm's Detroit office. He will

concentrate his practice on general real estate matters, including development, financing, restructuring, and leasing. Prior to joining Honigman, he was an attorney at Jaffe Raitt Heuer & Weiss, Southfield, Michigan.



Kemp, '00: Lawyer, Sci-Fi Bestseller

By Andrew Clark

A self-proclaimed voracious reader, it always seemed like a question of “when” and not “if” Paul S. Kemp, '00, would become a novelist. Before he started law school, Kemp would dabble in the craft, penning stories whenever he could.

But when it came to his 3L year, Kemp realized that he needed, for his own happiness, to pursue writing as a career—in addition to law. Fast-forward a decade, and Kemp has realized both of these dreams in a big way.

During the day, Kemp is the vice president and general counsel for CareTech Solutions, a Michigan-based company rooted in health-care IT services. When he's not in the office, Kemp is working on his next novel. He's published more than a dozen titles, including selections that have appeared on *The New York Times* bestseller list for hardcover fiction. His newest book, *The Hammer and the Blade* (Angry Robot, 2012), was released this past June.

“If you love something, then you can make time for it,” says Kemp, 43, who lives in Grosse Pointe with his wife and three children. “I have my family, my job, and then my writing career to juggle. With writing, I just find time to do it. Sometimes it's during my lunch hour, or after my wife goes to sleep and I'm still up.”

Kemp's novels fall within the fantasy and science-fiction genres. His latest book follows the journey of a pair of rogues whose ultimate goal is to kill a demon and then take his riches and retire—though that plan doesn't come without its wrinkles.

A longtime participant in the Dungeons and Dragons role-playing game, Kemp grew up digesting science-fiction and fantasy novels—especially so-called sword and sorcery books.

Kemp says that being trained to think like a lawyer has been an asset to his ability to analyze details and deconstruct things as a writer. And unlike his job as a lawyer, there is no leaving the office at the end of the day.

“When you're a writer, you are never off, even when you're technically on vacation,” says Kemp. “There's always a deadline looming somewhere. And the writing process differs. If I am writing a scene with lots of prose involved, sometimes it takes a lot longer. But if it's an action scene, the words come fast and furious.”



I N M E M O R I A M

1930s

Erwin B. Ellmann, '38 3/28/12

1940s

Joel G. Jacob, '40 5/3/12
 Sidney J. Salzman, '41 5/9/11
 Eugene C. Shutts, '42 8/12/12
 Harvey E. Vanbenschoten, '43 4/14/12
 Theodore Markwood, '44 4/26/12
 Allan C. Miller, '46 6/29/12
 John S. Ballard, '48 4/21/12
 John E. Damon, '48 2/29/12
 Walter B. Freihofer, '48 5/26/12
 Robert M. Barrie, '49 9/8/12
 Frederick J. Buckley, '49 4/2/12
 Bernard Goldstone, '49 5/22/12
 Rockwell T. Gust, '49 8/27/12
 Keiichiro Imai, '49 8/18/12
 James K. Mortimer, '49 2/2/12
 Keith L. Newman, '49 4/7/12

1950s

John T. Kelly, '50 8/31/12
 Charles G. Kepler, LLM '50 7/2/12
 James W. McCray, '50 8/13/12
 Hudson Mead, '50 7/3/12
 John H. Anderson, '51 8/18/12
 Frederick E. MacArthur, '51 9/13/11
 William M. Peek, '51 8/27/12
 Warren G. Elliott, '52 5/29/12
 Milton E. Higgs, '52 5/2/12
 Peter C. Kostantacos, '52 6/11/12
 James L. Weirbach, '52 1/18/12
 Harvey Elrod, '53 7/19/12

Jack A. Solomon, LLM '53 8/18/12
 Alvin P. Lipnik, '54 4/11/12
 Patrick H. McCauley, '54 9/12/12
 Donn B. Miller, '54 3/20/12
 John J. Pentz, '54 6/28/12
 Donald F. Welday, '54 4/12/12
 James Bulkley, '55 3/13/12
 Donald H. Parsons, '55 7/22/12
 Oscar J. Miller, '56 6/16/12
 Ron Roberts, '56 7/4/12
 Richard M. Hughey, '57 7/4/12
 Paul R. Jenkins, '57 5/16/12
 Rob R. Schuyler, '58 3/21/11
 Roger C. Furst, '59 3/16/12
 Wilbur J. Markstrom, '59 6/23/12
 Harry Martens, '59 8/15/12

1960s

Muir B. Snow, '60 7/2/12
 John A. Stichter, '60 4/30/12
 Horst R. Niebler, LLM '61 5/25/12
 Paul J. Plato, '61 8/27/12
 Stanley A. Williams, '61 4/13/12
 Michael M. Hughes, '62 2/7/12
 Charles S. Saxon, '63 11/11/11
 Peter J. Wittkuhns, '63 1/6/12
 Donald L. Martin, '64 7/30/12
 James B. Goodbody, '65 5/2/12
 John A. Thurber, '65 3/19/12
 John K. Toulmin, LLM '65 7/2/12
 Richard J. Smith, '66 4/4/12
 John J. Gilstorf, '67 6/30/12
 Charles G. Simmons, LLM '67 3/11/12
 James P. Kelly, '68 6/5/10
 Elliot J. Peskind, '68 5/24/12

1970s

John G. Parnell, '70 5/15/12
 Thomas E. Harmon, '71 5/7/12
 Michael A. Nims, '71 6/16/12
 John P. Apol, '72 7/1/12
 Bella I. Marshall Barden, '75 5/1/12
 James K. Say, '79 5/5/12

1990s

Rachel M. McCormack, '92 10/30/11
 Scott A. Ammons, '96 5/22/12

[CLOSING]



The Supremes

The dedication of the Law Quadrangle on June 15, 1934, featured a speech by a Supreme Court justice. So, too, did the dedication of South Hall nearly eight decades later. Above, Associate Justice Harlan F. Stone (second from right) surveys the Law Quad along with Henry M. Bates, Tappan Professor of Law and dean of the Law School; Marvin B. Rosenberry, chief justice of the Supreme Court of Wisconsin; Roscoe Pound, dean of Harvard Law School; and Newton D. Baker, a former U.S. Secretary of War.

Below, Associate Justice Elena Kagan (center) cuts the ribbon at the Sept. 7, 2012, South Hall dedication, along with Regent Andrew Richner, '86; Regent Katherine White; U-M President Mary Sue Coleman; Dean Evan Caminker; Chair of the Board of Regents Laurence Deitch, '72; and Bruce Bickner, '68, chair of the building fundraising committee.



The Regents of the University of Michigan

Julia Donovan Darlow
Laurence B. Deitch
Denise Ilitch
Olivia P. Maynard
Andrea Fischer Newman
Andrew C. Richner
S. Martin Taylor
Katherine E. White
Mary Sue Coleman, *ex officio*

The University of Michigan, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action. The University of Michigan is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status in employment, educational programs and activities, and admissions. Inquiries or complaints may be addressed to the Senior Director for Institutional Equity, and Title IX/Section 504/ADA Coordinator, Office of Institutional Equity, 2072 Administrative Services Building, Ann Arbor, Michigan 48109-1432, 734-763-0235, TTY 734-647-1388. For other University of Michigan information call 734-764-1817.



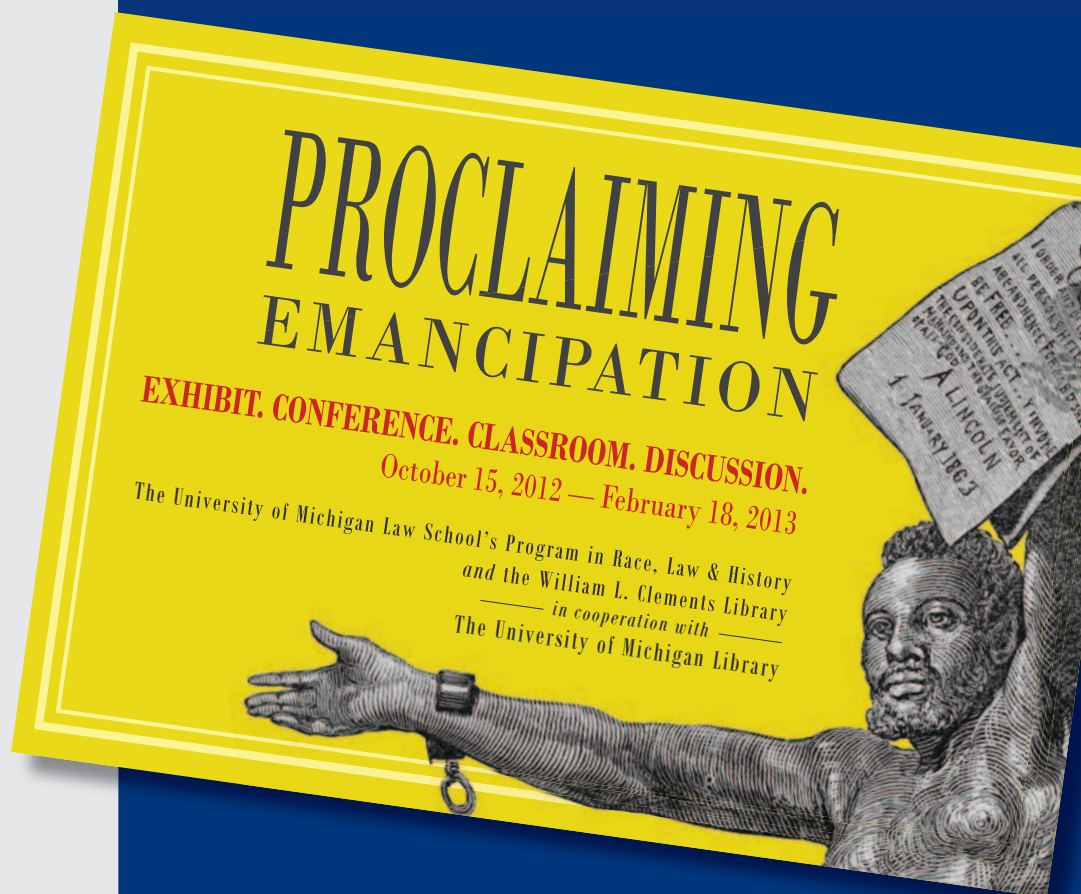
Non-alumni readers should address:

Editor
Law Quadrangle
701 South State Street
Ann Arbor, MI 48109-3091
Fax: 734.615.4277

Email: For Class Notes – LQNCClassNotes@umich.edu
For other communications – LQNGeneral@umich.edu

If you are a Law School graduate, please send your change of address to:

Law School Development
and Alumni Relations
701 South State Street
Ann Arbor, MI 48109-3091
Phone: 734.615.4500
Fax: 734.615.4539
Email: jteichow@umich.edu



Proclaiming Emancipation

In honor of the 150th anniversary of the Emancipation Proclamation, the University of Michigan is commemorating the document with activities that draw upon the institution's strengths in the history of race and law.

"The Proclamation accelerated a massive human migration toward freedom, opened the door to the enlistment of black men in the Union Army, and marked a significant shift in executive power," the organizers of the events write of the proclamation, which President Abraham Lincoln issued as an executive order on January 1, 1863. "Today it remains a powerful, near-sacred artifact in our collective memory."

The commemoration—presented by the Law School's Program in Race, Law & History and the William L. Clements Library, in cooperation with the Hatcher Graduate Library—will include an exhibit of documents and artifacts at the Hatcher Graduate Library. The exhibit, which runs through February 18, 2013, features many items that are unique to the Clements Library collections and have never before been exhibited. Outside groups and classes are encouraged to arrange to visit it themselves; visit www.law.umich.edu/ProclaimingEmancipation for more information.

Read more about an October 26 academic conference featuring top scholars from all over the country, including Pulitzer Prize-winning historian Eric Foner and several from the Law School, on the Law School's new online newsroom: www.law.umich.edu/newsroom. The newsroom also will feature videos in which students discuss the significance of the Emancipation Proclamation, photos of items from the exhibit, and more.

LAW Quadrangle

NOTES FROM MICHIGAN LAW

THE UNIVERSITY OF MICHIGAN

701 SOUTH STATE STREET

ANN ARBOR, MICHIGAN 48109-3091

NON-PROFIT
ORGANIZATION
U.S. POSTAGE PAID
ANN ARBOR, MI
PERMIT #144

