Myron C. Taylor, Part Two: President Franklin D. Roosevelt’s “Ambassador Extraordinary”

Reforming the Court: How Long Is Too Long?

Ambassador Brahimi Warns about Darfur

Professor Summers to Draft Contract Law for Rwanda

Winter 2007
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A Note from the Dean

Dear Friends and Alumni:

Cornell Law School benefits from a long tradition of reaching out across the nation and the globe. People come here to study from throughout the world, and our influence is worldwide. Myron Taylor Hall echoes with conversations in many languages. The vibrant hum of intellectual activity within these walls spurs us all to join in.

This issue of the Forum lets you hear a bit of this hum. Ambassador Lakhdar Brahimi visited us to warn our community about the growing crisis in Darfur. The Rwanda government asked our own Professor Summers to lead the work on creating contract law for their nation. Sir Basil Markesinis joined us from England to emphasize the need for care in judging other people’s laws. Our faculty profiles in this issue showcase our comparative-law specialists Mitchel Lasser and Annelise Riles. Mitchel’s recent book, Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy, compares the judicial styles and operations of the European Court of Justice, the French Cour de cassation, and the U.S. Supreme Court, and how they affect judicial legitimacy. Last year Mitchel was invited by the chief justice of the Cour de cassation to speak in the Grand’Chambre de la Cour de cassation and this year his work was the centerpiece of a Rotterdam conference organized by chief justices and other top jurists in Europe. Annelise Riles’s comparative focus is on East Asia. She is an active member in both the Law School and the anthropology department, and does ethnographic field research on such exotic people as lawyers and financiers in global markets. Annelise recently completed a manuscript, Collateral Knowledge: Legal Reason in the Global Financial Markets, that reports her findings. Annelise and Mitchel are but two of the many vibrant members of the faculty we have here at Cornell.

This January I had the pleasure of visiting Thailand and Tokyo. While in Thailand I signed a memorandum of understanding with the Thai Bar Association for a scholarship in the name of Princess Bajrakitiyabha Mahidol, LL.M. ’02 and J.S.D. ’05, affectionately known to us as Princess Pat. The coming fall semester will see the first recipient of this scholarship following in Princess Pat’s steps here at the Law School.

Not everything is international, of course. Our impact is also felt both nationally and locally. Our clinics continue to provide students with opportunities to assist people in need. Recently our capital punishment clinic was asked to assist in an appeal for a death row inmate in Vermont, and in March, Cornell Death Penalty Project director Professor John Blume argued before the U.S. Supreme Court for the second time in two years, well prepared by moot arguments with students and fellow faculty. Students in our Asylum and Convention Against Torture Clinic won two victories for immigrants to the United States, profoundly affecting these people’s lives. And a new clinic on labor law, led by Angela Cornell, has already successfully assisted in arbitrating cases. The Labor Law Clinic reflects our synergy with the larger campus, as Professor Cornell also has an appointment in Cornell’s School of Industrial and Labor Relations.

Our alumni continue to make us proud. The alumni profiled in this issue, Justice Debra James ’78 and Frank Rosenfelt ’50, are but two examples of the many doors that swing open from a degree at Cornell Law School. I could mention other great legal, business, and humanitarian work our alumni are doing, but leave it for your reading pleasure in the alumni section of this issue. Their work is amazing.

This issue also highlights the exciting opportunity for each of you to contribute to the vibrancy of life here. The new capital campaign, Far Above..., will enhance our work and enable us to continue training “Lawyers in the Best Sense,” locally, nationally, and globally.

Lastly, I hope you join our celebration later this year of 75 years in Myron Taylor Hall and 120 years of teaching law at Cornell. It is only fitting that our lead article in this issue profiles Ambassador Extraordinary Myron Taylor. My thanks to Professor David Curtiss ’40 and Evan Stewart ’77 for letting us all celebrate the life and work of this extraordinary graduate and benefactor of Cornell Law School.

Happy reading!

Stewart J. Schwab
The Allan R. Tessler Dean and Professor of Law
TOP: Princess Bajrakitiyabha Mahidol, LL.M. ’02 and J.S.D. ’05, and other Thai officials await the start of the signing ceremony for the memorandum of understanding between the Thai Bar Association and the Cornell Law School, establishing the Bajrakitiyabha Fund for Legal Education.

ABOVE: A Thai official assists Stewart J. Schwab, Cornell Law School’s Allan R. Tessler Dean and professor of law, as he prepares to sign a memorandum of understanding between the Thai Bar Association and Cornell Law School. Seated beside Dean Schwab are his wife, Norma Schwab, Associate Cornell University Counsel, and Jack G. Clarke ’52, a benefactor of the Law School. Seated in the foreground is Princess Bajrakitiyabha Mahidol, LL.M. ’02 and J.S.D. ’05, representing the Thai royal family.
President Franklin D. Roosevelt’s “Ambassador Extraordinary”

editor’s note: This is the second installment in a two-part series on the life of Myron C. Taylor, Cornell Law School class of 1894. The first part appeared in the summer/fall 2006 issue of the Cornell Law Forum and can be accessed from http://www.lawschool.cornell.edu/research/index.cfm. The authors are presently at work on a biography of Myron C. Taylor.

Just weeks after stepping down as chief executive officer of U.S. Steel in April 1938, Myron Taylor received a telephone call from his friend, Franklin D. Roosevelt (FDR). President Roosevelt asked Mr. Taylor to help solve the deepening crisis of Jewish refugees attempting to flee persecution in Hitler’s Germany. Mr. Taylor promptly foreswore his personal plans and accepted the challenge. To carry out this role, FDR appointed Mr. Taylor “Ambassador Extraordinary and Plenipotentiary.”

The Evian Conference

Although Hitler would later seek to exterminate Jews throughout Europe, his initial goal was to force all Jews to leave Germany. In the aftermath of the Austrian annexation and worsening conditions for the Jews, FDR told his cabinet that “something has to be done [on the refugee issue].” In response, Sumner Welles (the under secretary of state) proposed (and FDR agreed to) an international conference—the Evian Conference—to address the issue. Mr. Taylor’s first task was to represent the United States.

FDR’s charge to Mr. Taylor was somewhat glib and simplistic: “All you need to do is get these people together.” But Mr. Taylor knew that it was going to be a lot more difficult than that. Why? Because most of the world had a strong anti-Semitic bias that manifested itself directly in immigration bans (or, at best, very strict limitations).

The first order of business in Evian was the election of a chairman—Mr. Taylor was quickly designated; he was a popular figure with the delegates, who were impressed with his “sincerity and … kindness.” Because the
countries assembled would not change their immigration policies, however, no constructive proposals emerged from the conference to help the refugees. Notwithstanding the failure to advance a significant proposal, Mr. Taylor was able to coax one concrete achievement out of the reluctant delegates—the creation of the Intergovernmental Committee on Refugees (ICR), an organization to be based in London whose first tasks would be to negotiate with Hitler’s government to allow emigration and then to resettle the refugees.

The Intergovernmental Committee on Refugees

Mr. Taylor represented the United States on the ICR, and the person chosen to work under him as day-to-day director was a prominent lawyer, George Rublee. The complexity of the task was daunting and led to many dead ends. A breakthrough occurred when Mr. Taylor traveled to Rome in early 1939 to meet with church officials and members of the Italian government in response to Mussolini’s decree to expel all Jews from Italy; Mr. Taylor was able to help Mussolini save face and the 90,000 Italian Jews “were never expelled from Italy … [and] the decree … [was] never enforced at all.”

On the same trip, Mr. Taylor was introduced to Hitler’s doctor and Herman Goering (who were vacationing on the Riviera). Mr. Taylor explained the ICR’s plan for an orderly emigration of German Jews. The doctor and Mr. Goering were favorably impressed by the plan and, after checking with Hitler, invited Mr. Rublee to Berlin. There, the Nazis agreed to permit 150,000 “able-bodied” Jews to emigrate, with dependents allowed to follow later.

U.S. policy makers rejoiced (Sumner Welles told FDR that it was “better than we hoped for”), but this celebration turned out to be tragically premature for several reasons. The first was the onrush of World War II in Europe—that is, the Nazi takeover of Czechoslovakia and Poland (in Mr. Taylor’s words: “We failed because of the war coming on just at the moment of success”). Another reason was the failure to underwrite the cost of the emigration (FDR had been offhandedly confident that “the thousand richest Jews in the United States” would pay for the entire process). Finally, a home for the refugees had never been found. As Mr. Welles later wrote, “notwithstanding the tireless work of … Myron Taylor, the final results amounted to little more than zero.”

Ambassador to the Vatican

On December 22, 1939, as Mr. Taylor was recuperating at his home in New York (having had two operations and been in the hospital for four weeks), President Roosevelt called to ask Mr. Taylor “to take on a special mission for me.” Because America would soon have “no diplomatic representation in Europe, except probably France, [t]here must be someone who can keep in touch with European events,” said the president. Mr. Taylor was told by FDR that he wanted Mr. Taylor to play the critical role as the president’s personal representative to Pope Pius XII.

The White House

Washington

By Mr. Taylor

Bearing the highest trust and confidence in you
I am asking you to serve as my personal representative
with the rank of ambassador, to His Holiness, Pope Pius
Chief of the Roman Catholic Church, in the
vital international negotiations which I shall shortly
hold with His Holiness on the pressing matters of
peace and religious liberty, which I strongly believe
are the cornerstone of the stability and security
of the United States.

I may use this to the present you as a proof of
the esteem in which you are held by the
Government and people of the United States,
which is bound to enhance the efficiency and
success of any mission you may have
appointed to.

Yours sincerely yours,

Yours sincerely yours,

The Honorable
Mr. Myron Taylor
11 East 53rd Street
New York, New York

The White House

Washington

Washington

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The Honorable
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11 East 53rd Street
New York, New York
and prestige, not only among Catholics, but also with millions of non-Catholics. The president also took into account the obvious benefits of having his representative establish a strong personal bond with the pope.2

Mr. Taylor’s First Assignment

On February 16, 1940, Mr. Taylor departed for Rome with a personal, handwritten letter that the president had asked Mr. Taylor to personally deliver to the pope. The president’s principal task for Mr. Taylor was to keep Italy from joining the war on Germany’s side. Even without the benefit of hindsight, this was an impossible task—Mussolini, whom Mr. Taylor thought “had done great things for Italy in the earlier days,” was “too far committed to Hitler.” But try he did. Mr. Taylor had an unprecedented number of meetings with the pope (who was visibly moved by the president’s handwritten note), and it was agreed that FDR and the pope independently (and repeatedly) would implore Il Duce not to become belligerent. This strategy failed. As FDR later told James Farley (a key aide): “We bullied Mussolini in every way possible and tried to get the influence of the pope to keep Italy from getting into war, but Italy went in.”

Mr. Taylor’s meetings with the pope did have one immediate, positive outcome—a close working relationship quickly developed between them. Mr. Taylor reported back to FDR that the pope had offered “very close collaboration with the president, through me, and daily access to the pope day or night whenever desired.” Mr. Taylor found the pope shrewd and diplomatically subtle, while the pope reported that he had only the “highest esteem and appreciation” for the president’s representative.

Unfortunately, just weeks after Mussolini’s decision to enter the war on June 10, 1940, Mr. Taylor ate a bad lobster at a Rome dinner party, became quite ill, and required another operation. Even as he lay in his bed recuperating, Mr. Taylor lost none of his sense of
command; an Italian official visiting Mr. Taylor described him as a man “...still sitting on a throne; and yet that beneath the august presence was a kindly person who was perfectly willing to listen.” After his doctors gave their approval, Mr. Taylor returned to the United States with the future of his Vatican mission unknown.

**Lend Lease to the Soviet Union**

Congress had passed the Lend-Lease Act in March of 1941, which gave FDR the ability to provide defense materials to countries, principally in Great Britain, deemed to be of vital importance. The Lend-Lease law was not intended to, and did not, cover the Soviet Union. But with all of continental Europe having been overrun, England hanging on by a thread, and the Nazis conquering wide swatches of land in Russia daily, FDR knew (1) that it was critical to keep Russia in the war and (2) that without huge influxes of military and other aid to the Soviet Union, America might soon be the only nonfascist nation left standing. FDR also knew the only major obstacle to America’s getting aid to Russia would be the Roman Catholic Church, partly because of the strong isolationistic bent of some U.S. bishops (primarily with Irish and German immigrant constituencies), but more because of the church’s dogmatic opposition to atheistic communism. Specifically, the pope’s 1937 encyclical *Divini Redemptoris* expressly forbade Catholics from collaboration of any kind with communism. FDR believed that opposition to aid by the church would inevitably lead to a Congressional roadblock. And so Mr. Taylor was dispatched to Rome to ensure there would be no such opposition.

With the Nazis besieging Moscow, Mr. Taylor left for Rome on September 4, 1941. FDR almost caused this “delicate mission” to fail because of another of the president’s personal letters to the pope. A great deal of FDR’s letter went to some length vouching for the facts that “churches in Russia are open” and that there was “a real possibility that Russia may, as a result of the present conflict, recognize freedom of religion.” The pope and his aides knew that exactly the contrary was true and wrote numerous memorandums questioning (among other things) FDR’s grasp of world events (for example, according to the pope, FDR did not understand Stalin and wanted to know if FDR was “apologizing for Communism”).

Notwithstanding FDR’s blunder, Mr. Taylor was able to convince the pope to have the church take the position that the encyclical was directed only against the Soviet government and was not meant to hurt the Russian people. This policy shift was ultimately communicated in a back-channel way, so as
not to call into question the pope’s official neutrality. By the end of October 1941, various U.S. church officials were offering official expressions of affection for the Russian people and declaring that any American aid to them would be a welcome thing. With organized resistance thus averted, FDR cabled Stalin that aid was coming soon, and the military equipment and resources that allowed the USSR to turn the tide on the eastern front followed thereafter.

While Mr. Taylor lobbied the Roman Catholic Church not to oppose aid to the USSR, the pope and his aides lobbied for something else—preventing the bombing of Rome (and the Vatican) by the Allied forces. The British, having suffered egregious damage from bombing by the Axis powers (including a handful of Italian planes), were outspoken about the importance of striking back at all major Axis cities, including Rome. The Vatican, in turn, warned Mr. Taylor that the church would meet any Allied bombing with a public rebuke.

While remarking that the church had been silent during the London bombings, Mr. Taylor pledged to work to limit bombing to only specific military targets. He waged a persistent campaign over the next several years to convince Winston Churchill and FDR to refrain from bombing Rome. Churchill, influenced by England’s domestic politics, would not agree with Mr. Taylor’s importunings. FDR told Mr. Taylor he felt obliged to defer to the English prime minister on this matter. Yet, Mr. Taylor’s repeated efforts (and constant pressure from the church) did have the ultimate effect of sparing the Vatican from any significant harm.

**A Historic Mission**

By the summer of 1942, FDR and the U.S. State Department were concerned that the Vatican might promote a compromise peace and FDR decided to send Mr. Taylor back to the Vatican. But how could such a trip be arranged while Italy was at war with the United States? Ultimately, Mussolini’s son-in-law, foreign minister Ciano, approved Mr. Taylor’s visit under the terms of the Lateran Treaty of 1929, in which the Italian government recognized the Vatican as an independent state.

The main purpose of Mr. Taylor’s trip to the Vatican was to convey to the pope and his advisors that British and American goals, expressed in the Atlantic Charter, were based essentially on the same Christian principles as those detailed by the pope. Mr. Taylor also wanted to impress upon the Vatican the vast might of America’s military-industrial complex and to make clear that the United States would “support the [church] in resisting any Axis proposals of peace without victory” and would “prosecute this war until the Axis collapses.” After flying into the Rome airport (which was filled with goose-stepping German soldiers) on September 17, 1942, Mr. Taylor was met by church officials who whisked him, with police escort, into the Vatican.

Mr. Taylor later reported back to Washington that he had convinced the Vatican that the United States would win the war. As to there...
As to there being “no peace without victory,” the pope’s formal response was straightforward: he had “never thought in terms of peace by compromise at any cost. On certain principles of right and justice there can be no compromise.”

Mr. Taylor’s trip provided two other important historical events. On September 25, 1942, he asked the pope to “speak out against the inhuman treatment of refugees and hostages—especially the Jews.” The next day Mr. Taylor brought to the pope and his advisors the first direct evidence of the Nazi’s organized genocide against the Jews in Poland and asked that the pope speak out against these atrocities. Mr. Taylor was assured that the church had been “working incessantly for the relief … very particularly for the refugees and for the Jews.” At the same time, the Vatican’s reaction to speaking out publicly, based upon Mr. Taylor’s evidence was one of caution, fueled by the false rumors of German atrocities committed during World War I (and vehement German criticisms thereafter of the church’s comments during that war), as well as by the church’s concern about publicly taking one side of the war effort, fear of the then omni-potent German war machine reeking even greater havoc on Jews and on the Church itself (inside Germany and elsewhere), and the belief that if the Church specifically criticized Nazi war atrocities it would also be compelled to criticize those committed by the Soviet Union (something the United States did not want). For his part, Mr. Taylor assisted U.S. bishops in drafting their November 14 pastoral, in which they stated their “deep sense of revulsion against the cruel indignities heaped upon the Jews,” and protested “against despotic tyrants who have lost all sense of humanity by condemning thousands of inno-cent persons to death … , by placing other thousands of innocent victims in concentration camps, and by permitting unnumbered persons to die of starvation.” In his 1942 Christmas message the pope spoke out for “the hundreds of thousands who, through no fault of their own, and solely because of their nation or race, have been condemned to death or progressive wasting away.”

On his return trip from Italy, Mr. Taylor had a series of meetings, first with Generalísimo Franco (Spain) and later with Prime Minister Salazar (Portugal). Mr. Taylor had never before met Franco, who had been flirting with joining the Axis powers—a possibility that would have had incredibly dire consequences for the impending landings by U.S. forces in North Africa, as well as for any future military campaigns in and around the Mediterranean. Mr. Taylor spent two hours with Franco detailing the military and industrial might that America would be bringing to bear on all that faced her in the war. As the U.S. Ambassador to Spain reported to the president (and later wrote in his memoirs), after those two hours with Mr. Taylor, Franco never again spoke of abandoning Spain’s stance of neutrality. Mr. Taylor thereafter met Salazar, a leader with whom he was on “friendly terms.” Mr. Taylor used this occasion to lobby for an Allied air base lease in neutral Portugal (the lease was ultimately granted).

We now know what took place during Mr. Taylor’s unprecedented trip to the Vatican in 1942. But at the time the world did not, and speculation was rampant. The published German reactions ran the gamut from “paradoxical and strange,” to “extraordinary and altogether contrary to accepted customs,” to “unimportant.” Mussolini’s take was somewhat more colorful: “If Myron Taylor tries to return to Italy he will be put in handcuffs.”
Deposing Mussolini

Back in Washington, Mr. Taylor kept up with a diverse portfolio: postwar planning for the state department (which included work that ultimately resulted in the Bretton-Woods Agreement and the United Nations (UN) resettlement of European refugees for the ICR), and protecting the Vatican from aerial bombing. As Italian support for fascism was declining and the plans for the Allied invasion of Sicily were accelerating in early 1943, Mr. Taylor undertook yet another assignment—this time on his “own initiative.”

For some time Mr. Taylor had been trying to “sow the seeds of getting rid of Mussolini’s government.” With “discreet” inquiries of Vatican officials not seeming to make progress, on May 29, Mr. Taylor passed on to the apostolic delegate in Washington, D.C., a message, the substance of which was that Italy (1) was facing one of the “gravest hours” in its history, (2) would endure massive destruction unless it separated itself from Germany, and (3) could avoid such a result with a new government that would take the nation out of the war. Because Mr. Taylor’s warning had the tone of an ultimatum, and given the Vatican’s difficult relationship with Mussolini (and the church’s ongoing fear of Mussolini’s resignation on July 24 (he was subsequently imprisoned). After extended negotiations between General Dwight D. Eisenhower and the new Italian government, Italy officially surrendered on September 8.

Unfortunately, this good news was accompanied by the corresponding bad news of Germany troops entering Rome. During the ensuing bleak period (it would be ten months until the liberation of Rome), Mr. Taylor’s main focus regarding the Italian front was to be an ever-vigilant irritant to ensure against the Vatican being destroyed as the Allies forced the Germans from Italian soil.

Paving the Way for the UN

Just at the time Allied troops were preparing to enter Rome in June of 1944, Myron Taylor was in the midst of yet another job for FDR. Remembering what had happened to Woodrow Wilson and the League of Nations, the President was determined to have a broad bipartisan consensus behind the (as yet unveiled) UN. He chose Mr. Taylor to be a key lieutenant in that campaign, both because Mr. Taylor had been intimately involved in its initial planning and also because of his important personal ties with influential leaders.

The first individuals Mr. Taylor was asked to contact were John W. Davis (Democratic presidential nominee in 1924, head of Davis Polk & Wardwell, and a leading conservative Democrat), Nathan L. Miller (former Republican governor of New York State and general counsel of U.S. Steel), and Charles Evans Hughes (Republican presidential nominee in 1916, and then recently retired chief justice of the Supreme Court). The Hughes contact was particularly interesting insofar as Mr. Hughes had been Myron Taylor’s favorite teacher at Cornell Law School (and Mr. Taylor would later donate the Law School’s residence hall in his mentor’s honor). Mr. Taylor and Justice Hughes met several times; the former student solicited helpful written comments from Justice Hughes, which Mr. Taylor later shared with FDR and Secretary of State Hull. Ultimately, all three leaders, along with others whom Mr. Taylor lobbied, became supporters of the UN.10

Myron Taylor Returns to a Liberated Rome

Two days after the liberation of Rome and the day after D-Day, FDR was focusing on the need to get Myron Taylor back to the hub of the world’s diplomacy. FDR notified Mr. Taylor that his “special talents are needed in [Rome],” and directed him to proceed there “at the earliest possible moment.” Knowing of Mr. Taylor’s loving relationship with Anabel, FDR separately confirmed to Mr. Taylor that his “Missus” would be able to join him shortly.

On June 19, 1944, Myron Taylor arrived in Allied-occupied Rome where, two days later, he met with the pope. FDR’s principal concern, and thus the main focus of that meeting was the growing opposition within the church to the Allies’ policy of unconditional surrender. The Church strongly disagreed with the policy on the grounds that it might lead to another Versailles-like peace, would likely strengthen German resistance, and would prolong the war unnecessarily (which, besides leading to greater destruction and loss of life, would also likely mean a greater domination of eastern Europe by Russia). Mr. Taylor, as part of explaining America’s general planning for the postwar world (which included telling the pope about
the UN), stressed that a permanent world peace would only be possible with both a complete evisceration of German militarism and Russian postwar cooperation. The pope and his advisers never did change their view that these terms were “very unwise,” but did agree to Mr. Taylor’s entreaty not to break openly with the Allies (or to encourage attempts by Germany or Japan, which were seeking more lenient terms). FDR wrote Mr. Taylor that his efforts on this score were “particularly gratifying.”

Other major issues that Myron Taylor and the pope focused on as the war drew to its inevitable conclusion concerned (1) the actual workings of the UN (Mr. Taylor showed the planning materials to Pope Pius; he also delivered the news that the Vatican would not be granted membership as a nation-state), (2) the status of the church’s efforts to save Jews and other Nazi targets (FDR specifically directed Mr. Taylor to express FDR’s “deep-felt appreciation of the frequent action which the Holy See has taken on its own initiative in its generous and merciful efforts to render assistance to the victims of racial and religious persecution”), and (3) the future of eastern Europe and, in particular, Poland (the Vatican was particularly interested in what was to be negotiated and agreed upon at Yalta).

For the remainder of the war (and in its direct aftermath), Mr. Taylor took on another task. In April 1944 (while still in Washington), he recognized that the Italian people were in dire straights for the basic necessities. He established American Relief for Italy, Inc. This organization became the primary means by which food, clothing, and medicine were delivered to millions of suffering Italians. In short order, approximately $6 million in public funds was raised and over $37 million in relief supplies was distributed. Congresswoman Clare Boothe Luce, who later became the ambassador to Italy, publicly hailed Mr. Taylor’s “magnificent work” [with Italian relief] for accomplishing “a near miracle.”

**Myron Taylor and President Truman**

Myron Taylor wanted very much to retire at the end of the war. But when FDR died on
April 13, 1945, Mr. Taylor said he would stay on to help the new president. When hearing of this, one of Pope Pius’s top aides declared, “Thank God for the news.”

With the Cold War becoming a reality, Harry Truman “reappointed” Mr. Taylor, declaring that “we shall establish an enduring peace only if we build upon its Christian principles.” The new president thus redefined Mr. Taylor’s mission as conferring “not only with the pope but with other leaders in the spiritual world and in the world of politics and secular affairs as he travels through Europe in the fulfillment of his mission.”

But what did this mean exactly? In geopolitical terms, it meant that for the next four years Mr. Taylor visited church officials (and others) throughout Europe—including Russian-dominated areas of central and eastern Europe—in order (1) to get helpful Cold War information to which no other westerner had access, and (2) to shore up opposition by the church (clergy and members) to the Soviet Union in fragile postwar Europe. The pope, who had first talked to Mr. Taylor in 1936 about the day “not far away, when all members of religious orders will have to stand together, regardless of creed, to meet the menace of atheistic communism,” was “enthusiastic” about Mr. Taylor’s new role and pledged to do “anything” he could to be of help.12

In awarding Myron Taylor the Presidential Medal for Merit on December 20, 1948, (the pope had earlier named Mr. Taylor a Knight of the Order of Pius, First Degree), President Truman praised Myron Taylor for having “earned the accolades of his countrymen whom he has served faithfully and well wherever duty called him.” Shortly thereafter, Myron Taylor informed both the pope and the president he would be retiring—a decision made public in January 1950.

A Final Retirement

One of Myron Taylor’s major projects in his “nonactive” years was overseeing his 1949 gift to Cornell to build a $1.5-million structure adjoining and complementary to the Law School, which had been built with his similar gift in 1928. The new building, named in honor of his wife, was to serve a unique and then novel purpose: providing an interfaith place of worship for all Cornell students and faculty of any and all religions. His experience as the president’s representative to the Vatican clearly played a key role in defining the mission of Anabel Taylor Hall, which was dedicated in 1952.

Myron Taylor quietly lived out the remainder of his life, not publishing his memoirs or seeking public accolades. When his beloved Anabel died on December 12, 1958, he lost his raison d’etre and followed her five months later. After his death on May 6, 1959, The New York Times, reviewing his “extraordinary abilities” and his multifaceted career, employed considerable understatement when it concluded, “His was, indeed, a useful life.”

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12 The new president thus redefined Mr. Taylor’s mission as conferring “not only with the pope but with other leaders in the spiritual world and in the world of politics and secular affairs as he travels through Europe in the fulfillment of his mission.”
1. Palestine was not a likely spot in 1939 because of England’s opposition; there had been negotiations regarding Mindanao, an island in the Philippines archipelago, but they never came to fruition because of Japanese aggression in Southeast Asia.

2. As with most things Franklin D. Roosevelt did, the appointment of Mr. Taylor was undertaken for numerous domestic political reasons. FDR, for example, had an ongoing need to strengthen his political ties with the Roman Catholic Church hierarchy, as well as with Roman Catholics in general, in advance of his bid for an unprecedented third term. FDR also hoped that the Vatican would exercise some restraining influence on German Catholics and Irish Catholics in America vis-à-vis his policies. A third reason was to have the Catholic representative. FDR added: “You well deserve all that he says about you.”

3. A historian of that era similarly described Mr. Taylor as a “rhadamanthine kind of man; not pompous, but he seemed to view humanity as from a pedestal.”

4. Indeed, because of the church’s vociferous anticommunism, the Nazis thought that the pope might well endorse the German invasion of the Soviet Union.

5. That Mr. Taylor’s personal intervention with the pope was essential seems without doubt. An American official in Italy wired Sumner Welles on October 7 that Mr. Taylor’s visit “has had a definitely heartening effect on the pope … [T]his should be considered as an important accomplishment and, in itself, well worth the trouble Mr. Taylor took to make the voyage.” Two days later, FDR sent Mr. Taylor the pope’s letter of September 20, which he had brought back from Rome, a letter that included effusive praise of the president’s representative. FDR added: “You well deserve all that he says about you.”

6. Count Ciano recorded in his diary that Germany (probably “that cripple Goebbels”) proposes, “we give Myron Taylor a ‘solemn booking.’ How foolish! I can’t say which is more ridiculous or disgusting.”

7. An American official in the Holy City would later write of Mr. Taylor’s immediate impact on the city: “Even though sixty-eight years old, Myron Taylor was an indefatigable worker. He would arise at 5 a.m. and work until 8 a.m., when he would eat a hearty breakfast. From then on, he would meet a constant stream of visitors, with spurs of dictating in between. The pace he set left us exhausted, but he continued fresh as a daisy.”

8. The New York Times embraced the pope’s message as a strong condemnation of the Nazi regime; Hitler and his cronies understood that same message and began making plans for kidnapping the pope.

Pope Pius’s role vis-à-vis the Holocaust is a complex one, about which much has been written. Given his diplomatic training and his understanding of geopolitical trends, the pope’s public caution on a variety of matters, especially when the Vatican was the only non-Axis state in all of continental Europe in 1941–1942, seems understandable. At the same time, the record is replete with actions taken by the pope to save Jews throughout Europe (for example, Italian Jews after the collapse of Mussolini’s government). This subject will be examined in greater detail Mr. Taylor’s full biography.

9. As Mr. Taylor flew out of Rome for Madrid and Lisbon, the pilot tried to land the plane at a German airfield in Sardinia. Only bad weather prevented what looked like a plan to waylay FDR’s “Ambassador Extraordinary.”

10. Mr. Taylor was given the further task of meeting not only with the drafters of the 1944 National Republican Platform on Foreign Policy, but also with the nominee of the party, New York Governor Thomas Dewey. Mr. Taylor had begun this lobbying effort, but on June 15 of that year, he informed Cordell Hull that a “direct approach” to Mr. Dewey would not be possible because Mr. Taylor had been ordered back to Rome by the president.

11. On October 18, 1944, Mr. Taylor reported to FDR that the pope would make a “special appeal for the salvation of the Jews in Hungary at my request.”

12. One example of how Mr. Taylor’s new role paid obvious dividends was when he visited Berlin and asked to see Bishop Dibeluis, whose church was situated within the Russian zone. At a time when Americans were not given access to that area, General Lucius Clay reported that the request when put to the Russian authorities was met with: “Myron Taylor? Certainly.”
In contrast to the relatively short and fixed terms of other federal offices, the framers of the U.S. Constitution provided in art. III, § 1 of the Constitution that federal judges would serve “during good Behaviour.” The phrase was drawn from earlier legislation by the British parliament enacted to protect royal judges who had long served at the pleasure of the British crown and its ministers and were subservient to them. The purpose of the Good Behavior Clause was to protect federal judges from control by the president or the Congress. This constitutional provision has served that purpose well with respect to lower federal court judges, but questions of its meaning and continued efficacy with respect to Supreme Court justices have been raised in the past. Those questions should now be seriously considered.

As it turned out, with the exception of the “Nine Old Men” of the New Deal era, the unlimited tenure of justices was not a severe or continuing problem until the twentieth century and especially since 1970. Until then, the average length of service on the Court was fifteen years and a vacancy on the Court arose about every two years. With rare exceptions, each president received at least one appointment to the Court.

Justices today serve much longer. Since 1970 the average tenure has grown to twenty-six years (an increase of eleven years). Similarly, the average age of leaving the Court has also increased by eleven years (from sixty-eight to seventy-nine). Both figures are likely to

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**Editor’s note:** This article is based on the introduction to the author’s new book, Reforming the Court: Term Limits for Supreme Court Justices (Carolina Academic Press, December 2005), edited with Paul D. Carrington.
continue to increase. Improved public health and the miracles of modern medicine make it possible for a justice to remain in office despite serious health problems.

In 1789 the life expectancy of a mature male of forty-five to fifty-five was less than fifteen years. Today it is thirty years or more. Now a mature lawyer of the average age of appointment (age fifty-three) has a life expectancy of nearly thirty years. John Roberts, recently appointed at age fifty-three, is likely to serve as chief justice of the United States for twenty-five to forty years. Forty years as chief justice! The exercise of great power for such an extended period is inconsistent with the foundational principles of republican government. The Supreme Court should be independent of control by the legislative and executive branches, but it should be accountable to the people in the manner required by the Constitution: appointment by the president with the “advice and consent” of the Senate. The lengthening tenure of justices has meant that the form of accountability provided for by the Constitution now comes into play infrequently and irregularly. Prior to the vacancies of Justice O’Connor and Chief Justice Rehnquist, there were no new appointments for more than eleven years—the longest period without change in the Court’s history.

The Founders expected regular rotation in office because justices would resign to take other offices (as Chief Justice Jay did), return home (as President Washington did after his two terms) or die in office at a relatively young age. But this expectation has not been realized. A century ago, President Taft complained that “justices do not die and won’t retire.” Why do justices hang on to their offices until they die or become incapacitated (and sometimes continue even though partially incapacitated)? There are three general reasons for this.

First, improved public health and modern medicine have enormously increased the life expectancy of a mature person of an age likely to be considered for appointment to the Supreme Court. Indeed, life expectancy at age fifty, for example, has more than doubled since 1789. Moreover, the life expectancy figures are rising steadily every year, and those in a position to receive the best medical care, which includes justices, usually survive beyond the averages. For reasons to be discussed below, few justices in modern times have voluntarily retired from the Court until they became physically or mentally incapacitated. The inevitable conclusion from these undisputed facts is that future appointees to the Court are likely to occupy an office that has become one of the most powerful in the land for twenty-five to forty years or more. A tenure in office of a generation or more was not contemplated by the framers when, in a desire to protect judicial independence, they adopted the Good Behavior Clause.

The second factor that results in justices continuing in office until they die or become seriously incapacitated is that, unlike their predecessors prior to 1925, the Court now has virtually total control over its workload. Each justice today is entitled to the assistance of a
The third and most important factor resulting in the justices’ lengthening tenure is a consequence of the enormous increase in the power and saliency of the Court’s decision making. The power of the Court to give new meaning to old language of the Bill of Rights has made the Supreme Court, in a former solicitor general’s language, “the ascendant branch” of the federal government. Each justice occupies an office that is probably the second most powerful in the land. It is the only powerful federal office that is not accountable to the people through fixed terms and periodic elections. Even the rare congressional leader who is regularly reelected exercises the authority of a majority or minority leader for a much shorter period, usually no longer than about twelve years.

**The Power of the Court**

Every informed observer, whether of the left, the right, or the center recognizes that the Court is now an institution exercising extraordinary power. It is not surprising that justices relish the exercise of the great power the Court now possesses. The celebrity that now stars is flattering, enjoyable, stimulating, and provides many opportunities for travel and influence. The justices are honored by prestigious academic and private organizations, and they are invited and paid to travel to events throughout the country and around the world. A six-week winter break and a three-month summer recess permit justices to write books, travel to the far corners of the world, and be honored and feted by universities, the legal profession, and many other organizations here and abroad. Justice O’Connor, for example, reported taking twenty-eight trips in calendar 2004 for which she was reimbursed for expenses, four of them to foreign countries. The schedule is convenient enough so that Justice Stevens, at age eighty-six, can live in Florida and commute to Washington by plane for the days of oral argument and the weekly conference. On today’s terms, it is a great job. Who would give it up voluntarily? Well, Justice O’Connor did, but Chief Justice Rehnquist, who was older and suffered from physical ailments for some time, remained in office until removed from it by his sudden death.

Harmful consequences, not foreseen by the founders, have resulted from current life tenure arrangements. First, the infrequency of vacancies, already mentioned, reduces the Court’s accountability to the people and, as Judge Learned Hand said, encourages the Court to operate as platonic guardians who make fundamental political and social decisions for the future. And the irregularity of vacancies gives some presidents (for example, Nixon, with four appointments) a large influence on the Court and others (for example, Carter, who received no appointments) without influence.

Second, because justices hang on too long, serious problems of physical and mental decrepitude hurt the Court and the public.
The most detailed study reports that five of the ten justices who left the Court prior to 2005 were mentally or physically impaired during their final years in office; this was the case with Justices Black, Douglas, Brennan, Marshall, and Whittaker. Moreover, the loss of energy and initiative in old age frequently result in a justice operating on intellectual autopilot during the latter years in office. There is also evidence that in two cases, Marshall and Whittaker, other justices or law clerks substantially influenced the votes of the elderly justice during their last years.

Third, current arrangements encourage strategic behavior that is not in the public interest: presidents have a strong incentive to appoint younger justices, although this has occurred infrequently as yet. When it does occur, a justice may serve forty years, for example, Justice Thomas, appointed at age forty-three, has already been in office fourteen years and may serve forty years or more. Senators have a strong incentive to block an appointment until after a federal election or to fail to act on nominees whose political views they oppose. Also troubling, justices have repeatedly tried to influence the appointment of a like-minded successor by retiring when a president of the same political persuasion is in office. This causes harm to the Court when it succeeds (for example, in the case of Justice Warren) and when it fails (for example, in the case of Justice Douglas). The final years of those striving to outlive a president have frequently been situations of an incapacitated justice harming the Court.

Finally, all the factors mentioned and others have made the appointment process more politicized and contentious than it generally was prior to 1970. Enormous time, attention, and political controversy is engendered by most contemporary appointments. Given the extraordinary power the Court now exercises, that political involvement is both inevitable and necessary.

A Proposed Solution

What should be done? Along with my coeditor, Paul Carrington, I have formulated a proposal that deals with all of these problems. It redefines the “office” of a justice to provide for life tenure on a constitutional court but only an eighteen-year term on the sitting Court. After that period, the justice would “ride circuit” in a lower federal court much as justices were required to do for much of the nineteenth century. When fully effective, each president would get a new appointment to the Court in the first and third year of each four-year term. The sitting Court would have a complete turnover of the Court’s membership every eighteen years.

The proposed statute would eliminate or reduce the harmful consequences of current arrangements. Increasing the size of the Court is clearly constitutional, but there is a difference of view concerning the constitutionality of a redefinition of the office. Any successful proposal today must have bipartisan support and be viewed as without an ideological objective other than that of allowing the will of the people, as expressed in the election of presidents and senators, to influence the future of the Court fairly regularly and frequently through the appointment process. For the Carrington-Cramton proposal, and a list of the leading academics and public figures that have endorsed it, see http://paulcarrington.com/Supreme%20Court%20Renewal%20Act.htm.

Roger C. Cramton is the Robert S. Steven Professor of Law, Emeritus, at Cornell Law School.
With 300,000 Sudanese dead, a third of the population displaced, and cries of genocide ringing fiercely, the crisis in Darfur, Sudan, has recently come to the forefront of the international political scene. Yet, even though extensive media coverage and humanitarian involvement have made the situation impossible for the world’s most powerful countries to ignore, Lakhdar Brahimi, former special adviser to the former United Nations secretary general Kofi Annan, said that they are simply “not doing enough.”

Ambassador Brahimi, delivering the lecture “May We Please Listen to the Darfurians Themselves? Sudan’s Lost Voices” to an overflow audience in Myron Taylor Hall on November 21, spoke extensively about the problems with how the international community was addressing the crisis. “I don’t have much optimism to share with you,” he warned, “practically nobody is doing what is necessary.” He noted that although many influential countries with resources to help have demanded that the United Nations (UN) take action in Darfur, the countries do little to facilitate such intervention. “What can the UN do?” Ambassador Brahimi asked, “with a force of 17,000 to protect 6 million people?” What is needed are troops, he said, but even the wealthiest countries “refuse to send soldiers.” The world’s nations are not the only ones to shy away from the situation; Ambassador Brahimi also criticized UN Security Council members, saying that they “talk loud, but carry no stick at all.” While the council has more than once endorsed calls for deadlines on action in Darfur, it “did nothing when the deadlines were not met.”

Ambassador Brahimi, who also has served as overseer of UN policy in Afghanistan and Iraq, said that the interests of the Sudanese people need to be at the heart of all further actions in Darfur. “The interests of the people are completely forgotten,” he said. The rebels “are defending only their personal and [clan-like] interests,” and the government of Sudan “doesn’t mind when the rebels disrupt peace negotiations,” leaving Darfurians with no supporters save those hundreds of miles away from the conflict. However, he remarked, “There is one hero in this story—the human rights community.” Ambassador Brahimi cited such organizations as Oxfam and Médecins Sans Frontières (Doctors Without Borders), “but along with these uplifting examples of human decency there is also plenty of evil.”

According to Ambassador Brahimi, “What is needed is a political process that requires a real agreement between countries,” including sending troops, coordinating humanitarian assistance, and restoring peace by focusing on some of the root causes of the conflict ...”
distinctions, land ownership, and the spread of small arms. With this advice, Ambassador Brahimi’s parting message to the audience was to “understand that a lot of patience and solidarity is needed [in order that] the people of Darfur recover their own voice.”

The lecture was part of the Foreign Policy Distinguished Speaker Series, led by the Mario Einaudi Center for International Studies, and was cosponsored by the Office of the Vice Provost for International Relations.

**Professor Summers to Draft Code of Contract Law for Rwanda**

The government of Rwanda wants to adopt an American-style code of contract law based on common law, and Professor Summers is going to help draft it. Robert S. Summers, the William G. McRoberts Professor in the Administration of Law at Cornell Law School, is principal co-drafter of the new code of contract law for the African nation, which is still struggling to recover from a genocidal war that occurred in the early 1990s and that left an estimated 800,000 people dead, most of them members of the Rwanda’s minority Tutsi tribe.

“We’re not starting from scratch,” said Professor Summers, who will co-draft the law with Professor Don Wallace Jr. of Georgetown Law School in Washington, D.C. “We’ll be drawing heavily on various provisions of the Restatement (Second) of Contracts prepared by the American Law Institute.” The restatement is an authoritative formulation of American contract law, the branch of common law that governs written and other agreements and is used to resolve legal disputes.

The Rwandan government selected Professor Summers partly for his past work as an adviser on draft revisions of the Russian Civil Code and the Egyptian Civil Code. But this is the first time he has been asked to work on common law. Professor Summers was chosen also because of his work co-authoring (with James J. White, University of Michigan) the four volumes of *The Uniform Commercial Code* (UCC), the most cited treatise on the code, by courts and scholars, in the United States. UCC Articles 1 and 2, which apply to sales, are also being adapted to a limited extent to suit the new Rwandan contract law.

In addition to Professor White, Cornell Law professors Robert A. Hillman, Winnie F. Taylor, and Muna B. Ndulo also are serving as advisers on the Rwandan project. Professor Ndulo formerly served as dean at the University of Zambia law school. Richard Mugisha, chair of the Ministry of Justice Reform Cell of Rwanda, is the Rwandan responsible for the project.

Rwanda currently lacks a comprehensive set of civil laws and wants “to start with a clean slate,” said Professor Summers. The country is abandoning prior structures of civil law that, because of its past history as a Belgian colony, were heavily influenced by French jurisprudence. “The main reason the Rwandan ministry came to the United States is that it wanted a common law code, as opposed to the European codes, which are very abstract and general,” said Professor Summers, adding that he is confident the Rwandan parliament will adopt the law code after revisions. This could have a significant impact on the region, Professor Ndulo remarked. “This work is a major contribution to Rwanda’s rebuilding effort—they have no contractual code at this point,” he said. “They need to rebuild their economy, and, to be able to do that, they need to rebuild their legal infrastructure.”

Once in place, Rwanda’s common law could serve as a model for the country’s neighbors, Uganda and Tanzania, which also lack comprehensive contract codes. Professor Summers said a draft should be ready by the end of this year, though revisions will be made afterward. Also working on the project are Cornell law students: Jeffrey E. Buchholz, Arnab K. Chaudhuri, Allison M. Donohue, Michael J. Fornasiero, and Rose R. Stella, all members of the class of 2007; and Jonathan D. Grossberg, Yosef Ibrahimi, and Amanda J. Klopf, members of the class of 2008.

**Looking Deathworthy: A Study of Perceived Stereotyping**

A new study shows that when victims are white, stereotypes of blacks influence who gets death sentences. When the victims of capital crimes are white, jurors are more likely to hand down death sentences to defendants with stereotypically black features, a new study from four universities, including Cornell, shows.

The study, “Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes,” is the first to examine whether death sentences are influenced by juries’ perceptions of defendants’ features as stereotypically black. The results were published in the May issue of *Psychological Science*.

The researchers include Cornell Law School professor Sheri Lynn Johnson, associate director of the Cornell Death Penalty Project, who provided the legal expertise; lead researcher Jennifer Eberhardt, associate professor of psychology at Stanford University; and co-authors Paul Davies, professor of social psychology at the University of California–Los Angeles, and Valerie Purdie-Vaughns, assistant professor of psychology at Yale University.

The researchers obtained photographs of forty-four black, male defendants convicted of murdering whites between 1979 and 1999 in Pennsylvania, a state that has the death penalty. Stanford undergraduates of various
ethnicities were shown the photographs and asked to report whether the men’s appearance seemed stereotypically black on a scale of one to eleven. They were told they could base their judgments on any number of features, including hair texture, skin tone, and shape of lips and noses. They were not told the purpose of the study or that the men had been convicted of capital crimes. The study’s authors then correlated the students’ responses with the actual sentences received by the defendants in the photographs to determine whether perceptions of stereotypical racial features influenced death-penalty decisions.

The results showed that, controlling for other relevant variables, 58 percent of the convicts rated as having stereotypically black features had been sentenced to death. In contrast, only 24 percent of those convicts rated as having less-stereotypically black features had received death sentences. However, the correlation between stereotypically black features and death sentences emerged only in cases involving white victims, the study found. In instances of a homicide committed against a black woman, there was no correlation between the perceived blackness of a defendant’s features and his likelihood of being sentenced to death.

“That disturbing result, unfortunately, is consistent with previous findings on race and the death penalty, which consistently show that black defendants accused of killing white victims are much more likely to be sentenced to death than those accused of killing blacks,” commented Professor Johnson, who has testified before Congress on racial profiling, and fellow researchers suspect that jurors have equated stereotypically black features with a high degree of criminality and vote to punish defendants accordingly.

Assessing the implications of the study’s findings, Professor Johnson noted, “Potential jurors would be disqualified from serving on juries, as a matter of law, if they stated in advance that they would be more likely to impose the death penalty when a defendant looked stereotypically black. What if a juror is, in fact, influenced by race or racial characteristics but is not aware of that influence? The law should find such an influence impermissible, but there is currently no recognized claim concerning unconscious influence.”

The study design controlled for nonracial factors known to influence sentencing, including aggravating and mitigating circumstances, severity of the murder, and socioeconomic status of defendants and victims. The authors used a comprehensive database of 600 death-row cases in Philadelphia compiled for another study, which was published in 1998 in the Cornell Law Review. That study also found that the race of both victims and defendants influenced sentencing.

Freed Death Row Inmate and His Decade of Wrongful Imprisonment

“Dead man walking.” Ray Krone heard this phrase three days a week when he was let out of his death row cell for two hours of solitary time outside. This was his chance to see or hear signs of an airplane overhead or a bird flying by. “Anything to make you feel human—alive,” recalled Mr. Krone. Mr. Krone, the 100th former death row inmate found to be innocent and freed in the United States, told an audience at Cornell Law School in November the story of his wrongful imprisonment, his subsequent legal battle, and the problems with the justice system. The talk was sponsored by the Cornell Death Penalty Project.

On New Year’s Eve in 1991, Mr. Krone was arrested at his home in Arizona for the murder of a waitress at a Phoenix bar. “Did I lock my car? Who will feed my dog?” These were the thoughts running through his mind the first few days he spent in jail. For a man who was an athlete, honorably discharged from the U.S. Air Force, and who never even had detention in high school, it was unthinkable to him that he would be found guilty when he knew he was innocent.

Yet, the first words from his public defender were, “You can expect to be found guilty, but we’ll fight it on appeal.” But the attorney then took herself off Mr. Krone’s case. A second attorney, who was appointed by the court and paid $6,000 to defend Mr. Krone, wanted him to accept a plea bargain. The prosecution’s entire case was based on the testimony of a “bite-mark expert” who was paid $60,000 for his time.

The first conviction was delivered after 210 minutes of deliberation by a jury after a three-and-a-half-day trial. The judge sentenced Mr. Krone to death. After two years on death row,
Mr. Krone was granted a second trial by the Arizona Supreme Court because a violation of his rights had occurred during the first trial, regarding timely admission of evidence. His family and friends raised enough money to retain another lawyer, who was willing to take the case for a fraction of his normal fee. There was no physical evidence, only the bite-mark expert’s testimony linking Mr. Krone’s teeth to the mark on the victim, yet after six weeks of trial with 500 exhibits and thirty experts, Mr. Krone was found guilty a second time, and he was sentenced to prison.

Mr. Krone waited more than ten years to gain his freedom. When DNA evidence implicated another man who was eventually found guilty, Mr. Krone was set free and received $4.4 million in compensation; more than half the money went to his lawyers. Of the justice system, he said, “All it needs is your indifference.” He implored the Law School audience to learn about the justice system and unite in common cause and common belief to change what is wrong and to make it right. Since states reinstated capital punishment in 1976, there have been 1,000 executions and 123 exonerations nationwide. Ten prisoners are executed for every one set free.

**Sir Basil Markesinis Gives Irvine Lecture on Comparative Law**

Lawyers in the United States are currently divided as to the potential utility of foreign law. This could be seen both as a sign of internal self-sufficiency and of arrogance. The downside of self-sufficiency is that lawyers fail to learn from the successes and mistakes of others. Politically, it isolates the United States from other countries that, until recently, saw the United States as a model of inspiration.

No one can deny that there exist differences between the common law and continental Europe’s civil law. But, “the human tendency to treat foreign as different and then make the unwarranted logical jump and also call it ‘bad’ is not justified” warned Sir Basil Markesinis, a comparative law expert from Great Britain, who delivered the Frank Irvine Endowed Lecture at Cornell on August 25.

Sir Basil Markesinis, professor and chair of Common and Civil law at University College London and the Jamail Regents Chair at the University of Texas School of Law at Austin, trained as a lawyer in Athens, Paris, and Cambridge. He has written thirty books and more than 120 journal articles, and has received numerous awards, including the Knight Grand Cross of Italy and of France and the Knight Commander of the Order of Merit of Germany. Queen Elizabeth II recently made him Sir Markesinis, Knight Bachelor.

His lecture, “Understanding American Law by Looking at It through Foreign Eyes: Towards a Wider Theory about the Study of Foreign Law,” began by focusing on the first of three examples. It dealt with frustrated beneficiaries and their right to sue the attorney whose negligence deprived them of an intended benefit under the will of the testator. Though the harm suffered was pure economic loss, most systems allow recovery. But there is uncertainty as to whether the actions should be based on contract or tort and, indeed, whether this theoretical difference matters. Professor Markesinis showed how comparing the American, English, and German solutions provide room for thought and improvement. The other examples, dealt with in detail in the written version of Professor Markesinis’s speech, include the death penalty and actions for wrongful life and birth.

Professor Markesinis used the examples to build a wider theory about how to use foreign law in a national setting. “You must first target your audience carefully,” he said; and, in his view, one should primarily be addressing one’s remarks to judges, practitioners, and legislators and showing them why and how they stand to benefit by following development abroad. “We live in a shrinking world” he said “where goods, people, drugs, even terrorism travels well. Why should ideas be stopped at national borders?”

Professor Markesinis argued that, in teaching and writing about foreign law, people must avoid “antiquarianism” and also “trendism.” “We must instead focus on what the [judges, practitioners, and legislators] need; and if we do it well they, in turn, will come back to academics and ask them to help collect and explain the foreign material for them,” said Professor Markesinis. Such an endeavor is not academically demeaning since it means understanding the foreign solution in its wider sociopolitical context; but, in additional to its scholarly merits, it also offers practical advantages and could help bring comparative law back into the mainstream of the law curriculum as it was in the days of Rudi Schlesinger, a former member of the Law School faculty and world-renowned international scholar.

The Frank Irvine Endowed Lecture series was established in 1913 by the Conkling Inn of the legal fraternity Phi Delta Phi, in honor of Judge Frank Irvine, former dean of Cornell Law School. Past lectures have featured such speakers as Nobel economics laureate Amartya Sen and civil liberties advocate Vincent Blasi.

**Public Interest Lecture Focuses on Defending Civil Rights Issues**

This year’s Cyrus Mehri Public Interest Lecture on October 30 featured Angelica “Kica” Matos ’99 who spoke on “Immigration Policy and the Death Penalty: The Defining Civil Rights Issues of Our Times.”
Kica Matos is the executive director of JUNTA for Progressive Action, the oldest Latino community-based organization in New Haven, Connecticut. She is also a clinical visiting lecturer in law at Yale Law School. Ms. Matos is a graduate of Victoria University of Wellington (New Zealand), has an M.A. in political science from the New School, and a J.D. from Cornell Law School.

For most of her adult life, she has devoted herself to advocacy in the area of human rights and civil rights, working in nonprofit organizations including Amnesty International and the NAACP Legal Defense Fund. Prior to joining the staff at JUNTA, she was an assistant federal defender in Philadelphia, Pennsylvania, where she represented death-row inmates in state postconviction and federal habeas corpus proceedings. She is the recipient of several awards, including the 2005 John F. Kennedy New Frontier Award, given annually to two individuals under forty who are changing their communities with their commitment to public service; the 2005 New Haven Register Person of the Year Award; and a 2006 Exemplary Public Service Alumni Award from Cornell Law School.

Celebrating Alexander’s Innovative Book on Constitutional Property

This fall a symposium organized by Professor Emily L. Sherwin was held at Cornell Law School. The first speaker was Honach Dagan, dean and professor of law at Tel Aviv University, who discussed the notion of the social responsibility of the property owner, as demonstrated by German law. He concluded, “making social responsibility ‘a constitutive component of the conception of ownership’ is not a matter of preference or tradition but rather of justice.” He was followed by Professor Laura S. Underkuffer, professor of law at Duke University, who called the book “an eloquent statement to the challenges of, and possible solutions to, critical questions in the constitutional protection of property.” She addressed the conflict between the mythology of property rights in American popular culture and the constitutional definition, using Oregon’s Measure 37 as an example. Finally, associate professor Eduardo Peñalver of Cornell Law School explored differing interpretations worldwide of the right to exclude. He noted, “comparative treatments of property laws [like Professor Alexander’s] remain somewhat rare ... due, in part, to the complexity of property doctrine.”

The symposium ended after Professor Alexander took the podium to respond to issues raised by the commentators. “In deciding whether and how to constitutionalize property,” he said, “policy makers need to pay serious attention to a variety of contextual factors, among which are the nature of judicial review in the local country and local attitudes toward it; the status of property under local private law traditions and culture; and the nation’s political and social history.” Professor Alexander closed the symposium by thanking the audience, saying “I am humbled and grateful beyond description for this opportunity and all the attention lavished on me and this book.”

Wendel Addresses the Infamous Torture Memos

On August 23, Professor W. Bradley Wendel challenged Cornell Law School students to become part of the community of law that upholds ethics and uses good legal judgment. In his talk, titled “When Lawyers Go to War: The Legal and Ethical Implications of the United States Policies on the Treatment of Detainees in Iraq, Afghanistan, and Guantanamo Bay,” he reminded students that “lawyering is not a morality-free zone, but that the primary moral obligation of lawyers acting in a representative capacity is to treat the law with respect, not as some inconvenient obstacle standing between the client and the realization of the client’s goals.” Professor Wendel’s talk celebrated his elevation to the status of tenured professor.

Associate Dean Barbara J. Holden-Smith introduced Professor Wendel. She mentioned his education at Rice University, Duke University School of Law, and Columbia University School of Law. Before coming to Cornell Law School in 2004, he worked at Bogle and Gates in Seattle, Washington; clerked for Hon. Andrew J. Kleinfeld at the U.S. Court of Appeals for the Ninth Circuit; and taught at Columbia University School of Law and Washington and Lee University School of Law.

Associate Dean Holden-Smith mentioned Professor Wendel’s “impressive” publication record and his popularity with students, who selected him to be the faculty speaker at the 2006 Law School convocation.

In his talk, Professor Wendel addressed the topic of legal ethics and professional responsibility by discussing the infamous torture memos by Bush administration lawyers. The memos suggested that prisoners from the wars in Afghanistan and Iraq were outside the realm of the Geneva Conventions and the
Professor Wendel reminded students that “lawyering is not a morality-free zone, but that the primary moral obligation of lawyers acting in a representative capacity is to treat the law with respect, not as some inconvenient obstacle standing between the client and the realization of the client’s goals.”

Convention Against Torture agreement. After pointing out the “glaring problems” in their arguments, Professor Wendel went on to broadly discuss “the relationship between ordinary personal morality and the law” and “the nature of legal interpretation and legal objectivity.”

He explored the idea of “role–differentiated morality,” and asserted that a robust “interpretive community” of lawyers is necessary for the law to be continually examined and understood. “The law may stink,” he said. “It may be immoral, unjust, or just plain dumb. But as a lawyer, your obligation is to serve as a custodian of the law, not to work around it whenever you think it’s lousy.”

Steven H. Shiffrin Awarded Reavis Chair

Professor Steven H. Shiffrin began celebrating his twentieth anniversary at Cornell Law School a few months early, with the news of his appointment as the Charles Frank Reavis Sr. Professor of Law. Professor Shiffrin, who has been at Cornell Law School since 1987, said, “It’s an honor to hold a chair that was held by Chuck Wolfram before me, who I’ve always admired as a fine scholar and who is a wonderful human being.” During his time as Reavis chair, Professor Shiffrin will finish a book he is currently writing about church-state relations. Afterward, he plans to continue researching and writing on that topic.

Before joining Cornell Law School, Professor Shiffrin taught at the University of California–Los Angeles, Boston University, the University of Michigan, and Harvard University. He is the author of Dissent, Injustice, and the Meanings of America (Princeton University Press, 1999) and The First Amendment, Democracy, and Romance (Harvard Press, 1990), which won the Thomas J. Wilson Award. He has written for the Cornell Law Review, the Harvard Law Review, the Michigan Law Review, the Northwestern Law Review, the UCLA Law Review, and the New York Times Book Review. He is a co-author of Constitutional Law, 10th edition, 2006; and The First Amendment, 4th edition, 2006; both of which are widely used casebooks in the field. Professor Shiffrin has degrees from Loyola University of Los Angeles and San Fernando Valley State College.

C. Frank Reavis ’19 and John W. Reavis ’21 endowed the Reavis chair. C. Frank Reavis was a founder and senior partner of Reavis and McGrath in New York City. John W. Reavis was a founder and senior partner of Jones, Day, Reavis & Pogue in Cleveland, Ohio. The brothers established the chair to honor their father, an outstanding lawyer and four-term member of Congress from Nebraska. The chair is to be held by a “person of national stature in the law, with a preference given to a person whose teaching involves development of skills of oral communication or legal subjects relating to litigation.”

J. Jay Rakow ’77 Brought Hollywood to Cornell Law School

J. Jay Rakow enjoyed a break from the monotony of Los Angeles weather while serving as the fall 2006 Cornell Law School Distinguished Practitioner-in-Residence. Professor Rakow, who received his J.D. from Cornell Law School in 1977, taught a course in entertainment law while in Ithaca. During the course, the students worked on developing a movie—a murder mystery set in a law school located in a Gothic building in a small town in upstate New York. As the semester proceeded, the students developed the idea into a script and ultimately into a movie. During the process, they are beset by a host of problems arising under many different areas of the law, including copyright, trademark and contract law, defamation, financing, bankruptcy, and piracy. “By the time we finish the course,” said Professor Rakow, “the students have gained quite a bit of experience dealing with the legal issues that confront lawyers in the entertainment industry or in any other field involving the creation, acquisition, and licensing of intellectual property.”

Currently, Professor Rakow is a mediator and arbitrator in Los Angeles. Previously, he was the senior executive vice president and general counsel of Metro-Goldwyn-Mayer, Inc., and prior to that, the senior vice president and general counsel of Paramount Pictures Corp. As general counsel of these major motion picture companies, Professor Rakow handled
legal matters in all areas of motion picture and television production, financing, marketing, licensing, and distribution. His duties also included securities law compliance and merger and acquisition activities. Prior to joining Paramount, Professor Rakow maintained an active litigation practice for sixteen years, serving as a partner in two major Los Angeles law firms and dividing his time between securities litigation and entertainment and intellectual property litigation. He began his career at the Dewey Ballantine firm in New York, where he handled pharmaceutical patent and antitrust litigation.

Professor Rakow is a member of the Academy of Motion Picture Arts and Sciences, the Cornell Law School Advisory Council, and the boards of two charitable institutions. He has guest lectured at the University of Southern California and Pepperdine law schools. He has an undergraduate degree from New York University.

### Visitor Focuses on the Rights of Women

Cynthia Grant Bowman, professor of law and gender studies at Northwestern University, is serving as the 2006–2007 Marc and Beth Goldberg Distinguished Visiting Professor of Law at Cornell Law School. While in Ithaca, Professor Bowman will teach torts, family law, and feminist jurisprudence. “In feminist jurisprudence,” she said, “we use a casebook of which I am a co-author, *Cases and Materials on Feminist Jurisprudence: Taking Women Seriously.* I begin the course by outlining theoretical approaches to gender equality. We explore notions of relational feminism, critical race feminism, and lesbian feminism.”

Professor Bowman has published widely in diverse areas having to do with law and women, such as women in the legal profession, sexual harassment, and legal remedies for adult survivors of childhood sex abuse. She oversaw an exchange relationship between Northwestern Law School and the University of Ghana for five years, at the end of which she published a casebook *Women and Law in Sub-Saharan Africa*, co-authored by Akua Kuenyehia. “I include this material in both the family law and feminist legal theory classes,” she notes.

Professor Bowman has a B.A. with honors from Swarthmore College and a Ph.D. in political science from Columbia University. Before entering law school, she taught political science and spent a year at the University of Chicago as a National Endowment for the Humanities postdoctoral fellow in the history and philosophy of the social sciences. She received a J.D. with honors from Northwestern University School of Law, and after doing so clerked for Judge Richard D. Cudahy on the U.S. Court of Appeals for the Seventh Circuit. She served as an associate at Jenner & Block in Chicago for five years.

The Marc and Beth Goldberg Distinguished Visiting Professor of Law honors Marc Goldberg ’67 and his family, including two daughters who graduated from the College of Human Ecology at Cornell University. Mr. Goldberg created the professorship in 2004, noting how important professors are to the Law School’s future. Mr. Goldberg recently retired after serving for almost thirty years as a senior vice president with Philip Morris Companies, Inc., where he handled international business in Canada and Latin America and also provided counsel on mergers and acquisitions.

### Cornell Alumni Become Faculty Members at Cornell Law School

Cornell Law School is pleased to welcome three new permanent faculty members, all of whom are alumni of Cornell University. Joseph C. Dole joins the Lawyering faculty, Sital Kalantry joins the clinical faculty, and the Cornell Law Faculty welcomes Eduardo Peñalver as an associate professor.

Joseph C. Dole, who was a visiting lecturer at Cornell Law School in 2005, returned in 2006 as an associate clinical professor of law to teach in the Lawyering Program. After graduating from Yale Law School, where he was a senior editor of the *Yale Law Journal*, Professor Dole clerked for Hon. John E. Sprizzo of the southern district of New York.

Before joining the Cornell Law faculty, Professor Dole was in private practice, first as an associate with Simpson, Thacher & Bartlett and later as an associate and partner at Bond, Schoeneck & King, PLLC, where he practiced labor and employment law. He was a visiting professor at Syracuse University College of Law from 2003 to 2005 and is a member of the American Arbitration Association’s panel of labor arbitrators. Professor Dole received...
his B.A. from Cornell University, his M.P.A. from Syracuse University, and his J.D. from Yale Law School. "The high quality of the student body and the faculty are what drew me to Cornell Law School," said Professor Dole.

Sital Kalantry, assistant clinical professor of law, joined the Law School faculty this year. She co-teaches the Asylum and Convention Against Torture Appellate Clinic while creating a human rights clinic that will begin in fall 2007. "In the human rights clinic, students will work collaboratively with human rights, NGOs, intergovernmental organizations, or governments," said Professor Kalantry. "A project may involve legal action (for example, impact litigation, legal assistance and counseling, or legislative advocacy), but since a significant amount of human rights work is nonlegal, a project may be geared towards community education, media outreach, fact-finding, and reporting." Professor Kalantry plans for students to assist organizations in domestic law suits, help with litigation in international forums, perform legal and policy advocacy, investigate and report human rights abuses, and draft judicial practice manuals and model codes.

Professor Kalantry is the lead author and researcher of a project on behalf of Women for Women International to evaluate de jure and de facto compliance in postconflict countries with international women’s rights standards. During 2005–2006, she co-taught the national security and civil liberties clinic at Yale Law School. While there, she supervised students in trial and appellate litigation matters in connection with cases relating to national security and civil liberties, including drafting and filing a Supreme Court amicus brief in Hamdan v. Rumsfeld, and supervising students in a primary litigation alleging the unconstitutional detention and interrogation of Muslim U.S. citizens entering the United States from Canada after attending a religious conference. Prior to her time at Yale, Professor Kalantry served as counsel at O’Melveny & Myers LLP, where she developed a significant pro bono practice advising international nongovernmental organizations (NGOs). She received her B.A., magna cum laude, from Cornell University; a master’s from the London School of Economics; and her J.D. from the University of Pennsylvania Law School.

Eduardo Peñalver joined the Cornell Law faculty this year as an associate professor of law. He is teaching courses in property and land use, as well as a seminar on Catholic social thought and the law. "The thing that I find most appealing about the Cornell Law School is the warmth of the community here," he said. "The small size of the Law School means that you really get to know your students and colleagues."

Professor Peñalver has been widely published in places such as the Columbia Law Review, the Virginia Law Review, and the Ecology Law Quarterly, the Washington Post, and the Chicago Tribune. His first book, Property Outlaws, written with Sonia Katyal, is forthcoming from Yale University Press. Currently, he is writing a book exploring the role of lawbreaking in the development of property law.

Previously, Professor Peñalver spent 2005–2006 as a visiting professor at Yale Law School, and 2003–2005 as a visiting professor at Fordham Law School. He received his B.A. from Cornell University, his M.A. from the University of Oxford, Oriel College, where he was a Rhodes Scholar, and his law degree from Yale Law School. Upon completing law school, he clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and for Justice John Paul Stevens of the U.S. Supreme Court. Professor Peñalver’s research interests lie in property and land use, as well as law and religion. He is particularly interested in the ways property both fosters and reflects communal bonds.

Visiting Professors for the Academic Year

Visiting professors in 2006–2007 have interests ranging from labor law to legal ethics and more. Walter G. Bublé ’99 is a visiting assistant clinical professor of law in the Lawyering Program. While at Cornell Law School, Professor Bublé will teach Lawyering. He received his B.A. in 1979 and M.A in sociology in 1991, from Fordham University, and his J.D. from Cornell Law School in 1999.

Last year, Professor Bublé served as an academic support counselor at the Cornell Law School. “As a lawyering professor,” said Associate Dean Anne Lukingbeal, “Walter brings to the classroom a deep commitment to excellence in teaching legal writing. He brings to his new teaching role the same traits of knowledge, dedication, imagination, and concern for others that have made him such a success as our director of academic support.”

Oskar Liivak, visiting assistant professor of law, is addressing the relationship between law and cutting-edge technology while at Cornell Law School. He taught Patent Law
“I’ve found that most students are not only receptive to questions about legal ethics, but in fact are keenly interested in learning how to become skilled and ethical lawyers,” said Professor Weigold.

Mark C. Suchman is an associate professor of sociology and law at the University of Wisconsin. While at Cornell Law School, he taught Business Organizations, during the fall term, and Law and Society and a seminar, Legal Profession, in the spring term. He earned an A.B. from Harvard College, a J.D. from Yale Law School, and a Ph.D. in sociology from Stanford University. His primary research interests center on the legal environments of organizational activity, in general, and on the legal environments of entrepreneurship and technological change, in particular.

From 1999 to 2001, Professor Suchman was a Robert Wood Johnson Foundation Scholar in Health Policy Research at Yale University. In 2002–2003 he was a fellow at the Center for Advanced Study in the Behavioral Sciences in Palo Alto, California. He is an active member of the Law and Society Association, the Academy of Management, and the American Sociological Association, and his research has been funded by the National Science Foundation and the American Bar Foundation.

Ursula H. Weigold, visiting clinical professor of law, is focusing on legal ethics while at Cornell Law School as she teaches lawyering in the fall and spring terms. “I’ve found that most students are not only receptive to questions about legal ethics, but in fact are keenly interested in learning how to become skilled and ethical lawyers,” she said. “Students want to understand their duties to their clients, to the courts, to the profession, and to the public. Because the lawyering course simulates law practice, many ethical questions arise naturally in that context. During the fall semester, we explored a lawyer’s most fundamental duty, of competence, and focused on what that includes. In the spring semester, as students learn persuasive writing and oral advocacy, we will talk about how to work as a client’s advocate in the adversarial system and about the ethical challenges and limits of that role.”

Professor Weigold is the associate director of law and director of lawyering skills at the University of St. Thomas School of Law in Minneapolis, Minnesota. Her current research interests focus on legal ethics and legal education. She received her J.D. from the University of Texas School of Law. She has a B.A. and a B.J. from the University of Texas at Austin. After fulfilling a clerkship with the chief justice of the Texas Court of Appeals in Houston, she served as senior staff attorney to the court for four years. She was board certified as a specialist in civil appellate law for ten years. Previously Professor Weigold was an assistant dean and director of the lawyering program at South Texas College of Law.

Cornell Law School’s New Visiting Faculty for the Fall Semester

Cornell Law School was honored to have a talented group of visiting professors during the fall semester this year. These visitors included William W. Buzbee from Emory; Jean-Pierre Laviec, who was also a visiting professor at the ILR school; Elizabeth A. Nowicki, formerly of the Securities and Exchange Commission (SEC); Eva M. Pils from Germany, and Jonathan R. Siegel from Washington, D.C.

William W. Buzbee taught Environmental Federalism and Regulatory Design in fall 2006. He is a professor of law and director of the Emory Environmental and Natural Resources Law Program at which he teaches courses on environmental law, administrative law, land use, and legal methods. He has been a visiting professor of law at Columbia Law School and at the Leyden-Amsterdam-Columbia Law School summer program in American law.
Professor Buzbee’s scholarship focuses on environmental law, administrative law, and other public law topics. At Emory's Environmental and Natural Resources law program, he designed and launched the Turner Environmental Law Clinic. He is a founding member scholar of the Center for Progressive Reform and vice president of the Georgia Center for Law in the Public Interest. Professor Buzbee received his J.D. from Columbia Law School and his B.A. from Amherst College, magna cum laude. He clerked for U.S. Judge Jose A. Cabranes, was an attorney-fellow at the Natural Resources Defense Council, and handled environmental, land use, and litigation work for the New York City law firm, Patterson Belknap Webb and Tyler.

Jean-Pierre Laviec graduated from the Institut d’Etudes Politiques in Paris in 1967, received a L.L.M. from the University of Paris II in 1969, and a Ph.D. in international law from the Graduate Institute of International Studies (GIIS), University of Geneva in 1984. He served as a UN official from 1985 to 2006, in particular as International Labor Organization director for central and eastern Europe and director of the International Institute for Social and Development, the World Bank, the European Union, the Council of Europe, and the UN Development Programme.

Professor Laviec has been a visiting professor and lecturer at the GIIS in Geneva since 1995. He has also lectured at the University of Paris IX, Dauphine, and the University of Chile. His main research areas and publications concentrate on international economic law, international investments, and multinational enterprises. While at Cornell he taught a course in the fall on international monetary law.

Elizabeth Nowicki taught Securities Regulation and Mergers and Acquisitions in the fall semester. “Prior to joining a law faculty,” she said, “I worked for the Securities and Exchange Commission and for a private law firm. With the law firm, I did almost exclusively transactional work, and, with the SEC, I worked on rule making, policy analysis, and enforcement. I have shared with my students both the practical aspects of navigating the world of securities and the policy, theory, and big picture considerations that will inform my students’ approach to doing transactional work.”

Professor Nowicki is an associate professor of law at the University of Richmond School of Law in Richmond, Virginia, where she teaches corporate law, corporate governance, securities regulation, mergers and acquisitions, and corporate finance. Her research interests include corporate director liability and securities fraud. She received her B.A. from Russell Sage College and her J.D. from Columbia Law School. She served as a law clerk for Judge Jack B. Weinstein of the eastern district of New York, and for Judge James L. Oakes of the Second Circuit Court of Appeals. Following her clerkships, Professor Nowicki worked in the general counsel’s office of the SEC, where she worked on regulation mergers and acquisitions, the drafting of regulation fair disclosure, various enforcement cases, and a variety of policy matters. She later moved to private practice with Sullivan & Cromwell, performing mergers and acquisitions work in New York City and general corporate work in Los Angeles. Professor Nowicki has been quoted in various print, television, and Internet media sources, and she has testified extensively as an expert witness in investment banking, research analyst securities-fraud cases.

Eva Pils taught a course on law and society in China in fall 2006. The course covered social tensions and injustices that have resulted from the rapid changes in China over the past twenty-five years. “We tried to get an angle on the question of how the emerging legal system in China can be used to address these issues,” said Professor Pils. “And we also discussed whether, and in what way, the new law may sometimes exacerbate injustices. The material we used ranged from academic discussions of particular problems in the Chinese legal system to newspaper clips, documentary films, the texts of peasant petitions, and chapters from historical novels.”

Professor Pils studied law, philosophy, and sinology at Heidelberg University, Germany. She practiced law at Baker & McKenzie in Frankfurt, Germany. She took an LL.M. degree from the School of Oriental and African Studies at the University of London and a Ph.D. degree in law from University College London, University of London. In 2003, Professor Pils was a participant in the EU-China Judicial and Legal Co-operation Programme in Beijing and a visiting researcher at Tsinghua University Beijing. In 2004–2005, she was a Global Research Fellow at New York University School of Law, researching Chinese land law issues. She came to Cornell Law School as a visiting scholar for the spring semester 2006. In 2007, she will become an assistant professor at the law school of Chinese University Hong Kong.

Jonathan R. Siegel taught Administrative Law and Intellectual Property at Cornell this fall. In administrative law class, he discussed how courts and agencies interat. “I focus on administrative law as a power struggle,” he said. In particular, he looked at the timely topic of current conflicts between Congress and the president. In intellectual property, he focused on “the balance that needs to be struck between the rights and interests of intellectual property owners, and the rights and interests of users. We want to give intellectual property owners sufficient rights so that they have the
appropriate incentive to develop the property, but we don’t want to give them too much, because society needs use of their technology.”

Professor Siegel is a professor of law at the George Washington University Law School in Washington, D.C., where he teaches administrative law, civil procedure, federal courts, and intellectual property. He received his A.B. from Harvard College and his J.D. from the Yale Law School. After clerking for Chief Judge Patricia M. Wald of the District of Columbia Circuit, he practiced law as a member of the appellate staff, civil division, of the U.S. Department of Justice.

Farina Gives Talk at the Library of Congress on Presidential Control
On September 11, Professor Cynthia R. Farina, who specializes in administrative law, the presidency, due process, and separation of powers, gave a talk titled “Presidential Control Over Rulemaking” to scholars and congressional staff members at the Library of Congress in Washington, D.C. Her talk focused on legal and practical problems of presidential control over rulemaking and was part of a daylong symposium sponsored by the Congressional Research Service (CSR).

“This issue has become increasingly important and controversial as presidents from Reagan through Clinton have been more aggressive in asserting the right to control rulemaking,” said Professor Farina.

Okko Behrend on Classical Roman Law
Professor Okko Behrend of the University of Gottingen in Germany, visited, lectured, and conducted seminars from September 20 through September 28 at Cornell Law School, as Cornell University’s Andrew Dickson White Professor-at-Large. His presentations to students and faculty included “The Classical Roman Law of Sale and Modern Times,” “European Codification and the German Civil Code,” “The Importance of Philo’s Teaching for Legal Science,” “The Dualist Legal Theory of Cicero,” and “The Four Great Periods of Classical Roman Jurisprudence.”

Professor Behrend is a distinguished comparativist, a noted scholar of classical Roman law, and a distinguished contributor to the literature in related fields. He will visit Cornell University and the Law School again in 2008 in his continuing role as an Andrew Dickson White Professor-at-Large.

Okko Behrend, who visited with students at Cornell University in 2007, lectured on Classical Roman Law.

Community Connections: Belarus and the Cornell Legal Aid Clinic
On August 14 and 15, the Cornell Legal Aid Clinic hosted a group of clinical law professors, students, and administrators from Belarus. The group was participating in a World Learning program, talking with members of the the Law School community about effective ways to manage a legal aid clinic.

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Learning program, known as Community Connections, managed by the Bureau for Europe and Eurasia at the U.S. Agency for International Development (USAID). The local hosting organization is located at Broome Community College, which contacted the clinic for assistance in meeting the program’s goals. The focus of the program was to expose the visitors to best practices in managing a law clinic, fostering development of clinical methodologies, and integrating those methodologies into legal education in Belarus. In addition, the program sought to facilitate networking among the clinical professors.

June Gee, the clinic’s administrative director, was instrumental in scheduling the visitors’ activities during their two-day visit to Cornell. She arranged a tour of the Law School and of the university campus. She presented a lecture and discussion focusing on administrative issues of importance in law school clinics. Patricia G. Court, associate law librarian and lecturer in law, gave a presentation on legal resources available to students. The visitors met with clinical law professors JoAnne M. Miner, Glenn G. Galbreath, Angela Cornell, and Sital Kalantry and with a third-year student, Moriah S. Radin, who had participated in three clinics during her second year and had spent a summer working in the Cornell Legal Aid Clinic. The visitors gained a wealth of information regarding the clinical programs at Cornell, from the faculty’s and the students’ perspectives. JoAnne Miner provided the visitors with some useful materials and a list of Web-based resources of interest to clinicians.

The Belarus professors shared information about the clinics with which they are affiliated and about the state of clinical legal education in Belarus. One major difference between the Belarus clinics and most clinics in the United States is that students in Belarus are not allowed to appear in hearings or court proceedings. Thus, they primarily provide advice and counsel, or teach “street law” programs to high school students. However, most law students participate in apprenticeship programs prior to being allowed to practice. The Belarus professors expressed strong interest in mediation clinics as an alternative experience for their students.

Conference on Citizen Participation in East Asian Legal Systems

On September 22 and 23, the Clarke Program in East Asian Law and Culture at Cornell Law School hosted researchers from around the world for a series of discussions on the introduction of lay decision makers into the legal systems of Japan, Korea, and other countries in East Asia. Speaking from a variety of transnational and interdisciplinary perspectives, presenters exchanged views on the impact of this development on public justice and on research possibilities presented for legal scholars.

Cornell Law professor and jury scholar Valerie P. Hans, who organized the conference, described the event as an opportunity to “build a research agenda.” Her aim for the conference was to identify key theoretical issues and empirical questions about the global phenomenon of citizen participation in legal decision making. The conference was organized into three panels. The first panel focused on the sociological and theoretical context of citizen participation in law in Asia. Speakers discussed the continuing evolution of the relationship between the people and the courts in Thailand, China, and Central Asia, as the region undergoes sweeping technological and political transformation. With regard to Japan, topics of discussion ranged from concrete issues, such as the impact of proposed changes in the country’s Prosecutorial Review Commissions, to more abstract matters like the potential for the new lay-judge system to modify Japan’s cultural hierarchy of language.

The second panel examined the process of legal reform and the role that historical, cultural, and legal factors play in shaping the nature of citizen participation. Bernadette A. Meyler, assistant professor at Cornell Law School, analyzed the evolution of the English jury, offering a historical perspective on proposed legal changes in East Asian legal systems. Individuals who have been working to develop the new Japanese and Korean systems shared their insights with conference participants.

The final panel focused on strategies for empirical research. Panelists exchanged research techniques for all levels of the legal process, from public education regarding basic legal terminology, to the patterns of deliberations within the black box of the jury. Particular
emphasis was placed on how to use methods such as surveys and mock trial exercises to uncover a common set of issues central to the nature of citizen participation. Also discussed were ways to apply transnational analysis to learn how to structure legal systems to render effective justice in different cultural contexts and political systems.

The conference was successful on multiple levels. In addition to gaining perspective on the diversity of functions that juries and mixed tribunals play in the region, participants were able to craft ideas and questions about the expansion of the citizen’s role, informed by comparative legal studies. Many of the conference attendees plan to meet again to continue discussions and collaboration. For more on these efforts to examine the citizen’s role in legal decision making, see http://www.lawschool.cornell.edu/research/lay_participation_in_law/index.cfm. Upcoming Clarke program events are described at http://www.lawschool.cornell.edu/international/clarke_program.

The Law School and Cornell’s China Connection

During his inauguration speech in September, Cornell President David J. Skorton announced the establishment of the Jeffrey Sean Lehman Fund for Scholarly Exchange with China, in honor of Cornell’s eleventh president who is presently a member of the Cornell Law faculty. The fund will support a faculty and graduate-student exchange program comprising several projects each year that will involve substantive interaction between Cornell and the finest higher education institutions in China.

“I am enormously grateful to have been honored in this way,” said Professor Lehman. “I believe that faculty and graduate-student exchange with the best Chinese institutions of higher education is important both for Cornell and for China. It means a great deal to me to have my name associated with this exciting program.”

The fund will be administered by the Office of the Vice Provost for International Relations and will provide annual grants up to $20,000 each to launch research projects, hold conferences, host visitors from China, and support faculty travel to China. “The Lehman fund is an excellent way to stimulate bottom-up Cornell/China research collaborations, and so a very fitting way to recognize Jeff Lehman’s strategic initiatives in China,” said David Wippman, Cornell professor of law and vice provost for international relations.

Vice Provost Wippman said the competitive grants will be awarded to projects that support or complement existing Cornell links to Chinese universities; show a strong likelihood of continuing beyond the grant period; rely in part on, or lead to obtaining, external grant funding; and would not take place without seed funding provided by the Lehman fund. Cornell faculty and graduate students from any discipline are encouraged to apply.

In a recent article in the Cornell Daily Sun, another China project involving Professor Lehman and the Law School was also discussed. Professor Lehman is presently spending much of his time working on the Joint Center for China-U.S. Law and Policy Studies, a comprehensive collaboration between the two countries to support the rule of law in China. The Center, originally conceived by Supreme Court Justice Anthony Kennedy, would become a place that would bring together scholars, lawyers, and government people from both countries to work on significant issues pertaining to the law.

In the newspaper article, Professor Lehman was quoted as saying “After I stepped down as Cornell’s president, I got a call from the president of Peking University, Xu Zhihong. I had gotten to know him well as Cornell’s president, and he was interested in the possibility of my stepping in to kick-start this project. I was in China last September and November, and we had a series of long conversations about how to involve other Chinese universities like the Beijing Foreign Studies University. I had a series of meetings with Justice Kennedy in October and November, and then in December it was agreed to get this project started. This year, I’ve been working to set up an American organization that will help support the work of the center and host academic conferences. One of them involves the University of Michigan Law School, a second one involves Cornell Law School.”

Timothy K. Choy Gives Clarke Lecture on Earthly Vocations

On October 5, Professor Timothy K. Choy, a visiting scholar at Cornell Law School for the 2006–2007 academic year, presented the paper “Earthly Vocations: Ethics of Environmental Fidelity and Comparison in Hong Kong.” That paper, which will be included as a chapter in...
Professor Choy’s forthcoming book, Ecologies of Comparison: Politics by Example, discusses what caused particular people to become environmentalists in Hong Kong in the late 1990s. Professor Choy explored the question by presenting two ethnographic case studies of environmental activists in Hong Kong. One was of “Rupert,” a Greenpeace employee based in Hong Kong. Rupert was born and educated in Hong Kong, but in his later teens moved to Vancouver with his family. It was there that he became involved in environmental activism, after a chance encounter with individuals from Greenpeace’s Vancouver office. Particularly telling in Professor Choy’s account is how Rupert credits his environmental activism to his integration in Canadian culture. Professor Choy shows how Rupert uses his identity as an environmental activist both to emphasize his inclusion in Canadian culture and to distinguish himself from what he sees as typical Hong Kong culture.

Professor Choy finds a similar dynamic in his other case study; that of an environmental engineer, “William,” working at a major international consulting firm. In many ways, William’s life experiences parallel those of Rupert. Both spent a significant portion of their young adult lives living abroad. William attended an English boarding school and later an English university. After briefly returning to Hong Kong, William moved to Australia to pursue his career as a civil engineer. Both men credit their environmental consciousness to their distinctly overseas experiences. William attributes his environmental consciousness to how Australian civil and professional society injected environmental issues and concerns into civil engineering work in Australia. And like Rupert, William used his identity as an environmentalist to distinguish himself from what he saw as typical Hong Kong culture. Professor Choy notes how both Rupert and William incorporate their identities as environmental activists even into their understanding of their own masculinity.

What Professor Choy draws out of these case studies is the degree to which these individuals’ self-identities as environmental activists have been caught up in a much broader matrix of cultural and identity issues.

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The PoLAR Symposium on the New Bureaucracies of Virtue

The PoLAR Symposium on the New Bureaucracies of Virtue was held on October 26 through 28 and was organized by Annelise Riles of Cornell Law School and Marie-Andrée Jacob of the Université du Québec à Montréal. The symposium was a gathering of scholars intrigued by the rising role of ethical concerns in medical and social science research. Discussion during the four panels centered on the regulatory regimen of human-subject research and the practice of informed consent as the most important legal instrument used to obtain the consent of individuals who participate in this type of research. Such a regulatory regimen is treated in this symposium series as subject matter for ethnographical analysis.

During the October symposium, the panelists shared analyses of legal and ethical norms as well as the effect of these norms on the reshaping of research on human subjects. Issues ranged from epistemological problems regarding the ethics of social science, to experiences in working with different communities on the forms and requirements of Institutional Review Boards (IRBs) and medical institutions, to ethnographic work on IRB committees and clinical trials.

One of the focal points of the symposium was the conflict between the research subjects’ attitudes toward issues such as knowledge, legal formalities, and confidentiality concerns, on the one hand, and the research agenda, on the other hand.
which must fulfill technical requirements and respond to time constraints and standards of accountability established by sponsoring institutions, on the other. Researchers face issues such as how to transform procedures and formalities into terms that research participants can understand, how to predict the effects of legal and technical language on the dynamic of the research itself, how to define the ethical role of institutions and researchers undertaking research projects on human subjects, and how to understand the internal dynamic of bureaucratic bodies responsible for evaluating the potential physical and psychological risk of research involving human subjects. All of these concerns demand the ethical engagement of the researcher and oblige him or her to take an active role in dealing with such issues.

The legal norms regulating research practices are key to ethnographic analysis. What role does legal formulation play and how are instruments such as legal forms of consent designed? What are the intentions of lawyers who create these instruments and what does the document of consent form represent? Questions regarding legal regulation help address the importance of law-related topics in ethnographic work and the importance of law-related issues in the research agenda of social sciences. An interesting and productive relationship exists between law and social science, in which the methods of social science very often concentrate on mapping out legal regulatory systems and the law plays an important role in shaping social science research.

An introduction to the topics discussed in this symposium and the papers presented will be published in Political and Legal Anthropology Review.

**Dean Zhu Suli on Legal Education in China**

On October 24, Zhu Suli, dean of the Peking (Beijing) University School of Law (Beida), participated in an informal discussion with members of the Cornell Law School community on the state of legal education in China. Dean Zhu, one of China’s most well-respected legal scholars, explained that he decided to become a dean, thus sacrificing the time he could devote to scholarship, precisely in order to address important shortcomings he perceived in China’s legal education environment. Principal among these is the failure of that environment to promote and celebrate capacity for critical thought and analysis. It is informed disagreement that drives the law, Dean Zhu believes, and he has been working to develop at Beida an intellectual and educational environment that focuses on analysis and argument, rather than on simply the memorization of legal rules.

Another area in which Dean Zhu finds fault with Chinese legal academia is in its failure to take seriously the indigenous knowledge represented in Chinese civilization. He believes that China’s extraordinarily long and storied civilization is likely to contain the seeds for a new legal system, one that is based on neither common law nor civil law. This is not an argument for cultural essentialism. He does not see this new system as being limited to Chinese experiences. Rather, he is making an argument for China’s capacity to contribute to broader, human learning. In keeping with these ideas, he has been advocating the greater use of Chinese civilization and cultural sources, mostly Chinese literature, as sources for Chinese legal knowledge.

**Cornell Sends Students around the World on Semesters Abroad**

During the 2006–2007 academic year twenty-seven Cornell J.D. students are spending a semester studying with foreign law faculties. The largest group, five students, is at the University College London, while a sixth student is studying at Oxford University, as part of an experimental program begun this year. Three will study at the University of Hong Kong, as part of a new exchange program with the Law School.

In addition, Cornell students will study at these partner schools: Bucerius Law School, Hamburg; the University of Cape Town; Central European University, Budapest; ESADE and Pompeu Fabra University, both in Barcelona; and the University of Sydney, Australia. Several students have been approved to visit the Instituto de Empresa, Madrid; the National University of Ireland-Galway; and Temple University School of Law’s spring semester program in Tokyo.

**Students Win Two Victories for Immigrants**

A woman from Liberia and a child soldier who fled a Ugandan paramilitary group were both granted immigration relief in the United States due to the efforts of Cornell Law School students. The students were able to assist these people as part of their work with the Law School’s 2006 Asylum and Convention Against Torture (CAT) appellate clinic.

The clinic, co-directed by professors Stephen W. Yale-Loehr and Estelle M. McKee (who has since left the Law School), is offered as part of the Law School’s curriculum every spring. During the first half of the semester students learn about asylum and CAT law. The students then pair up to work on appel-
late briefs to the Board of Immigration Appeals (BIA) on behalf of clients who wish to stay in the United States because they face persecution in their home countries.

As part of their clinic work last semester, Amir R. Ghavi ’06 and Stephen L. Taeusch ’06 wrote a brief in which they argued that a child soldier who had fled the Lord’s Resistance Army, a notorious rebel paramilitary group in Uganda, qualified for asylum because he had suffered persecution and quite possibly faced future persecution. The BIA agreed with their arguments and in July granted the teenager asylum in the United States.

Two other clinic students, Viravyne Chhim, J. D./LL.M., ’06 and Richard T. Creer ’06, prepared a brief on behalf of a woman from Liberia who had been sexually assaulted multiple times during her childhood by government soldiers and had suffered female genital mutilation before coming to the United States. The students asserted that the woman’s past torture constituted a permanent and continuing harm, and would be an ongoing threat if she were returned to Liberia, and that there was a possibility that she could suffer future female genital mutilation as well. In May 2006, the BIA granted this woman CAT relief in the United States.

“The asylum clinic gives law students an opportunity to apply what they have learned in the classroom to the real world. It is particularly important because we are representing people who fear persecution in their home countries. Our clients have few rights, not even the right to a court-appointed attorney. Most are detained. Many do not speak English. If we are successful, we save someone’s life,” said Professor Yale-Loehr. Since the clinic began in 2003, thirty-two students have worked on sixteen cases. The clinic has won about half of its cases, a far higher success rate than most appeals to the BIA.

“"I believe that students learn a great deal from working on real cases,” said Professor Blume. “They see how things we talk about in classes like criminal procedure, evidence, and capital punishment law play out in the real world. … Capital cases are particularly useful educational tools because the stakes are so high."

**Cornell Law Students Invited to Assist in Vermont Appeal**

Faculty and student members of the Cornell Law School Death Penalty Project have begun working on the appeal of convicted murderer Donald Fell. Mr. Fell is the first person to be sentenced to death in Vermont since 1957, a rare instance of the death penalty being imposed in the northeastern United States. The Cornell Law School’s Death Penalty Project agreed to act as co-counsel upon request of Mr. Fell’s public defenders, said John H. Blume, director of the project and professor of law at the Law School.

Mr. Fell was convicted of kidnapping, transporting across state lines, and killing supermarket cashier Terry King in November 2000, as she prayed and pleaded for her life. Her death occurred during a carjacking committed on the same day Mr. Fell had also killed his mother and her companion. Mr. Fell’s accomplice, Robert Lee, hanged himself in prison in 2003.

In 2001, prosecutors brokered a deal in which Mr. Fell would be sentenced to life in prison without parole, but Attorney General John Ashcroft rejected it. Although Vermont abolished the death penalty in 1987, the federal government took charge of the case because the crime involved crossing state lines. Mr. Fell was sentenced to death by a federal jury in Burlington, Vermont, on July 14, 2005.

As part of the project, Cornell Law School students will participate in many aspects of the appeal. “[They] will be reading the record, researching legal issues, and assisting in the drafting of the appellate brief,” said Professor Sheri Johnson, assistant director of the Death Penalty Project. She specializes in the influence of race on the criminal process. “I believe that students learn a great deal from working on real cases,” said Professor Blume, who is the former director of the South Carolina Death Penalty Resource Center.

“They see how things we talk about in classes like criminal procedure, evidence, and capital punishment law play out in the real world. They also learn how to take the facts and the law and create persuasive arguments in the context of an appeal. Capital cases are particularly useful educational tools because the stakes are so high.”
The Cornell Law School Death Penalty Project offers students the chance to assist in the representation of capital defendants, both at trial and at various stages in the appeals process. In addition, the project sponsors periodic symposia related to capital punishment and conducts empirical research on jury decision making in capital cases.

**Students Put Theory into Practice at Cornell’s First Labor Law Clinic**

An area maintenance worker who was unjustly fired is back on the job thanks to the efforts of two Cornell Law School graduates who took on the case as students this past spring. “This was one of the most rewarding and valuable experiences in law school for me,” said Michael B. Berger ’06. He and classmate Harris S. Freier were assigned the “termination arbitration” case when they enrolled in Cornell’s first labor law clinic, taught by Angela B. Cornell, associate clinical professor of law.

The clinic is the only one in the country where students learn substantive labor law and practice while representing labor clients in a closely supervised environment. “This hands-on learning approach can’t be duplicated in the typical classroom,” said Professor Cornell. “This course provides students the opportunity to work with real clients, and it advances skills and professional development emphasized by the American Bar Association as central to legal education.”

Similar to student practice in the medical field, law school clinics help students transition from the study of law to the practice of law. Students in Professor Cornell’s class have the opportunity to work with union representatives and have to be prepared to appear before the National Labor Relations Board (NLRB), the Public Employment Relations Board, and other administrative tribunals in the field of labor and employment law.

“Virtually all of the clinic students in the course are working with clients for the first time—interviewing, developing facts, and counseling,” said Professor Cornell.

In Mr. Berger and Mr. Freier’s case, an employee had been fired by his employer over a timecard issue. Working on behalf of Teamsters Local 317, the students got involved at the arbitration stage of the dispute. Their task was to show that the employer did not have just cause for the action. The two classmates worked all semester on the case, preparing for the arbitration, analyzing the company’s collective bargaining agreement between the parties, then researching and writing the postarbitration brief. The students were responsible for the opening statements and cross-examinations, presenting evidence, and arguing their case with the opposing attorney. The students dealt with any evidentiary issues that arose—which meant they had to be ready for any surprises from the opposing counsel. In addition to the legal issues, the students had to develop the factual record, which involved tracking down other employees and interviewing potential witnesses.

The arbitrator’s ruling, adopting the arguments made by Mr. Berger and Mr. Freier, arrived in July. The worker was reinstated in his job with no loss of seniority; however, no back pay was awarded. Mr. Berger and Mr. Freier, who graduated in May but were on campus in July studying for the bar exam, held a celebratory luncheon with Professor Cornell and Bill Arnault, the union representative in the case.

“I was very impressed with the way they handled the case,” said Mr. Arnault. “They clearly put a lot of time and effort into their work, and it showed.” As for surprises from the opposing counsel? There weren’t any. “They argued the case pretty much the way we wanted them to,” said Mr. Freier.

**Animal Rights**

Animal rights and animal law are topics that stimulate interest in the legal community, as well as among students, in general, especially in the College of Veterinary Medicine and the Department of Animal Sciences. Seminars titled “Animals: Rights, Regulation, and Research” were presented to these groups in November by Patricia G. Court, associate law librarian and lecturer in law, and Amy C. McDonald, a third-year law student. They discovered their mutual interest in the topic when Ms. McDonald wrote a paper on animal law in Ms. Court’s advanced legal research course last spring.
Ms. Court designed a plan for outreach across campus to animal researchers and professionals who deal with aspects of the law and who could benefit from knowing how to do some basic legal research. She invited Ms. McDonald to join her in this project, which became a supervised teaching and directed-reading course, as they read, planned, and presented the research seminars.

The first presentation was in the Law School, for law students and faculty, on November 10. The program and luncheon were cosponsored by Cornell Law Library, the Cornell Law Students Association, and the new Cornell chapter of the Animal Legal Defense Fund. The presentation coincided with a student effort to have the Law School offer a course on animal law next year.

The second presentation on November 14 was part of the luncheon seminar series at the Department of Animal Sciences. Twenty-five faculty and students attended to learn about the legal interpretation of animal rights and who could benefit from knowing how to use legal research to access the law in Liberia. Among the groups he has worked with are: the United Nations Mission in Liberia, the American Embassy in Monrovia, the U.S. State Department, the Carter Center, and Lawyers Without Borders.

Cornell’s relationship with Liberia dates back to the early 1950s when Professor Milton Konvits formed a team at Cornell to update and rewrite the Liberian Code. As a result of Professor Konvits’s recodification project, the Law Library now has Liberian legal materials dating back to the country’s colonial period in the mid-1800s. Many of the items are unique and have been digitized and posted on a Law Library Web page at www.lawschool.cornell.edu/library/liberia.

Survey Reports Legal Research is Key to Success

The Law Library conducted its annual survey of second- and third-year students, asking about their summer research experiences. The library received 134 replies—the largest number of responses to date. Two prize drawings for hockey tickets and a bookstore gift certificate provided incentives and rewarded student participation. Here are some of the results of the survey:

A majority of students, seventy-two (54%), worked in law firms. Of these, sixty-one (46%) worked at “large law firms,” defined as firms with seventy-five or more lawyers. The second largest group of students, twenty-one (16%), landed in the “other” category, primarily working for law professors, at Cornell University counsel, at the Law School, or as in-house counsel for corporations.

Most students, 111 (83%), had to perform research often. In fact, sixty-two of the respondents (46%) did research every day. An impressive 127 (99%) had access to both Westlaw and Lexis.

Ninety-seven students (75%) researched using mostly computers, while thirty-one students (24%) used print and computer resources equally. A closer look at the data showed that forty-nine (38%) used print materials about 75% of the time. This information was of particular interest to the research attorneys in the Law Library. They will use that information when preparing research courses to make sure Cornell law students can successfully compete in the professional marketplace.

One student commented, “I was well-prepared—much more than many of my fellow summer associates from other law schools.” Another student said, “Lawyering should be a program required in every year of law school. Legal writing and research is what we do as lawyers in actual practice.”

Cuccia Cup Moot Court Competition

The Moot Court Board is proud to congratulate the winners of the 2006 Cuccia Cup Moot Court Competition: Dylan A. Letrich ’08 and Douglas S. Zolkind ’08. The winners of the Louis Kaiser Best Brief Award were Craig D. Minerva, ’08 and Joshua M. Kalish, ’08. The 2006 Cuccia Cup Moot Court Competition was held on November 18 with the final competitors arguing (based on actual cases) two questions: Does a license holder have standing, under the Declaratory Judgment Act, to challenge a patent without first breaching the license? How should courts determine if a patented technology is “obvious” and thus nonpatentable?

The finalists appeared before five prestigious federal judges: Hon. Gerald B. Tjoflat, circuit judge, U.S. Court of Appeals for the Eleventh
Participants in the final round of the Cuccia Cup Moot Court Competition included: (back) Amanda J. Klopf ’08, Terence C. Hagerty ’08, Douglas S. Zolkind ’08, Dylan A. Letrich ’08, Craig D. Minerva ’08, and Joshua M. Kalish ’08, with (front) Circuit Judge Jeffrey R. Howard, Circuit Judge Charles R. Wilson, Circuit Judge Gerald B. Tjoflat, Circuit Judge Kermit Edward Bye, and Senior Circuit Judge Franklin S. Van Antwerpen.

“Go into court with a clear objective.” Mr. Frederick also told the audience to always keep in mind the “two or three critical things the judge must understand” from the argument, and to create in one’s mind the “single best reason” why the client should prevail.

Mastering Oral Advocacy

Speaking from real-life experiences, David C. Frederick provided a master’s look at oral advocacy to a rapt audience on November 1. Cornell Law School adjunct professors Bruce R. Bryan and Charles E. Roberts hosted Mr. Frederick, a renowned oral advocate and author, who has argued nineteen cases in the U.S. Supreme Court, seven during the last two terms. In addition he has argued cases in district and federal courts.

Mr. Frederick’s talk was titled “Mastering Oral Advocacy.” In his succinct speaking style peppered with anecdotes, Mr. Frederick described his experiences of arguing cases to illustrate his underlying message—thorough preparation is the key to success. His narrative was rich with practical advice such as, “Go into court with a clear objective.” He told the audience to always keep in mind the “two or three critical things the judge must understand” from the argument, and to create in one’s mind the “single best reason” why the client should prevail.

Mr. Frederick is a partner at Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., in Washington, D.C.

Faculty Present Oral Arguments

On Wednesday, October 18th, the Moot Court Board presented a demonstration of oral argument involving five Law School faculty members. Professors John H. Blume and Steven D. Clymer argued the case of Schriro v. Landrigan, an ineffective assistance of counsel case on the U.S. Supreme Court’s docket. They were judged by professors Sheri Lynn Johnson, Stephen P. Garvey, and Trevor W. Morrison.

Questioning from the bench began slowly, but quickly built into a steady string of insightful questions and hypotheticals exploring the nuances of each side’s argument. Both sides presented articulate, skillful arguments, remaining calm even as the questioning grew more heated, and demonstrating the ideal students have so often heard—that oral argument should be a conversation with the bench.

The standing-room-only crowd was delightedly responsive and enjoyed the interesting questions, the articulate responses, and the ability of both advocates and judges to weave humor into their communication. After the argument, the judges declined to decide the case. So the audience will have to wait until the Supreme Court issues its decision (oral argument was held on January 9, 2007).
professors answered questions from students hoping to improve their own oral advocacy skills. The event was followed by a catered reception in the Berger Atrium.

The Moot Court Board would like to thank the professors for their participation. More information, including a video of the demonstration, is available at: http://mootcourt.lawschool.cornell.edu/profdemo.html.

**Student Named Latham & Watkins Diversity Scholar**

Marla E. Stewart ’07 has been named a Latham & Watkins Diversity Scholar and has received a $10,000 scholarship to support her third year of schooling. Ms. Stewart, who is currently at the top of her class and is a member of the Cornell Law Review, is originally from Pennsylvania. In 2004, she earned a B.S. with high distinction in accounting from Pennsylvania State University. She is an active volunteer, serving in student government at Penn State, working on a crisis hotline, and serving as a Big Sister with her local Big Brothers Big Sisters program.

Ms. Stewart, who plans to enter private practice when she finishes her studies, was one of only four scholarship winners chosen from a pool of three hundred. “To be distinguished from so many other candidates by such an elite law firm is an honor in and of itself,” she noted.

Sharon Bowen, vice chair of Latham’s Diversity Committee, served on the scholarship selection panel. “The caliber and character of the applicants were truly awe inspiring, and it was difficult to narrow the field down to these four deserving recipients,” Ms. Bowen said.

“Latham’s commitment to diversity is an integral component of our culture, and we are hopeful that the financial assistance provided will help these top scholars meet their goals and aspirations.”

Latham & Watkins employs more than 1,800 attorneys in twenty-two offices around the world. This is the first year of their Diversity Scholar program. Other scholarship winners are from Columbia University School of Law, Harvard Law School, and the University of Virginia School of Law.

**Student Will Advocate for Children with Disabilities**

Supported by a Skadden Fellowship, Charlotte L. Lanvers ’07 will spend two years advocating for children with disabilities. The Skadden Fellowship Foundation, described by the Los Angeles Times as “a legal Peace Corps,” was established in 1988 by the firm Skadden, Arps, Slate, Meagher and Flom, LLP. The purpose of the foundation is to support students who have shown exceptional promise in public-interest law.

Ms. Lanvers will be working with the Disability Rights and Education Defense Fund (DREDF) in Berkeley, California. Her project is designed to address barriers to safe public-school access faced by millions of American children, especially poor people of color, who have conditions such as diabetes and asthma. Each day, these children need routine health procedures, such as blood glucose monitoring, insulin, and respiratory therapies. In the past, school nurses have provided these services. But local school budgets are eliminating those jobs, while the state still requires health care professionals to carry out these procedures. Families are caught in the middle. Children are being forced out of school because of the problem.

“DREDF and I are arguing that the state should allow lay people to provide the necessary health services,” said Ms. Lanvers. She believes that these barriers to public-school access violate disability rights laws. “My personal motivation for advocating on behalf of people with disabilities stems from my concern about how law, policy, and social attitudes often ignore or relegate people with disabilities to a less than human status,” she explained.

Said Assistant Dean Karen Comstock, “I am so thrilled Charlotte received the Skadden fellowship. The project she developed with DREDF is extremely compelling, and she certainly has what it takes to achieve the project’s goals—commitment, tenacity, intelligence, level-headedness, and a sense of humor.”

Ms. Lanvers grew up in Park City, Utah, and graduated from Princeton University in 2004, where she attended the Woodrow Wilson School of Public and International Affairs. At Princeton, Ms. Lanvers served on the
Undergraduate Committee for Disability Issues and was copresident of the Association for Disability Awareness and Advocacy, which she cofounded. At Cornell, she serves as the Law School liaison to the Cornell Union for Disabilities Awareness. In summer 2005, she had an internship with Equal Justice Works, an organization that organizes, trains, and supports public-service-minded law students. During that internship, she also worked with DREDF, preparing disability-rights education and employment litigation.

The Skadden fellowship gives recently graduated law students the freedom to pursue their interests in public-interest work, providing legal services to the poor, elderly, homeless, and disabled, as well as those deprived of human rights or civil rights. Fellows create their own projects before applying for the fellowship. Over the years, more than 500 law student graduates and judicial clerks have been awarded Skadden fellowships.

Student Prize Awards for 2006–2007

Anne Lukingbeal, associate dean and dean of students, recently was pleased to announce the recipients of the Freeman, Gould, and Herzog Prize awards for the 2006–2007 academic year. These awards are made annually from nominations submitted by members of the Law School community. In announcing the winners Associate Dean Lukingbeal thanked the many members of the Law School community who made nominations for these awards.

Freeman Award for Civil-Human Rights is awarded annually to the law student or students who have made the greatest contributions during his or her law school career to civil-human rights. This year’s co-winners are: Ariel S. Harman, Charlotte L. Lanvers and Justin D. Pfeiffer.

The Stanley E. Gould Prize For Public Interest Law is awarded annually to a third-year student or students who have shown outstanding dedication to serving public interest law and public interest groups. The co-winners this year are: Lara M. Neumark, Kristen Marie Stanley and Moriah S. Radin.

The Seymour Herzog Memorial Prize is awarded each year to a student or students who demonstrate excellence in the law and demonstrate commitment to public interest law, combined with a love of sports. Miles D. Norton and Evan D. Parness are this year’s co-winners.

The Class of ‘09

In August, the Law School welcomed the entering classes of J.D. and LL.M. students with orientation activities before the start of classes. For the J.D. program, the Law School received over 4,200 applications. The 188 members of the J.D. class hail from thirty-one states and five foreign countries. Women constitute forty-eight percent of the first-year class; twenty-four percent of the class are members of a minority group. Class members have earned their undergraduate degrees from 101 colleges and universities, majoring in over forty-five different subjects. The most represented undergraduate schools are Cornell, the University of California at Berkeley, New York University, Brown University, and Harvard College. About fifty-five percent of the students have had fulltime job experience, and eleven percent have earned advanced degrees.

The sixty-five new LL.M. students represent twenty-eight countries and have a wide range of backgrounds and experiences. Many have begun careers as lawyers, academics, or government officials in their home countries.

But the Class of 2009 is more than just a string of academic and demographic statistics; it is a group of extremely accomplished and diverse individuals. A few members of the Class of ’09 have come to Cornell with such unique backgrounds that they deserve special mention:

Matthew John Savoie is a world champion men’s figure skater. The Cornell Law student competed in the 2006 Winter Olympic Games. Mr. Savoie had deferred law school for a year to train for this amazing opportunity. Before that he earned a master’s degree in urban planning from the University of Illinois at Urbana-Champaign. He received his bachelor’s degree in political science from Bradley University in 2002.

Lily H. H. Chu knows Cornell and the Ithaca area quite well, though it’s been a few years since she has attended school here. Lily received her bachelor’s degree in math and art history from Cornell University when she was twenty years old, enrolling as a student at Cornell at the age of sixteen. She continued her studies at Cornell and earned an M.B.A. Later, Ms. Chu left Cornell for a few years to work on Wall Street. In the fall she returned
to earn her law degree. She is an avid tennis player and is ecstatic to be back at Cornell.

For Christian Alexander Williams, social activism is a significant part of his daily life. He has been highly involved in causes he has supported over the past fourteen years. He has been a trainer, a public speaker, and an organizer for Amnesty International. He has taught a black studies course to prisoners and founded several activist groups focused on protesting war and other vital social issues: the Boston Direct Action Project, the Leftist Lounge, and Friends of Haley House. Mr. Williams graduated from the University of Rhode Island with a degree in economics. In addition to his ongoing dedication to social justice, he worked as a software consultant.

Yesenia Garcia Perez offers a rich ethnic heritage to the Class of ’09 as well as a model of outstanding citizenship. She moved to the United States from Mexico with her parents when she was eight. At that young age, she decided to take advantage of what her parents had fought and struggled to give her by immigrating to the United States: a better way of life. When it was time for Ms. Perez to attend college, she enrolled at Stanford University. There she majored in and excelled at political science and Spanish. In addition to graduating in the top twenty percent of her class, each year she won the Stanford University Chicano Latino Community Academic Excellence Award. Ms. Perez has worked as an interpreter, a mentor for disadvantaged children, a community organizer, and a student delegate.

Albert Arent LL.B. ’35 ~ 1911–2006

Albert Arent, a prominent lawyer, advocate for civil rights and Jewish causes, and recognized leader at Cornell University, died on October 30, 2006, at the age of ninety-five.

Mr. Arent was born in Rochester, New York, and graduated from Cornell University in 1932. After graduating from Cornell Law School in 1935, he became a tax lawyer with the Internal Revenue Service in Washington, D.C. In 1939, he joined the newly formed civil rights section of the U.S. Department of Justice, where he helped launch an effort to expand federal jurisdiction over civil rights cases, including lynchings. In the early 1940s, he was a special assistant to attorneys general Robert H. Jackson and Francis Biddle, and he served as chief trial attorney in the alien property unit of the justice department. In 1944, he joined the law practice of Henry J. Fox, and together they founded Arent Fox. Mr. Arent ran the firm’s tax and real estate law practice and was the guiding force behind its pro bono work. He retired from the firm in 1986. He taught tax law at American University and Georgetown University.

Beginning in the 1930s, Mr. Arent had taken a leadership role in local and national Jewish organizations. He was chair of the Jewish Community Council of Greater Washington, the National Jewish Community Relations Advisory Council, and the Social Action Commission of Reform Judaism. He was a founding member and lifelong trustee of the Lawyers’ Committee for Civil Rights Under Law and a founding member of the governing boards of Common Cause and the National Urban Coalition for Unity and Peace.

Mr. Arent was a prominent leader of Cornell University alumni. He was an elected member of the Cornell University Board of Trustees, chair of the Law School Annual Fund, member emeritus of the Law School Advisory Council, member of the Law School’s Capital Campaign Committee, and chair of the university’s Committee on Jewish Studies. The Cornell Law School named him a distinguished alumnus in 1982. In 1999, he was inducted as a Foremost Benefactor of the University. At Cornell Law School, Mr. Arent established the Frances and Albert Arent Scholarship and named a classroom in honor of his professor, Judge Henry W. Edgerton.

 “[Albert Arent will] live on here at the Law School through the scholarship he and his wife created and that bears their names,” said Peter Cronin, associate dean for Alumni Affairs and Development at Cornell Law School. “The students that will be distinguished in perpetuity as holders of the Arent Scholarship perhaps best represent his impact. Al’s hope would be that they continue his legacy of commitment and service to the Law School.”

Mr. Arent’s wife of fifty-six years, Frances F. Arent, died in 1996. Survivors include two children, Stephen W. Arent of Denver, Colorado, and Margery Arent Safir of Paris, France; a brother Marvin Arent of Salt Lake City, Utah; and five grandchildren.
JUDICIAL CLERKSHIPS OBTAINED IN THE 2005–2006 ACADEMIC YEAR

Class of 2006

Blizzard, Kimberly S.
Hon. Juan Torruella,
U.S. Court of Appeals, First Circuit

Bullard, April G.
Hon. Harold Fullilove,
New Jersey Superior Court

Clareman, William A.
Hon. Kevin Castel,
U.S. District Court, Southern District of New York

Flying Earth-Miranda, Maymangwa E.
Hon. Emily Clark Hewitt,
U.S. Court of Federal Claims

Groner, Samuel P.
Senior Judge Richard J. Cardamone,
U.S. Court of Appeals, Second Circuit

Horan, Eric W.
Hon. Antoinette DuPont,
Connecticut Appellate Court

Kearney, Paul A.
Court Clerkship, Chittenden (Vermont) Superior Court

Kinslow, Stephen J.
Hon. Paul W. Green,
Supreme Court of Texas

Lister, Amelia R. S. H.
Court Clerkship, New York State Supreme Court Appellate Division, Third Department

McNamara, Kristin Marie
Hon. Dora L. Irizarry,
U.S. District Court, Eastern District of New York

Peller, Matthew A.
Hon. Roger L. Gregory,
U.S. Court of Appeals, Fourth Circuit

Rieger, April R.
Hon. Paul Crotty ’67,
U.S. District Court,
Southern District of New York

Sax, Peter D.
Hon. Joseph L. Tauro ’56,
U.S. District Court, District of Massachusetts

Soper, Christopher D.
Chief Judge James B. Loken,
U.S. Court of Appeals, Eighth Circuit

Stephany, Brian M.
Chief Judge Louise W. Flanagan,
U.S. District Court, Eastern District of North Carolina

Storch, Joseph C.
Court Clerkship, New York State Supreme Court Appellate Division, 3rd Department

Young, Geoffrey G.
Hon. Sandra L. Townes,

additional clerkships not previously listed:

Class of 2005

Ely, Amie
Hon. Richard Wesley ’74,
U.S. Court of Appeals, 2nd Circuit

Neumann, Stacey
Hon. Peter Hall ’77,
U.S. Court of Appeals, Second Circuit

Pogue, Anne
Court Clerkship, Massachusetts
Appeals Court

Scopino, Gregory
Hon. Max Rosenn (now deceased)
U.S. Court of Appeals, Second Circuit

Vendel, Jason
Hon. Thomas Ambro,
U.S. Court of Appeals, Third Circuit

Wessler, Matthew
Hon. William Smith,
U.S. District Court, District of Rhode Island

Class of 2004

Henry, Judd
Hon. Colleen McMahon,
U.S. District Court, Southern District of New York

Kranichfeld, Bram
Court Clerkship,
Vermont Supreme Court
2005-2006 FACULTY PUBLICATIONS

Editor’s Note: The following list highlights the publications produced by the Cornell Law School faculty during the 2005–2006 academic year.

GREGORY S. ALEXANDER
A. Robert Noll Professor of Law

Books:


Contribution to a Book:

Articles:


JOHN J. BARCELÓ
William Nelson Cromwell Professor of International and Comparative Law; Elizabeth and Arthur Reich Director, Leo and Arvilla Berger International Legal Studies Program

Books:

Article:

KEVIN M. CLERMONT
James and Mark Flanagan Professor of Law

Books:


Contributions to Books:


ROGER C. CRAMTON
Robert S. Stevens Professor of Law, Emeritus
Book:

Articles:


THEODORE EISENBERG
Henry Allen Mark Professor of Law
Books:

Contribution to Books:


Articles:


CYNTHIA R. FARINA  
*Professor of Law*

**Other:**
“Using Natural Language Processing to Improve eRulemaking,” co-authored with Claire Cardie, Thomas Bruce, Erica Wagner, Proceedings of the Seventh Annual International Conference on Digital Government Research (San Diego, California, 2006).


**Online Publication:**

CLAIRE M. GERMAIN  
*Edward Cornell Law Librarian and Professor of Law*

**Book:**

**Articles:**


VALERIE P. HANS  
*Professor of Law*

**Book:**

**Contribution to a Book:**

**Article:**

GEORGE A. HAY  
*Edward Cornell Professor of Law and Professor of Economics*

**Article:**

**Book Review:**

MICHAEL HEISE  
*Professor of Law*

**Articles:**


“Signaling and Precedent in Federal District Court Opinions,” co-authored with Andrew P. Morriss and Gregory C. Sisk, 13 Supreme Court Economic Review 63 (2005).


“No Lawsuit Left Behind: Chief Justice Roberts, the Schoolmaster?,” 6 Education Next 30 (Winter 2006).

ROBERT A. HILLMAN
Edwin H. Woodruff Professor of Law

Contribution to a Book:

Articles:


Online Publication:

SHERI LYNN JOHNSON
Professor of Law and Assistant Director, Cornell Death Penalty Project

Articles:


DOUGLAS A. KYSAR
Professor of Law

Contribution to a Book:
“Are Heuristics a Problem or a Solution?” in Heuristics and the Law (Cambridge, Massachusetts: MIT Press, Christoph Engel & Gerd Gigerenzer, editors, 2006).

Book Review:
Review of Paths to a Green World by Jennifer Clapp and Peter Dauvergne, 121 Political Science Quarterly 364 (Summer 2006).

Article:

TREVOR W. MORRISON
Associate Professor of Law

Articles:


MUNA B. NDULO
Professor of Law and Director, Cornell University’s Institute for African Development

Book:

Article:

EDUARDO M. PEÑALVER
Associate Professor of Law

Articles:
“Are Illegal Immigrants Pioneers?” Commonweal Magazine (May 2, 2006).

JEFFREY J. RACHLINSKI
Professor of Law

Articles:

Contributions to Books:

ANNELISE RILES
Professor of Law and Professor of Anthropology

Contribution to a Book:

Articles:

E.F. ROBERTS
Edwin H. Woodruff Professor of Law, Emeritus

Contributions to Books:
EMILY L. SHERWIN
Professor of Law

Articles:

Book Review:

W. BRADLEY WENDELL
Professor of Law

Contribution to a Book:

ROBERT S. SUMMERS
William G. McRoberts Professor of Research in the Administration of the Law

Books:

CHARLES W. WOLFRAM
Charles Frank Reavis Sr. Professor of Law, Emeritus

Article:

STEWART J. SCHWAB
Allan R. Tessler Dean and Professor of Law

Contribution to a Book:

Articles:


Other:
American Law Institute, Restatement (Third) of Employment Law, Annual Meeting Discussion (2006).
In fact, it looked for a while as if Professor Lasser might accept a permanent position in Europe. Instead, he came to Cornell. He promptly supplies the reasons that made the decision easy: “The Law School has a long and illustrious comparative law tradition, starting with Rudy Schlesinger. To be a comparativist at Cornell is an incredible calling card.

mother is French, and Professor Lasser and his siblings were sent to a traditional French lycée in Manhattan. Often their schoolmates were the children of francophone émigrés or U.N. diplomats, and foreign language classes in English and Latin were offered—an hour a day apiece. “The classical French Republican educational system is a very powerful institution. Everyone is inculcated with the same lessons, whether they’re in Paris, Senegal, Cambodia, or Manhattan.”

“The principle method of French schooling,” Professor Lasser continues, “is the explication de texte. You read the text, you describe the
form, the way the words are used, what the themes are, what the message is, you state how the form relates to the substance. This is how one sets about studying any written document. What codes here in the U.S. as a ‘literary’ approach is, in France, just the educated way of doing things. And, in a sense, as a scholar, I’ve been continuing to do the same kind of exercise over and over again since I was eight—except now it’s with legal materials.”

Professor Lasser’s descriptions of the atmosphere at the lycée are animated. “France has a completely different set of cultural myths. You know: the Revolution lives forever; Napoleon was just; everybody was a resistance fighter: liberty, equality, fraternity.”

After moving into the American schooling system for high school, he graduated with a B.A. in French literature from Yale in 1986 and then entered Harvard Law School. He was fascinated by the different style of reasoning and argument he encountered in law school, one directed toward the nimble generation of prescriptive policies. “The French traditionally focus meticulously on textual interpretation long before they turn to the solutions. Even in discussions about policy, the approach is that if one approaches the text in a careful and enlightened manner, good results will tend to follow. This doesn’t mean that the text generates the results. Instead, high-level institutions, populated by proven readers, are established to bridge the gap between text and result. In the American law school context, however, my initial impression was that the analysis of legal texts was almost secondary because analysis jumps so quickly into policy debates.”

By the second year of law school, Professor Lasser had decided that after graduation he would return to Yale and to the study of French literature. He didn’t leave law behind entirely, though. “I missed the large-scale discussion of political and social issues,” he says. “But I couldn’t yet see how I could bring together legal and textual analysis.” He found himself spending time at the law school at Yale, listening to lectures from the back of the classroom. This was how he met Bruce Ackerman, Yale’s noted constitutional law professor, who, after asking to read something the graduate student had written in law school, urged him to pursue an academic career in comparative law.

Professor Lasser switched into Yale’s program in comparative literature and began his study of French judicial reasoning. In 1993–1994, he was granted a Fulbright scholarship to research the French civil judicial system. While in France, he began to become ever more interested in the institutional dimension of legal interpretation: “It’s not just a question of how the text is interpreted; it’s also a question of who gets to do the interpreting, where, when, and why, who gets access to those interpretive debates, in what capacity, and in what forum. As I learned very fast, it’s a terrible mistake to think that a judge is a judge is a judge, in the same way, the whole world over.”
“The place of comparative law continues to grow in importance all over the world. In much of the world, for example, no one would ever question why one would want to study the U.S. legal system, because it’s a path to power as well as to understanding. The U.S. legal system must not fall behind in comparative study,” he cautions.

Professor Lasser received his Ph.D. in comparative literature in 1995 and accepted an associate professorship at S. J. Quinney soon afterward. He remembers his time in Utah with fondness. “It was a great, great place,” he says. “Lee Teitelbaum [then dean at Quinney but who would later become Cornell Law School’s dean] was so wonderful—he had put together an unbelievably interesting and exciting young faculty. It was a welcoming place, and it was an incredibly exciting time to be there. What a terrible blow it was to lose Lee to Cornell!”

Professor Lasser continues to travel a good deal to Europe in order to do research, to lecture (he often teaches at the University of Paris 1 and at Sciences Po in Paris), and to take part in conferences (his latest trip was in January to Rotterdam, where a number of European academics and supreme court justices gathered to discuss Professor Lasser’s book, Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy). But his heart remains in Ithaca.

Professor Lasser is able, with characteristic warmth, to sum up the opportunities the present era presents to the comparative legal scholar:

“The place of comparative law continues to grow in importance all over the world. In much of the world, for example, no one would ever question why one would want to study the U.S. legal system, because it’s a path to power as well as to understanding. The U.S. legal system must not fall behind in comparative study,” he cautions.

Annelise Riles

Annelise Riles has the unique position of dual appointments at Cornell Law School and Cornell’s anthropology department. This arrangement fits in well with her work, which uses the ethnographic techniques of anthropology to study the thinking of lawyers (what she terms legal knowledge), using her daily experience of teaching at Cornell Law School as a kind of fieldwork. She has also conducted extensive fieldwork among lawyers at the UN and most recently among bureaucrats, legal academics, and lawyers in private practice in Tokyo, Japan, who are involved in writing the myriad laws and policies that collectively are known as the Japanese “Big Bang legal reforms.”

“I think of my work as fieldwork just like any other—a task of listening carefully for what is said and not said,” she says, “of reading between the lines for themes, of observing the mundane details of bureaucratic practice or gathering the life stories of lawyers, academics, and bureaucrats.” Professor Riles found that lawyers and regulators sometimes make judgments that verge on the aesthetic.

“There’s a game or a pleasure about it,” she says. “When they solve a problem, they don’t just say, ‘My client is happy and I made money for my firm.’ They say, ‘I constructed a clever argument,’ or ‘It was really an elegant solution.’”

Professor Riles is presently completing a book based on research in Japan and the United States that seeks to understand the problem-solving mentality of legal thinking. It is an old truism of anthropological research that the more central a social practice or belief, the less it is critically examined, that is, the less it is open for explicit debate among community members. Professor Riles believes that the law is no different: there are many aspects of legal knowledge that are so crucial that they have simply become common sense, and hence legal scholars (who themselves are members of the community of lawyers and hence share its values) have not been able to see how these beliefs and practices shape the direction of the law.
This new way of looking at the law began when Annelise Riles was a senior at Princeton University, enrolled in a required anthropology course. It’s safe to say she wasn’t expecting the course to change the trajectory of her career, but it did. “I fell in love with anthropology,” she says. “I thought, ‘This is it.’” She had been studying international affairs at the Woodrow Wilson School, learning Chinese, and concentrating on East Asia and would soon attend Harvard Law School. Now she wondered about the wisdom of her decision. Anthropology’s horizons were broad; the law, she thought, was narrow.

At law school she was pleasantly surprised to find that the Langdellian method, the classic law school case-study model, challenged students to question established principles from every possible angle. It turned out to be the same questioning of implicit assumptions that Professor Riles had discovered in anthropology. “Lawyers are good at this—it’s not a surprise to them. There’s not just one truth.”

In the basement of the Harvard Law School library, Professor Riles discovered a box of documents that demonstrated how closely anthropology and the law were intertwined. It was a three-way correspondence between the United States, Britain, and a group of U.S. colonists on Fiji. The colonists claimed they’d purchased land and wanted their ownership acknowledged. The United States supported their claims. The British used anthropological arguments to advance the idea that the indigenous Fijians could not possibly have sold the colonists land. Anthropological theory of that time claimed that Fijians did not have an understanding of the concepts “sale” and “property,” so the transactions had no legitimacy. Diplomatic correspondence between the countries continued for decades. Over time, as anthropological theory changed to suggest that Fijians did have a concept of property and
The usual way of characterizing programs in comparative law is to say that they teach lawyers about other legal cultures; Professor Riles refraements that idea. “We don’t just teach lawyers about other cultures. We teach them how to learn about other cultures. We want them to be alert to places where cultural differences are likely to be significant, and how the rules are likely to differ, and how to learn more.”

Professor Riles’s arrival in Fiji this way:

You can almost picture her arriving in 1994 at the steaming U.N. hub office in the tiny South Pacific Ocean nation, explaining that she has come from Cambridge University to do her doctoral dissertation research in international law. “There’s no international law here—go home,” she was told. Instead, she stops at the coffee shop to regroup and, serendipitously, meets a multiracial group of women putting out a newsletter for a nongovernmental organization (NGO). To an anthropologist, every opportunity is fieldwork, so she rolls up her sleeves and ends up helping five networks of women prepare for the Fourth World Conference on Women, Beijing. “It took me a while, but eventually I saw that those kinds of efforts might be international law too,” says Professor Riles.

Her involvement with these women led to her first book, _The Network Inside Out_ (University of Michigan Press, 2001). Filled with such documents as NGO newsletters, funding proposals, organizational charts, and other items that Professor Riles terms “artifacts” the book looks at “the ethnography of legality”—her term. It ended up winning the best book prize from the American Society of International Law for rethinking just what constitutes international law.

Professor Riles joined the Cornell faculty in 2002. Subsequent research here arose partly out of comments she heard after the publication of her first book. “Well, of course you can treat law as an anthropological artifact when you’re looking at exotic subjects like public international law,” skeptics told her. “It would be a different story if you were writing about areas of the law that have more to do with the real world.”

So Professor Riles began to look at people who were not attending exotic UN conferences. She interviewed regulators and lawyers working in the financial markets in Tokyo, and she wrote about legal reform of the financial markets there. Closer to home, she has studied the way laws and regulation are actually drafted. “Sometimes you’ll find that what someone drafting a regulation is actually saying is not, ‘On what theory shall I properly base this regulation?’ but, ‘I have only half an hour to do this, so can I cut and paste part of it from some other document?’” In law school, we tend to assume that many tiny incidents like this make one rule, and many tiny rules make one theory. I’m trying to turn that pyramid upside down.”

As director of the Law School’s Clarke Program in East Asian Law and Culture, Professor Riles encourages an ongoing conversation about law’s relation to cultural difference. During Professor Riles’s tenure, the program has hosted specialists in the law of China, Japan, and South Korea, and provided a forum for discussions of legal reforms being put into place across East Asia. But the goal of the program, as Professor Riles sees it, is also to foster a conversation between lawyers and the rest of the university: “Most of law for the last eighty years has been in the modality of importing methods from other fields—it’s been the dominant tradition in legal scholarship. But I think that law has something to give back to the social sciences. That’s what the Clarke program is really about. It’s a place where students, scholars, specialists, and practitioners can explore the way their methodologies can inform each other. Scholars and practitioners who can’t always talk to each other can talk to each other here.”

The usual way of characterizing programs in comparative law is to say that they teach lawyers about other legal cultures; Professor Riles refraements that idea. “We don’t just teach lawyers about other cultures. We teach them how to learn about other cultures. We want them to be alert to situations in which cultural differences are likely to be legally significant, how the rules are likely to differ, and how to learn more.” And the opportunity to work with scholars across disciplines as well as across cultures, she says, only deepens the interest: “We have to translate for each other, and that’s what keeps it fresh.”
Justice James, who has worked much of her life in public-sector law in the city, moved to its Harlem neighborhood in the late 1980s, because “it was a vibrant, culturally rich community” that she wanted to be part of. At the time she was general counsel to the Roosevelt Island Operating Corporation, a state agency that served a mixed-income planned community built on land in New York City’s East River. Before that she had been an attorney for New York State mortgage agencies, where she helped people with low incomes buy their first homes. “Affordable housing will always be an issue in New York City, and remains a concern of mine,” she says.

Through her community and civic work in Harlem she met her elected officials, who told her she’d make an excellent judge and asked her to be a candidate for a civil court judgeship in the city’s tenth municipal court district. She ran and won in 1995, and soon found that, with her legal background and strong sense of justice and equity, judicial work was a perfect fit. Others apparently thought so too. In 2002 she was appointed to her current post with the state’s Supreme Court.

Justice James grew up in Queens, New York, in a household where both her parents emphasized education. She chose Cornell’s College of Arts and Sciences for her undergraduate studies because of its strong reputation in the sciences—then an interest of hers—and its Africana Studies and Research Center. “I wanted to learn more about African Americans in general, and it was considered the premier place to do that,” she said. “I took advantage of every area of study—Ezra Cornell’s motto really resonated for me.”
Justice James herself collects work by such black artists as Albert Shaw, James Denmark, and Jerry and Terry Lynn.

For fun she enjoys Savoy ballroom-style swing dancing and listening to bebop, big band, and Latin-inspired music. An avid reader as well, she is a twenty-five-year member of a Harlem literary society and recently joined the New York County Lawyers’ Association’s Law and Literature Committee. Sounds like another perfect fit.

— Linda Myers

Frank Rosenfelt ’50

If it hadn’t been for the “bullet in the belly” he took as a foot soldier under General Patton during the Battle of the Bulge in World War II, Frank Rosenfelt ’50, might never have become chair and chief executive officer (CEO) of Metro-Goldwyn-Mayer (MGM). Indeed, Mr. Rosenfelt’s seemingly star-crossed life almost sounds like a script for an MGM movie, with its share of ups, downs, and dramatic tension.

Now eighty-five, he still seems to have some of the roar of the MGM lion left in him. Despite challenging health problems, he goes everyday to his office in a posh Beverly Hills neighborhood and attends to his personal business affairs. On the walls are framed photos of him basking in a smile from Princess Di, hobnobbing with movie stars like Cary Grant, and being honored in the Oval Office by then president Jimmy Carter. The list of movies Mr. Rosenfelt was involved in sparkles also, with hits like Dr. Zhivago and other enduring classics.

But her father, a former engineer with the Tennessee Valley Authority in the southern U.S., encouraged her to become a lawyer—perhaps because he’d experienced firsthand the injustice of Jim Crow laws there. “That was my father’s dream for me. At first I resisted, but he was right, and I’m very fortunate that this is the path I chose,” Justice James says. She ended up majoring in government, graduating with a B.A. in 1975 and enrolling in the Law School that fall.

Among her most influential instructors was Law School Professor Robert Summers. “He was a dynamic teacher who used the Socratic method to teach us about the philosophy behind the American system of law,” she said. Another was David Danielski, a professor of government, whose course, Development of the Constitutional Rights of Black People in America, “was an exceptional combination of history and law.” In addition, she credits Cornell Legal Aid Clinic directors John Capowski and Barry Strom and professors Irving Younger and Kevin Clermont for her knowledge base of litigation and trial law.

Justice James continues her involvement with Cornell, as University Council vice chair, and with the Law School, as a member of its Curia Society (New York City alumni group’s annual dinner planning committee). A longtime member of the Cornell Black Alumni Association, she joined fellow members at a special exhibition of African American artists’ work at Cornell’s Johnson Museum in June 2006. Justice James herself collects work by Frank Rosenfelt ‘50, right, with television host Art Linkletter and movie star Cary Grant, on the MGM lot in Culver City, California, in the mid-1970s, when Mr. Rosenfelt moved up from general counsel to chairman and CEO of the motion picture company and Mr. Linkletter and Mr. Grant were board members.

How did this self-described “nice Jewish kid from Brooklyn” end up in Hollywood via Cornell? The answer can be summed up in three words: Public Law 16.

Fresh out of high school and newly married, Mr. Rosenfelt enlisted in the army and was shipped to the European front. He was with his unit on the Belgium-Luxembourg border when a bullet struck him and got him sent to a hospital, where he spent the duration of the war. Recuperating, he wondered what to do next. His wife, Judith, suggested he take advantage of the new law, which stipulated that all wounded veterans could attend college on the federal government’s “dime.”

The year was 1945, and Cornell had just launched its Industrial and Labor Relations (ILR) program. Mr. Rosenfelt enrolled in its first class, graduating three years later, in 1948. A course in constitutional law by Professor Milton Konvitz, who held a joint appointment in ILR and law, made him decide to stay on at Cornell for a law degree too.

A stellar student, Mr. Rosenfelt was a Law Review editor and made the Order of the Coif honor society, achievements he hoped would lead to a job after he graduated. But the couple’s first child was born in the midst of recruiting season, which, those days, took place in New York City, not on campus, and he barely got a chance to interview.

“I was studying for the bar exam in the New York University law library, when [Cornell Law School] Professor John McDonald went through the rolls and saw I wasn’t placed. He must have thought it would reflect poorly on the Law School if I didn’t get a job, so he called one of the partners at Donovan Leisure Newton Lombard & Irvine, a major Wall Street law firm, and arranged for me to start there.”
Early on he saw the monetary relevance to the industry of copyright law and residual rights. Those perceptions, and his attention to detail, led to such triumphs as MGM’s acquiring the movie rights in the early 1960s to Dr. Zhivago, based on the Nobel Prize-winning book by Russian writer Boris Pasternak, from Italian movie producer Carlo Ponti. The acquisition involved some clever legal sleuthing.

As Mr. Rosenfelt tells it, Mr. Pasternak had signed over the rights to his eccentric Italian publisher, Mr. Feltrinelli, who offered to sell them to Mr. Ponti, who wanted to make a deal with MGM. It seemed like a terrific offer, says Mr. Rosenfelt. “But this was the time of the Cold War and Russia was a Communist country, where people had few individual property rights.” Did Mr. Pasternak legally own the rights to his own book? Tracking down the foremost scholar of Russian law, he found that under Soviet law creators indeed were entitled to own what they created.

His next worry was the legal stipulation the Italian publisher had placed on the screenplay—that it needed to be based either on the book in its original Russian or the Italian translation. MGM was ready to sign up one of the best English scriptwriters in the business to draft the screenplay, but “I knew he didn’t know Russian or Italian,” said Mr. Rosenfelt.

But Mr. Rosenfelt needed only one day on the job to realize that the blue chip firm was not a good fit. “I told the partner, Mr. Irvine, that it wasn’t for me, and he asked me what I’d been working on that day.” It turned out to be the antitrust suit filed by the federal government against the big Hollywood motion picture studios. “Perhaps you’d like to work for the client,” suggested Mr. Irvine. Mr. Rosenfelt took him up on the offer and joined RKO’s legal department, where he stayed five years. In 1955 he moved over to MGM’s legal department, becoming general counsel in 1969.

“That was the best part of my career,” he says. “I could select the film projects I wanted to work on. I handled the contracts to buy property, dealt with producers, writers, actors, everyone—I was a respected, integral part of the production process.”

Among the films he worked on and friendships he formed were 2001: A Space Odyssey, Stanley Kubrick; The Sunshine Boys, Neil Simon; and Dr. Zhivago, David Lean.

For Mr. Rosenfelt, it wasn’t just a job—“it was an interest. If I would get a question, ‘Can we do such and such with X’s contract?’ I didn’t just look at the contract, I looked at the whole file as an opportunity to learn how the project came into being.”

Mr. Rosenfelt advises young Law School graduates to consider a career in entertainment law: “If you’re a lawyer you have something to offer, particularly in the era of the Internet, where intellectual property has become a hot, hot area,” in film company legal departments, he says.
and moving to purchase the actor-led filmmaking company United Artists in 1980. But he missed his earlier work at MGM. “Instead of dealing with film directors, I was dealing with corporate directors. It was a different modus operandi,” he says.

He stepped down as CEO for personal reasons in 1982 and became vice chair of the board, based in London.

Now a member of Cornell Law School Advisory Council, Mr. Rosenfelt advises young Law School graduates to consider a career in entertainment law: “If you’re a lawyer you have something to offer, particularly in the era of the Internet, where intellectual property has become a hot, hot area,” in film company legal departments, he says.

“And if you show initiative, you can go from legal to anywhere.”

LINDA MYERS

STUDENT PROFILES

Jocelyn E. Getgen ’07

Jocelyn E. Getgen ’07 believes that good health is a human right, and that the law is a tool to ensure that right for everyone. Currently at Johns Hopkins Bloomberg School of Public Health in Baltimore, Maryland, Ms. Getgen plans to complete both her M.Ph. and J.D. in December of 2007. She decided on the path after majoring in government at Cornell, serving as a health promotion assistant at Gannett Health Center, and then working as a health volunteer for the Peace Corps in Ecuador.

“My high school English teacher told me that I should either become a car salesman or a lawyer, because I could say anything and make it sound good,” Ms. Getgen reports with a laugh. Committed to helping people in painful situations, Ms. Getgen still knows how to laugh and enjoy life.

Born and raised in Williamsport, Pennsylvania, Ms. Getgen is the first person in her family to go to college. Her younger sister, Erin, and one brother, Joe, became the second and third, all with strong support from their parents. Her youngest brother, Doug, has Down syndrome and, Ms. Getgen says, “He is the best thing that ever happened to our family. He shows us how to love unconditionally.”

After doing well on her PSATs, Ms. Getgen received view books for several colleges. “Cornell was close to home and saw something in me,” she says. “When I got here I was completely blown away by all the opportunity and the diversity of the student body.” Although she played softball in high school, at Cornell, she says, “I was all about studying. I thought they must have made a mistake letting me in!” Clearly, Cornell made no mistake: Ms. Getgen served as a resident advisor, spent a semester working for the Center for Science in the Public Interest in Washington, D.C., worked with the Gannett Center on a task force on high-risk student drinking, and graduated with distinction.

“I had amazing mentors at Gannett,” Ms. Getgen says. “Jan Talbot, Tim Marchell, Sharon Dittman—they helped me focus on the issues that were really important and took time to think about my professional career development.” With their help, and at the suggestion of a friend who had spent a semester in Africa, Ms. Getgen decided to apply to the Peace Corps. Then, halfway through her training in Ecuador, September 11 happened. “We had been there long enough to feel committed, but we still wanted to go home and help there,” Ms. Getgen recalls. “My boyfriend said ‘we need you there more than ever.’ That’s the first time I thought of the Peace Corps as my duty as an American, as opposed to my duty as a member of the human race.”

Ms. Getgen was posted to a small community in southern Ecuador, in the Andes. “I led informal chats on basic health care; I organized mothers’ groups from which I learned how to make bananas thirty-five different ways; I worked on vaccination campaigns; I even helped to deliver babies.” Before she left, she applied for and received a grant to train teachers in health-care teaching methods and worked with the mayor to create a place for domestic-violence victims. And she visited a woman whose new baby had Down syndrome. “I was completely blown away by all the opportunity and the diversity of the student body.” Although she played softball in high school,
Ms. Getgen applied to the joint law/public health degree programs at Columbia and Georgetown and to Cornell Law School. "In the Peace Corps, it just kept coming back to law. Public health and law are inseparable," she explains. With Associate Dean Lukingbeal’s help, Ms. Getgen set up a joint degree, finishing her second year at the Law School, attending Johns Hopkins, then returning to complete her law degree. With generous scholarships given by Cornell alumni, Ms. Getgen feels less pressure to work in a firm to repay her debts and will be able to pursue her career in international human rights and public health.

At the Law School, Ms. Getgen continued to volunteer for human rights groups, and interned at the Safe Horizon Domestic Violence Law Project in Brooklyn, New York. Naturally, she studied international organizations and human rights institutions with Professor Muna Ndulo. "He made me continue to love thinking critically about human rights issues, and opened my eyes to a lot of different interests," says Ms. Getgen. She also worked in the legal aid clinic where, she notes, "Barry Strom helped me to realize how much people are depending on you in a vulnerable time and how to give their power back to them."

At Johns Hopkins, Ms. Getgen is focusing on community-based mental health. "In conflict and post-conflict societies, you first have to attend to the mental health problems caused by breakdown in communities," she explains. Transitional justice programs such as truth commissions can allow people to live once again among neighbors and to demand justice, reconciliation and reparation for harms suffered in violent conflict.

"I wasn’t a kid of privilege, but I had a lot of privileges because of the country I was born in. I can identify with people who weren’t born with all those privileges. I want to help them transcend that," Ms. Getgen explains. "I work with a lot of horrible situations and see a lot of really bad things. But the people I work with are some of the most beautiful and inspiring people I’ve ever known."

And she still finds a way to laugh at the difficult task she has set herself, concluding “I’m very much an idealist—and law school didn’t take that out of me!”

-JUDITH PRATT

Micaela R. McMurrough ’07

After four years at West Point and six years as an army intelligence officer, Micaela R. McMurrough ’07 brings an unusual perspective to her law school experience. At age twenty-two, she was stationed in Germany, in charge of seventy soldiers and traveling to Kosovo to work on intelligence operations there. Later, she spent a year in Afghanistan, living in a tent and analyzing al-Qaeda and Taliban activity.

"I came into law school with a completely different perspective from most students," Ms. McMurrough says. "Everyone was shrinking in their seats, worrying about being called on, while I was thinking—isn’t it wonderful that we can sit here talking about the law!"

Ms. McMurrough grew up in Fairfield County, Connecticut. Her father, now retired, served in the Marine Corps before joining the business world; her mother, also retired, was a private-school principal, a teacher, and a nurse. “They made my sisters and me realize how lucky we were to grow up as we did,” explains Ms. McMurrough. “We traveled a lot, and learned that many people were not as lucky.”

West Point drew her because she was looking for a challenge. “It focuses on teamwork, challenges, getting each other through, helping each other out,” Ms. McMurrough explains. She also liked the way West Point and the army are a reflection of society, with people from every background and demographic.

At “the Academy,” Ms. McMurrough was the top graduate in the Department of Behavioral Sciences and Leadership, with a class ranking that allowed her to select her branch of service. She chose military intelligence. “The work appealed to me,” she explains. “It’s very similar to the law—it involves reading, writing, briefing, and analysis; sifting through dense material, picking out patterns, putting it into a form that makes sense to the combat units.”

Ms. McMurrough, then Lieutenant Hurley, was sent to Germany as a platoon leader in the European Intelligence Analysis Center. “In the late 90s that was all about the Balkans,” she notes, so her unit spent a lot of time in Kosovo. Her three-year posting ended in September 2001. “I was scheduled to come back to the United States. and be married in October; I was all packed, and 9/11 happened,” she says. As the intelligence picture became
clearer, she was posted to a counterintelligence course in Arizona.

She and her husband met at West Point, and he was stationed in Texas while Ms. McMurrough was in Germany. The couple was able to marry as planned and spend time together in Arizona because, as a quartermaster officer, he was released from service after five years. They decided to apply to graduate school together. The requirements: a place with a good MBA program, a good law school, and proximity to a military base. Cornell was the answer—but then Ms. McMurrough was deployed to Afghanistan.

“I realize all that time apart sounds strange to civilians, but in the military it isn’t that strange,” explains Ms. McMurrough. “People in the armed services make incredible sacrifices. I have so much respect for them. My sister was a nurse in the army; her husband is a major and went to Iraq while she stayed home with the children. My friends are all like that. You make it work.”

In Afghanistan, the living conditions were, as Ms. McMurrough puts it, a challenge. “There was no running water, we lived in tents, the electrical generator was on for only a few hours a day, and we used porta-potties,” she says. “Our work schedule was grueling—the army is stretched very thin now. I didn’t have a single day off while I was there.” All that, and her work in counterterrorism, earned Captain McMurrough a Bronze Star.

By the time she was able to begin Cornell Law School, Ms. McMurrough’s husband had graduated and taken a job in New York City. “I did think about transferring after my first year,” she admits. “Then I talked with [Associate] Dean Lukingbeal about options, and decided to stay. Cornell is a great place to learn the law because it has no distractions, but mainly because it is small and tight knit. You see your classmates and your professors on the street and you talk about the law.”

With help from Associate Dean Lukingbeal and Assistant Dean DeRosa, Ms. McMurrough planned to undertake all her practicum work in New York City during the fall of her third year, and then complete her course work at New York University Law School, while still graduating with a Cornell degree. She spent the summer of 2006 interning at Cravath, Swaine & Moore.

But the army had one more surprise in store. In December of her second year at the Law School, Ms. McMurrough received a telegram calling her back to duty. “Five days before Christmas, [Associate] Dean Lukingbeal and [Assistant] Dean DeRosa jumped through hoops to get me what I needed to apply for a deferral,” Ms. McMurrough recalls. “I was a loyal Cornellian before, but you don’t really appreciate what the school means to you until something like that happens.” Her orders were deferred; her service commitment expired in June 2006, and she has resigned her commission.

“As a tactical, boots-on-the-ground intelligence officer, I didn’t feel I was making the most impact I could,” she explains. “It’s a tough profession right now. The problem is the signal-to-noise ratio, with so many reports coming in. It’s hard to get the information to people who can connect the dots.” (Signal-to-noise ratio is an electrical-engineering equation that measures the amount of meaningful information relative to background noise. The phrase has been adopted for general use.)

In fact, Ms. McMurrough explains, the war on terror requires a tricky balance between compartmentalizing information-gathering agencies in order to protect intelligence sources and consolidating them so that the information can be better analyzed. “This is all so new,” she says. “There are no uniforms, and you can’t tie the enemy to a single state. There’s a way to do it, but we have to figure it out.” And, she adds, the intelligence community is adapting quickly. “There are really great people working on the problems,” she notes.

After graduating and passing the bar exam, Ms. McMurrough will clerk for Paul A. Crotty ’67, a judge for the U.S. District Court for the Southern District of New York. “He’s a Cornell alumnus, and I’ll be happy to work with him,” she says. “Then I expect I’ll go back to Cravath, but I’ve learned that things can change!” With the skills and perspective achieved from her training and experience, Ms. McMurrough will adapt to whatever the future brings her.

~JUDITH PRATT
Alumni

LEFT to RIGHT:

Students who joined Dean Schwab in creating the Law School’s image for the “Far Above...” campaign included (clockwise from far left) Khianna N. Bartholomew ’07, Ari M. Selman ’07, Aaron V. Skrypski ’08, Patricia Astorga ’08, and Jeanna L. Composti ’08. Also participating, though not pictured here, were Justin J. Williams ’07 and Alison S. Fraser ’07.

Robert A. DuPuy ’73 entertained alumni with his presentation “Good Sports Make Bad Law” at the seventy-sixth annual Curia Society dinner.

Philanthropy Story

October marked the public launch of “Far Above ... The Campaign for Cornell.” With an overall goal of $4 billion, this fundraising campaign is the most ambitious in the history of Cornell University. Cornell Law School’s goals and aspirations are fully integrated with the overall goals of the campaign. “We remain true to Andrew Dickson White’s founding vision for Cornell Law School—to educate lawyers in the best sense,” says Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, “and this campaign will help us do that.”

“This is an exciting time for the Law School,” continued Dean Schwab. “We have ambitious plans to build greater resources for faculty support, student aid, and improve the quality of our teaching and work spaces within the Law School. Likewise, we are deeply committed to the interdisciplinary nature of our work through greater collaboration with our colleagues across Cornell. Our efforts within the context of the campaign will help us achieve that agenda.”

The Law School’s campaign objectives include:

- For students: Increase scholarship support and financial aid in order to continue to attract the very best students from all walks of life; offer more international study opportunities to help students gain a greater global perspective; offer more joint programs with other Cornell units; and provide more support for students who are committed to public service.

- For faculty: Recruit outstanding faculty and establish endowed chairs to strengthen teaching and research in core areas, such as business law and ethics, as well as emerging disciplines. Add faculty while keeping the student body small to preserve a distinctive learning environment in which students can really get to know their teachers and have opportunities to learn and to conduct research outside, as well as inside, the classroom.

- For programs: Develop centers of excellence in key areas such as business law, environmental law, intellectual-property law, and international and comparative law; expand partnerships with Cornell’s other professional schools, the social sciences, and the humanities; increase collaboration with the Johnson Graduate School of Management to enrich the corporate law program; lead cross-college efforts to create innovative coursework and advance scholarship in important areas such as international law, law and science, and law and psychology; continue to invest in programs where the Law School is developing specialized expertise, such as criminal law and procedure, empirical studies, and law and culture.

- For infrastructure: Increase the number and quality of classrooms, conference rooms, faculty offices, and meeting rooms. (Myron Taylor Hall’s extraordinary beauty can sometimes divert attention from the fact that the school has outgrown its existing space. The addition of programs and faculty requires more space for their activities.)
While no specific dollar targets were originally announced for any of the university’s schools or colleges, all new gifts and commitments qualify for campaign credit. For fiscal year 2006, which ended June 30, 2006, Cornell Law School had a strong fundraising year, with $4.8 million in new gifts and commitments recorded. Cash receipts, including payments on previous commitments, exceeded $6.2 million. The Law School Annual Fund, cash gifts for unrestricted operations, totaled $1.27 million.

To learn more about the Law School’s ambitions in connection with the campaign “Far Above …,” contact Peter Cronin, associate dean for Alumni Affairs and Development, at 607 255-3370 or at pc253@cornell.edu.

“Good Sports Make Bad Law: The 2006 Curia Dinner

More than eighty Cornell Law School alumni gathered at the Harmonie Club in New York City on November 9 for the seventy-sixth annual Curia Society dinner. This year’s speaker was Robert A. DuPuy ’73, the president and chief operating officer (COO) of Major League Baseball. Throughout his talk, entitled “Good Sports Make Bad Law,” Mr. DuPuy entertained members of the audience by covering various topics: how courts treat the business of baseball differently because it is so integral to our “national fabric,” drug testing and confidentiality, the admission of Pete Rose to the National Baseball Hall of Fame, negotiating players’ labor contracts, and the challenges of trying to attract the next generation of baseball fans. During a lively question and answer session, Mr. DuPuy fielded weighty questions from the audience with grace and candor. He even offered to assist Helaine Knickerbocker ’51 in obtaining coveted tickets to a Yankees game for her young grandson, a zealous Yankees fan.

“We were fortunate to have a speaker of Mr. DuPuy’s caliber join us this year,” said Hon. Stephen G. Crane ’63, longtime co-chair of the Curia Committee. Mr. DuPuy’s talk attracted the kind of crowd one might see seated around any baseball diamond. The audience included new graduates and loyal attendees alike.

Mr. DuPuy has been the president and COO of Major League Baseball since 2002, and in this capacity he is responsible for all functions of the league’s central offices. From 1998 until 2002, Mr. DuPuy served as vice president of administration and chief legal officer for the league. At Cornell Law School he was editor-in-chief of the Cornell Law Review.

Ruderman Gift Honors a Lifetime of Support of Cornell

Jerold R. Ruderman ’67 and Hon. Terry Jane Ruderman have commemorated a Cornell relationship of more than forty years with a capital gift that addresses the Law School’s perennial needs and that dovetails with the couple’s inestimable record of philanthropy. The Hon. Terry Jane and Jerold R. Ruderman ’67 Law Fund will be used to expand and improve the physical space at Myron Taylor Hall, which now accommodates more than 700 law students, faculty, and staff. “We’re making this gift at this time for several reasons,” said Mr. Ruderman, “chief among them is Dean Schwab’s ongoing effort to improve the quality and standing of Cornell Law School. Terry and I intend our gift to yield immediate tangible benefits. It’s also important to note that we’re giving in the context of the fundraising campaign underway throughout the University.”

“It’s true we have a soft spot for Cornell,” said Judge Ruderman of the New York Court of Claims. “We met here as undergraduates in the sixth floor stacks of Uris Library. I completed my bachelor’s and master’s degrees, and our daughter was born at the end of Jerry’s third year of law school. For me the campus is full of memories. I walk across the Arts Quad and I’m back in time.”

Considering subsequent developments, including daughter Jill’s graduation in 1989 from the College of Industrial and Labor Relations and Mr. Ruderman’s service on the Cornell University Board of Trustees, it is fair to say that the Rudermans have been as closely linked to Cornell as alumni, as they were as students. Some eighty visits to campus since his Law School graduation in 1967 indicate the personal quality of Mr. Ruderman’s commitment to his alma mater. “It’s almost
impossible to overstate how important the university has been to us and to our family,” he said. “Cornell set the tenor of our lives. The way I like to say it is, ‘I came to Cornell at the age of seventeen and left seven years later with two degrees, a wife, and a child.’”

Mr. Ruderman has belonged to Cornell University’s board of trustees for an extraordinary eleven years, having been appointed in 1995 by New York Governor George Pataki. Twice reappointed, Mr. Ruderman sits on three board subcommittees (audit, alumni affairs and development, and land grant and statutory college affairs) even as he serves as regional managing partner of Wilson Elser’s 175-attorney White Plains office. Mr. Ruderman is also a member of the five-lawyer operating group that manages the entire firm of 850 attorneys and 1,300 total employees in twenty offices in the United States (plus one in London). In addition, Mr. Ruderman is a member of the board of overseers of Pace University School of Law and a member of the Pace University School of Law Alumni Association; a member of the President’s Council of Cornell Women; and a member and former president of the Cornell University Alumni Association of Westchester.

Hon. Terry Jane Ruderman holds a Ph.D. in history from the Graduate Center of the City University of New York, in addition to the master’s degrees she earned at Cornell and City College. In 1995, Governor Pataki appointed her to the New York Court of Claims. Judge Ruderman continues to sit on the Court of Claims, having been reappointed in 1998 and 2006. As part of an extensive record of volunteer and professional service, she is a member of the New York State Commission on Judicial Conduct; president of the New York State Association of Women Judges; a member of the New York State Judicial Committee on Women in the Courts; a board member of the Pace University School of Law Alumni Association; a member of the President’s Council of Cornell Women; and a member and former president of the Cornell University Alumni Association of Westchester.

The Rudermans will support their Law School fund by a transfer of appreciated securities. Securities transfer is an especially advantageous means of charitable giving: the benefactor receives Internal Revenue Service credit for giving the full appreciated value of the stock, yet is not obligated to pay capital gains tax on this money transferred.

“This gift is, for me personally, a way of saying thank you to the Law School for teaching me the skills I’ve needed to become a successful lawyer,” Mr. Ruderman ’67 said. “If you’re lucky enough to succeed on a high level, it’s your responsibility to give something back to the people and institutions that have helped you get there. Next year is my class’s fortieth reunion year, and, with Cornell launched on a major campaign, I hope this gift will encourage my classmates also to contribute in honor of our fortieth.”

Cornell Law School Annual Fund Kickoff

On September 21, 2006, all Law School alumni volunteers gathered at the Griffis Faculty Club in Weill Medical College in New York City for the first annual Law School Annual Fund kickoff to introduce the 2007 Annual Fund campaign. The prestigious reception and dinner included a special address by Dean Schwab; introduction of the new Law School National Annual Fund Chair, Joseph L. Serafini ’67; and recognition of outgoing chairs, Yvette Harmon ’69 and Anthony M. Radice ’69.

Peter Cronin, the associate dean of Alumni Affairs and Development, kicked off the campaign by acknowledging the Law School Annual Fund’s 2006 fiscal year results of $1.27 million in unrestricted gifts, raised with the assistance of 200 alumni serving on twenty-four volunteer committees. This year (2007), the Annual Fund goal is set at $1.5 million in unrestricted gifts and will be supported by nearly 300 alumni serving on twenty-seven volunteer committees.
Recent Graduate Promoted to Korean Law School Dean

JaeWon Kim, who received his J.S.D. in January 2006, has just been named dean at the Dong-A University College of Law in Busan, South Korea. Dean Kim, who is forty-six, is the youngest dean of a law school in South Korea. Along with handling the administrative duties that come with being dean, he also teaches courses in law and society and in Anglo-American law. “Reforming the curriculum, hiring excellent professors, and renovating the law school building are my most exciting tasks,” he reports. “I also successfully established a dual degree program with the University of Wisconsin–Madison Law School and am working on developing similar programs with other U.S. law schools as well.”

The Dong-A University College of Law offers an undergraduate degree and trains each student to meet the needs of society in many law-related fields. The college also prepares students for various national examinations, such as the judicial examination and other civil servant examinations. Almost 1,000 students are enrolled at the Dong-A University College of Law, and there are thirty-two full-time faculty members.

The O’Connells Focus on the Needs of Others

Sweethearts since age sixteen, Timothy J. O’Connell ’68 married his wife, Helen, upon his graduation from Law School, and together they served in the Peace Corps until the spring of 1971. Today, as outlined in an article in the Indiana Lawyer, they continue to focus their attention on the needs of others through their respective careers. Mr. O’Connell is the regional director of the United Auto Workers Legal Services Plan (UAWLSP) in Indianapolis, Indiana. Mrs. O’Connell is general counsel at McCready and Keene, an independent actuarial and employment benefits consulting firm.

“The experience in the Peace Corps was life altering and led me away from the tax practice that was my goal with the accounting/law combination of degrees,” Mr. O’Connell said. While in the Peace Corps, “we were placed in a teaching group in Liberia, West Africa, and stationed in Monrovia, the capital city, at the University of Liberia. I was an instructor at the Louis Arthur Grimes School of Law for two school years,” Mr. O’Connell said. “Helen was stationed at the university as well. She taught a few business courses and consulted with the university president and financial officials regarding the implementation of an accounting system. As part of her work, Helen assisted in the presentation of the university budget to the president of Liberia, William V. S. Tubman, and his cabinet officers.”

“Liberia was (and still is) a very poor nation with widespread poverty and disease. We lived in a concrete-block house, with a corrugated tin roof and no air conditioning, in a tribal community on the outskirts of the city. We learned a bit of Kru dialect, but Liberians in the capital mainly spoke a version of English, the official language of the country. After several civil wars there is little left today of Liberia as we knew it, but a nascent government has been established recently with the first elected woman as head of an African government,” Mr. O’Connell said.

After returning from the Peace Corps, Mr. O’Connell worked briefly with a Big Eight accounting firm, but he went to work soon after for the Legal Aid Society of Columbus, Ohio, where he spent seven years. In 1978 he began his work with UAW legal services. Today, he and his team provide “quality legal representation to middle/working class American families at a controlled/reasonable cost. A case handled by two of my attorneys was successfully argued before the U.S. Supreme Court in December 2003 and resulted in a favorable 5–4 decision on May 17, 2004. (Till v. SCS Credit Corp., 541 U.S. 465 (2004)).

The decision resolved the issue of the appropriate rate of interest to be paid to secured creditors in Chapter 13, Consumer Bankruptcy, and resulted in significant savings for debtors in Chapter 13, Repayment Plans,” Mr. O’Connell said. Today Mr. O’Connell is an assistant national director of the UAWLSP. In this role, he is responsible for sixteen law offices located in Indiana, Ohio, and Kentucky, which employ forty-six full-time attorneys and a similar number of administrative support staff.

Mrs. O’Connell began her legal education after the family’s move to Indianapolis in 1978. Balancing family and law school proved to be challenging, but Mrs. O’Connell, through her own determination and the support of her husband, did well. Upon her graduation, she went to work for Ernst and Young, and while there she received steady promotions, eventually reaching a managerial post in the company’s actuarial, benefits, and compensation group. She joined McCready in 1991 and progressed within the firm to her current position as general counsel.

Mr. O’Connell mentions that he and Mrs. O’Connell’s “biggest and best accomplishment is our two children.” Their daughter, Kathleen, is a doctor currently completing her residency in pediatrics at Cornell’s Weill Medical Center in New York City. Their son, Timothy, recently began law school at Golden Gate School of Law in San Francisco.
David Buckel ’87 Wins Victory for Gay Couples In New Jersey

One of the most divisive contemporary domestic issues—gay marriage—is the field in which Cornell Law School graduate David Buckel ’87 is making history. The controversial New Jersey Supreme Court ruling on October 25, 2006, asserting that gay couples in the state are entitled to the same legal rights and financial benefits as heterosexual married couples stems from a case argued by Mr. Buckel, who is the senior staff attorney and director of the Marriage Project for the Lambda Legal Defense and Education Fund. The ruling, which states that gay couples have constitutional rights to equal treatment under the law, stipulates that the New Jersey legislature must expand the existing domestic partnership law or write new laws within 180 days. In essence, lawmakers must decide whether to allow gays to marry or to develop parallel civil unions that include all of the same rights as heterosexual marriage.

The ruling was headline news across the country and immediately became a hot topic of the 2006 elections, especially in eight states with movements to constitutionally ban gay marriages. “This is the first time a state’s high court has ruled unanimously that denying same-sex couples access to the benefits and rights of marriage is a violation of the guarantee of equality,” said Mr. Buckel. “When I did the oral argument, I thought the bench was split as to whether there was any equal protection violation at all, but in the end the split was largely over remedy.”

During his career, Mr. Buckel has advocated for gay youths and couples. Highlights include serving as lead attorney in Brandon v. Richardson County, which held a county sheriff liable for his failure to protect Brandon Teena, a murdered transgendered teen—whose story was told in the film Boys Don’t Cry—and serving as co-counsel in two Salt Lake City lawsuits concerning the rights of gay high school students to organize a club in their school. Mr. Buckel has also argued for the rights of gay youths and couples against the Boy Scouts of America, the U.S. military, the Internal Revenue Service, and a number of public school systems. Before joining the Lambda Legal Defense and Education Fund, he was a supervising attorney at Harlem Legal Services, Inc., where he represented low-income and disabled people. Mr. Buckel returned to Cornell Law School in March 2006 to serve on a panel on “Domestic Civil Rights” for the annual Public Interest Law Career Symposium.

It is worthwhile to note that the justice of the New Jersey State Supreme Court who wrote the majority opinion in that case, Barry T. Albin ’76, is also an graduate of Cornell Law School.

David Sherwyn ’89 Named Director of Center for Hospitality Research

David Sherwyn ’89 has been appointed academic director of the Center for Hospitality Research (CHR) at Cornell University’s School of Hotel Administration. Mr. Sherwyn has taught at the Hotel School since 1997. The CHR was founded in 1992 for the purpose of conducting research that shapes knowledge and influences practice in the global hospitality industry. Since its founding, the center has forged partnerships with more than forty industry leaders and has produced a stream of research focused on the industry’s strategic, managerial, and operating practices.

“The Center for Hospitality Research is playing a vital role in creating and sharing research that helps to define the industry’s knowledge base and its best practices,” said Hotel School Dean Michael Johnson. “David Sherwyn has an outstanding record, and he respects the crucial role research plays at the Hotel School. I am confident that under his stewardship, the center will continue to be a leading voice for research that defines the future of our industry.”

Professor Sherwyn teaches Business and Hospitality Law and Employment Discrimination Law and Union/Management Relations. His research interests include sexual harass-
“David Sherwyn ['89] has an outstanding record, and he respects the crucial role research plays at the Hotel School,” said Hotel School Dean Michael Johnson.

When Professor Sherwyn succeeds Professor Gary M. Thompson, who had led the center since summer 2003. “I look forward to building on the tremendous progress achieved by Gary Thompson and his team,” Professor Sherwyn said. “We will work to strengthen our existing partnerships and seek out new ones so we can extend our leadership in discovering and sharing best practices for the hospitality industry.”

**Victoria Simarano Joins Alumni Staff**

Victoria Simarano has joined the staff of Alumni Affairs and Development as the director of Alumni Affairs for Cornell Law School. Before joining Cornell, Ms. Simarano was the co-founder of WILD PAC in 2001, an organization that worked to elect champions of wilderness and public lands at the federal, state and local levels. She continued on to lead the organization as the executive director and treasurer, and over five years helped to elect six senators, two governors, ten U.S. representatives, and five state and local officials. Before embarking on the WILD PAC work, Ms. Simarano worked in the Clinton administration as senior advisor to the Environmental Protection Agency’s administrator Carol Browner. Ms. Simarano also spent more than six years at the Sierra Club, working in various roles, including serving as deputy political director in their political program. She has over fifteen years of professional experience in elections, advocacy, public policy, and fundraising.

“Vicki brings a broad-base of related experience to her work for the Law School,” said Peter Cronin, associate dean of Alumni Affairs and Development. “Her organizational experience, as well as the noteworthy strategic thinking she brings to the work, will accrue to the school’s benefit as we continue to move forward with our strong commitment to provide outreach to the alumni of Cornell Law School.”

Ms. Simarano can be reached at victoria-simarano@lawnschool.cornell.edu or by phone at 607-255-3408. She looks forward to meeting and working with alumni in the coming months.

**Errata:**

In the previous issue of the *Cornell Law Forum*, the class note highlighting Christopher T. Lenhart ’98 incorrectly stated the firm he was elected to as Brown Raysman Millstein Felder & Steiner LLP. Mr. Lenhart was recently elected to the partnership of the Minneapolis office of Dorsey & Whitney LLP. The staff of the Cornell Law School’s alumni office regrets the error.

**CLASS NOTES**

38 **Professor George H. Ball**

retired from Whitman College in Walla Walla, Washington, after forty-six years of service. On Professor Ball’s last day he delivered a baccalaureate address at Cordiner Hall and was presented with a *Book of Memories* containing letters from alumni and friends commemorating his retirement. Professor Ball, an ordained minister in the United Methodist Church, was Whitman’s first faculty member in religion. Despite compulsory retirement in 1980 at sixty-five, Professor Ball said Whitman officials allowed him to continue working, and he maintains an office to this day. Professor Ball’s academic success has carried over to his four children. Two are college professors, one is a doctor, and his only daughter is in charge of a national organization that administers national standardized accounting examinations. Professor Ball celebrated his ninety-first birthday in May.

54 Retired Rear Admiral and Judge Advocate General J. Robert Lunney, of White Plains, New York, engaged in a nine-year effort to make sure that the recognition of Congressional Medal of Honor recipient, Peter Tomich, was known to his relatives. Mr. Tomich was chief watertender in charge of the engine room
aboard the USS Utah when it was torpedoed at Pearl Harbor on December 7, 1941. As the Utah began to capsize, Mr. Tomich remained below, securing the boilers and making certain that other men escaped, and in doing so, lost his life. He was posthumously awarded the Medal of Honor, the nation’s highest decoration for valor in military conflict. However, the medal was never passed along to a next of kin because no relative could be located at the time. Chief Tomich’s Medal of Honor became the only one in the last 100 years never presented to a recipient or a surviving relative. Instead it was put on display in various places, most recently at the Navy Museum in Washington, D.C. Rear Admiral Lunney began a search for a relative in 1997, a search reported in an article in The New York Times. He engaged in much research and negotiated significant government bureaucracy along the way before he was finally able to ensure the presentation of the medal to relatives of Chief Tomich in May of 2006. Recognition of the rear admiral’s own achievements in the Korean War was reported in the last issue of the Cornell Law Forum.

In early June, Herbert Ray, a retired New York Family Court judge for Broome County, and his wife, Sharyn, traveled to Shreveport, Louisiana, to help build a house for a family who lost everything in Hurricane Katrina. Since retiring as a Broome County family court judge in 2004, Mr. Ray has been volunteering with his wife for a variety of charitable causes.

Martin E. Greenblatt is enjoying retirement and keeping busy as a reserve police officer with the Los Angeles Police Department and is currently assigned to the Pacific Detective Division.

Attorney and sculptor Charles Hecht feels that “art can delight, but it can also instruct and even enlighten.” An accomplished artist, Mr. Hecht favors steel and glass in his work and tries to incorporate new innovations and techniques whenever possible. One such technical innovation included the use of marbles to depict the fifty states in a sculpture of the U.S. flag. The sculpture was featured in a February 2005 exhibition entitled “America” at the Broadway Gallery in New York. When not practicing securities and commodities transactional work at his firm Hecht and Associates, Mr. Hecht shows his sculptures in exhibitions throughout the United States, Germany, China, and Spain. Most recently, a few of his works were displayed at Reunion 2006, where Mr. Hecht celebrated his forty-fifth undergraduate reunion. Mr. Hecht’s work can be viewed on his Web site http://charleshechtart.com/.

The Five Rivers Council of the Boy Scouts of America presented both John V. Moore and fellow Law School graduate Carl T. Hayden ’70 with a Distinguished Citizen Award during a June ceremony at Elmira College. Mr. Moore is a partner at Moore, Woodhouse and Pawlak in Elmira, New York. Both men are very active in community organizations.

Last spring, Richard D. Greenfield of Greenfield & Goodman LLC, Easton, Maryland, served as principal plaintiff’s counsel in the class action lawsuit, Siepel v. Bank of America. Mr. Greenfield has more than thirty-five years of experience in the prosecution of complex litigation involving financial issues, including shareholder cases, lawsuits against banks and other financial institutions, and cases brought on behalf of trust and estate beneficiaries. Mr. Greenfield was invited to speak at the twenty-fourth International Symposium on Economic Crime, held in September 2006 at Cambridge University in England. Mr. Greenfield and his wife, Peggy, live in Palm Beach, Florida, and have maintained a second home for a number of years outside Christchurch, on the South Island of New Zealand.

Nassau County New York Family Court Judge Richard S. Lawrence ’68 of Merrick handles half of the county’s juvenile delinquent and persons-in-need-of-supervision (PINS) cases. He was the subject of a feature story in the July 6, 2006, edition of the Long Island Herald. Family court’s main objective is to help young people get the help they need, not so much to punish them, so they never commit their crimes again. Judge Lawrence said, “My job, as I see it, is to help these youngsters … You can really make a difference.” Having been in private practice as an attorney for nearly thirty years before becoming a judge, he plans to run for his second ten-year term on the bench in 2007. In his time away from the courtroom, Judge Lawrence and his wife of thirty-nine years, Ronnie, enjoy spending time vacationing with their family, including their three children and twin three-year-old grandchildren.
AIG’s general counsel and former senior officer at New York Federal Reserve, **Ernest T. Patrikis**, joined the New York City office of Pillsbury Winthrop Shaw Pittman LLP as a partner heading their financial services regulatory practice. Prior to an eight-year tenure at AIG, Mr. Patrikis spent thirty years with the Federal Reserve Bank of New York, where he rose to become the second-highest officer. Mr. Patrikis’s time at the Federal Reserve had moments of high drama. When the American hostages were taken in Iran in 1979, he advised the Treasury Department on its asset freeze regulations. Later, he served in London, Frankfurt, and Algiers as one of the two negotiators on the financial aspects of the settlement with Iran. Working alongside Warren Christopher, who later became secretary of state, Mr. Patrikis helped negotiate the transfer of blocked U.S. bank assets to Iran, which ultimately led to the hostages’ release in 1980.

**Michael L. Barrett** retired from the Civil Rights Division of the Justice Department last year and began to produce a documentary film on the challenges people with mobility disabilities face in finding an accessible place to live. Although the production of the film has become his primary pursuit, he has continued to practice law by serving as co-counsel in a private civil rights case similar to the type of litigation he handled at the Justice Department. He is a proud grandfather of three grandchildren.

**Michael E. Getnick**, a partner in Getnick Livingston Atkinson Gigliotti & Priore, LLP, in Utica, New York, and of counsel to Getnick and Getnick in New York City, was elected secretary of the New York State Bar Association. Mr. Getnick most recently was a vice president representing the fifth judicial district, for which he received the association’s President’s Pro Bono Service Award in 1988. He is a member of the district’s Pro Bono Committee, as well as a member of the House of Delegates, a fellow of the New York Bar Foundation, chair of the Committee on Court Operations, and a member and past president of the Oneida County Bar Association. Mr. Getnick’s community work includes board and volunteer positions with regional affiliates of the American Heart Association, Legal Aid Society, United Way, the YMCA of Utica, and Family Services of Greater Utica. He has also served as president of the New Hartford Central School District Foundation and the Mohawk Valley Committee Against Child Abuse.

**Kenneth E. Ackerman** retired after thirty-five years as a banking and financial institutions attorney at Mackenzie Hughes LLP. Recently profiled in the *Syracuse Post-Standard* newspaper, Mr. Ackerman is using his retirement to volunteer his time as a teacher at the Motivational Learning Center at the Syracuse Rescue Mission, where he is helping students to prepare for the General Educational Development (GED) tests in writing, math, and science by working with them one-on-one. (When candidates pass the GED tests they receive a certificate or diploma that is regarded as equivalent to a high school diploma.) Mr. Ackerman will use his finance background to help create a new curriculum for personal finance. Mr. Ackerman has been a part-time instructor for much of his career, teaching banking law at Onondaga Community College, at Syracuse University, and at Ithaca College.

**Robert Gold** has joined DLA Piper Rudnick Gray Cary LLP in the litigation practice group as a partner in the firm’s New York office. “Bob is a seasoned trial lawyer … we are pleased that he has joined the firm, and we anticipate that he will contribute significantly to our corporate governance, commercial, and white collar criminal defense practices,” said Joseph Finnerty III, partner and chair of the New York litigation practice group.

**Arthur Erwin Peabody** was elected chair of the new school board of Alexandria, Virginia. A native of Lynn, Massachusetts, Mr. Peabody
has lived in Alexandria since 1972. Mr. Peabody retired from the U.S. Department of Justice in October 2004, after thirty-four years of federal service, and is presently associate counsel for the Blue Cross Blue Shield Association in Washington, D.C. His daughters, Liz and Tory, are graduates of the Alexandria public schools and now attend Union College in Schenectady, New York.

James A. Schoff was recently elected to the board of directors of Associated Estates Realty Corporation, a self-administered and self-managed real estate investment trust headquartered in Richmond Heights, Ohio. Since 2004, Mr. Schoff has served as a special advisor to the chief executive officer of Developers Diversified Realty Corporation (DDR), a shopping-center—real estate investment trust, based in Beachwood, Ohio. Mr. Schoff served as executive vice president and chief operating officer of DDR from 1993 to 1998, vice chair and chief investment officer from 1998 to 2002, and senior investment officer from 2002 to 2003. He is involved in many civic and philanthropic organizations in the Cleveland area, including: chair of the board of trustees of the Western Reserve Historical Society; past chair and a member of the board of trustees of the Near West Theatre; trustee and member of the executive committee of the National Conference for Community and Justice; and trustee of the Greater Cleveland Sports Commission. Mr. Schoff lives in Aurora, Ohio, with his wife, Anne.

This fall, Gregory J. Smith joined the Department of Health Care Ethics at Regis University in Denver as an affiliate faculty member, where he will teach ethics courses to students in nursing, physical therapy, and other health professions. He will continue to practice health care business law at Burns, Wall, Smith and Mueller, P.C. and work on a master’s degree in humanities at the University of Colorado at Denver and Health Sciences Center.

Richard A. Levaò, the president of Bloomfield College, Bloomfield, New Jersey, has been named to a third three-year term on the Woodrow Wilson National Fellowship Foundation board of trustees. Mr. Levaò has served on the executive committee of the foundation’s board and chairs its program committee. Prior to joining Bloomfield College, Mr. Levaò served as a partner at the law firm Drinker Biddle & Reath, LLP, where he practiced law for twenty-nine years, most recently as partner.

Pennsylvania House Democratic Leader Bill DeWeese appointed David M. Barasch to serve a three-year term on the Pennsylvania Independent Regulatory Review Commission. Mr. Barasch, an attorney with the law firm of NcNees Wallace & Nurick LLC of Harrisburg, Pennsylvania, practices in the firm’s business litigation, government relations, insurance litigation and counseling, and health care groups.

Peter A. Copeland is a resident of Maplewood, New Jersey, and is assistant general counsel for Cadbury Adams USA in Parsippany, New Jersey. He established Parchment Press to publish books, including *The Pictorial History of Craftsman Farms*, on the American arts and crafts movement.

Peter G. Beeson, a shareholder in the law firm of Devine Millimet, has accepted a position as co-chair of the programs committee and member of the steering committee for the Professionalism and Ethics Committee of the Defense Research Institute (DRI). DRI is a national organization of more than 22,000 defense trial lawyers and corporate counsel. Mr. Beeson, a trial attorney with thirty years of trial experience, chairs the firm’s attorney conduct and liability practice group. Mr. Beeson has served as an adjunct professor at Franklin Pierce Law Center in legal malpractice and risk avoidance, and he is a member of the New Hampshire Supreme Court’s Commission on the Status of the Profession.

Thomas F. Seligson transferred to Alcoa’s New York office, in October 2005, after living in Pittsburgh for more than twenty-five years.

James F. Bass Jr. serves as a superior court judge for the Eastern Judicial Circuit in Georgia and was recently reappointed to serve as a representative of judicial district one. He also serves on the Georgia Supreme Court Commission on Equality and created, as well as presides over, the Chatham County Drug Court. Mr. Bass and his wife, Janice, live in Savannah and have one child.

Dr. Floyd A. Young is presently writing a book entitled *Strategic Market Entry Business Models for Asian, African, and Middle Eastern Economies* on noninterest-based project finance for new business start-ups and the expansion of existing businesses. Dr. Young is also the founder and executive director of Biz Zone and PeaceZone, which can be accessed at www.peacezone.net.

Barry P. Barbash has moved to Willkie Farr & Gallagher LLP from Shearman & Sterling LLP, bringing four other attorneys with him. Mr. Barbash will head Willkie’s investment management practice and work in the firm’s Washington, D.C., office.

David S. Barrie has been named vice president of corporate development for Eaton Corporation, a diversified industrial manufacturer. In this capacity Mr. Barrie will be...
Michael J. Foster was featured in an article in the May 2006 issue of Cornell’s Human Ecology magazine. The article reported Mr. Foster’s belief that all students should have some grounding in public policy to better understand the context of whatever profession they choose to pursue.

New York Supreme Court Justice Debra A. James traveled to China’s ancient city of Xi’an in Shaanxi province, with several members of the New York legal community, for an insider’s look at the Chinese justice system during a unique journey of service and learning. Judge James was part of a team of lawyers and judges from around the country who spent two weeks in October 2005 teaching principles of U.S. law to Chinese law students in Xi’an. The team was created by Minnesota-based nonprofit Global Volunteers, which offers short-term service opportunities in nineteen countries. “The Chinese legal system, despite its only recent push into the modern industrial world, shares many similarities to American legal norms, especially as to commercial and contract law,” said Justice James. (Justice James is profiled earlier in this issue of the Forum. See p. 52.)

Randall J. Richards, a shareholder of Woodbridge, New Jersey, firm Wilentz, Goldman & Spitzer P.A., was among ten Monmouth County, New Jersey, residents named super lawyers by Law & Politics magazine. Mr. Richards, a Middletown resident, concentrates his practice in representing clients who have been injured in accidents and providing counsel regarding guidelines for adequate insurance coverage.

Vincent J. Vitkowsky is a partner in Edwards Angell Palmer & Dodge, LLP, in its New York office. His practice focuses on international commercial arbitration and litigation, most often in the reinsurance industry. Mr. Vitkowsky is identified in The Best Lawyers In America, America’s Leading Lawyers for Business, The International Who’s Who of Business Lawyers, Euromoney’s Guide to the Leading U.S. Litigation Lawyers, and Euromoney’s Best of the Best. He maintains his interest in national security issues, principally by serving on the executive committee of the International and National Security Law Group of the Federalist Society, as well as the Society’s National Practitioners Advisory Council. Mr. Vitkowsky is also active in the American branch of the International Law Association. He spoke on international law and terrorism at the International Law Weekend 2006 in New York. Mr. Vitkowsky writes occasional articles and book reviews on public international law issues.

Attorney and psychotherapist Daniel L. Martin published his debut novel, Journey Back (American Book Publishing), in May. Praised by National Public Radio commentator Nancy Slonim Aronie as “a brilliant book that reads like a movie,” Journey Back explores the impact of a fictional new drug that allows users to re-experience traumatic childhood events, reprocess their memories, and ultimately overcome their debilitating mental illnesses. Although Mr. Martin’s work is fictional, it raises important questions about our society’s

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relationship to drugs, as well as the potential benefits mind-expanding substances may provide for psychological insight and growth. Mr. Martin and his wife currently live in Titusville, New Jersey, with the youngest of his three children and two guinea pigs.

Paul T. McBride was called to active duty in the U.S. Marine Corps on May 1, 2006, for one year.

Seth H. Agata has co-authored The History of the New York Court of Appeals: 1932-2003, which completes a two-volume series on the subject. With its predecessor, The History of the New York Court of Appeals, 1847-1932, this work constructs a comprehensive history of New York State’s highest court by recounting each case and analyzing the court’s decisions and dissenting opinions. Both works include brief biographies of the judges who served during the indicated period, and the current volume provides social, legal, and political contexts for the court’s cases. Mr. Agata is senior associate counsel and Home Rule Counsel in the Office of Counsel to the Majority of the New York State Assembly.

Richard A. Parr II has been named general counsel of HCR Manor Care, a leading nationwide provider of long-term care, home health, and hospice services, based in Toledo, Ohio. Mr. Parr began his legal career in Oklahoma City as a law clerk for Judge William J. Holloway Jr., of the U.S. Court of Appeals for the Tenth Circuit.

Susan F. Wyderko has left the Securities & Exchange Commission (SEC) to become executive director of the Independent Mutual Fund Directors Forum, a nonprofit organization dedicated to improving mutual fund governance. Ms. Wyderko joined the SEC in 1985 as a staff attorney in the general counsel’s office and during the next twenty years held many senior positions, including director of the Office of Investor Education and Assistance. For the first half of 2006, Ms. Wyderko served as acting director of the SEC’s investment management division. She received the SEC’s Distinguished Service Award in 2005 for her creative approach to investor education, and she was also the recipient of the SEC’s Stanley Sporkin Award, which recognized her “exceptionally tenacious and insightful contributions” to federal securities laws enforcement. Ms. Wyderko has also been a recipient of the Federal Bar Association’s Manuel F. Cohen Younger Award for her “maturity of judgment, tenacity, and creativity in resolving complex legal matters.” She is a three-time winner of the SEC’s Law and Policy Award. Said SEC Chairman Christopher Cox, “America’s investors have been well and truly served by Ms. Wyderko. She has been a forceful advocate for better disclosure in every position she has held within the agency. She has demonstrated a total commitment to the mission of the SEC, and has done her work with great enthusiasm and uncompromising principles.”

Peter T. Beach is a partner with Sheehan Phinney Bass + Green PA in New Hampshire. His practice covers a broad range of tax matters, and he is a frequent contributor to professional journals and a presenter at tax seminars. Earlier this year, the Chambers USA 2006 Guide identified Mr. Beach as one of the best tax law attorneys in New Hampshire. Mr. Beach has served on several New Hampshire Bar Association committees, providing tax advice in connection with the drafting and amending of the state’s limited liability company and limited partnership statutes. He provides pro bono legal services to worldwide affiliated nonprofit organizations that teach transcendental meditation, several of which are located in New Hampshire.

Pamela and Paul A. Salvatore, residents of Bedford, New York, received a John Beach Charity Award. The award, named for one of the Boys & Girls Clubs of Northern Westchester’s foremost supporters, was created in 1995 and is given to an individual, business, or organization for generosity and commitment to the club. In May, Mr. and Mrs. Salvatore were recognized for their many years of service to the clubs at the twelfth annual humanitarian award dinner held in Mt. Kisco, New York. Mr. Salvatore currently serves on the board of directors of the Boys & Girls Clubs of Northern Westchester and is a
Mr. Salvatore was recently elected by his peers as a fellow of the College of Labor and Employment Lawyers and named a New York Super Lawyer. He is an honors graduate of Cornell University’s School of Industrial and Labor Relations (ILR) and Cornell Law School. For the past two years, he has served as chair of the ILR school’s advisory council, and as a member of the governing board of the Cornell University Council. In 2002, the ILR school awarded Mr. Salvatore its highest honor, the Judge William B. Groat Distinguished Alumni Award.

David Norman Yellen served as dean of Hofstra Law School for three years before being selected (effective July 1, 2005), as the new dean of the Loyola University (Chicago) Law School. Dean Yellen’s main area of interest is sentencing reform. He frequently lectures to federal judges about federal sentencing guidelines and has testified before the U.S. Sentencing Commission. In addition, Dean Yellen served as an advisor to President Clinton’s transition team on white-collar crime issues. Dean Yellen’s wife, Leslie R. Richards-Yellen, is a partner in the Business Practice Group of Michael Best & Friedrich’s Chicago office.

James P. Calve has joined Connolly Bove Lodge & Hutz LLP as counsel in their Washington, D.C., office. Mr. Calve practices in the area of intellectual property and related antitrust and unfair competition litigation. He focuses on patent litigation in the federal courts and in Section 337 proceedings conducted by the U.S. International Trade Commission.

David T. Kettig and Scott Wood were named co-chief operating officers of the insurance holding company, Independence Holding Co. (IHC), simultaneously with the closing of its acquisition of Insurers Administrative Corp. (IAC). Mr. Kettig previously served as senior vice president and chief legal officer of IHC. Along with the cooperating chief role, he will serve as chief executive officer and president of IAC.

Robert Alan Zinn, like many people in Florida, was concerned about the weather during the past hurricane season. Mr. Zinn’s firm geared up for the season by outfitting a remote global data center that houses all of the firm’s electronic functions and information in what is designed to be a disaster-proof site. “You hope for the best and plan for the worst,” said Robert Alan Zinn ’85.

Florida Trend’s Legal Elite 2004–2005 and has been married to Karen Zinn (also an attorney) for nineteen years. They live in Miami and have two children.

In February 2006, David B. Stafford was appointed senior vice president of corporate affairs and assistant to the chief executive officer of the McGraw-Hill Companies, the global education publishing, financial services, and business information company. In this role, Mr. Stafford manages McGraw-Hill’s marketing, communications, government, and community affairs activities, and serves as chief of staff to Harold (Terry) McGraw III, the chair, president, and chief executive officer. Mr. Zinn lives in Scarsdale, New York, with his wife, Caryn, and their three children, Daniel (twelve), Andrew (nine), and Allison (five).

In April, the Illinois Supreme Court approved the appointment of Karen Litscher Johnson as first director of the board of Mandatory Continuing Legal Education (MCLE). Ms. Johnson, who from 1999 to 2005 was the national director of professional development for DLA Piper Rudnick Gray Cary LLP, will have to build the education program from the ground up. “The board is excited to have Karen as its first executive director and to get on with the important work of implementing the goals of the Supreme Court,” said Patrick M. Kinnally, MCLE board vice chair.

Jay D. Marinstein, co-chair of the litigation department of the Pittsburgh office of Fox Rothschild LLP, has been named a super lawyer for 2006 by the magazines Law & Politics and Philadelphia, as selected by lawyers statewide. Fox Rothschild is one of the 200 largest law firms in the nation. Since 1988, Mr. Marinstein has served midsize to large, publicly and privately held companies in complex,
high-stakes, high-profile commercial litigation in state and federal courts.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. announced in June that five of its attorneys, including Jeffrey R. Porter, were named in the 2006 edition of the Lawdragon 500 New Stars, New Worlds guide. The guide recognizes attorneys who are “the freshest faces in American law.” Less than .01 % of attorneys in the United States are listed. Mr. Porter leads the firm’s environmental law section from the Boston office. He has previously been recognized as one of the leading environmental lawyers in the United States by The Best Lawyers in America, Chambers USA—America’s Leading Lawyers for Business, Who’s Who in American Law and the Guide to the World’s Leading Environmental Lawyers. Mr. Porter has also been identified as a Massachusetts Super Lawyer regularly since the inaugural publication of that list.

89 Michael Clarke, an Orange, New Jersey, resident and the vice president of corporate compliance at Edison Schools, Inc. in New York City, was named Essex County trustee to the New Jersey State Bar Association (NJSBA). Mr. Clarke has been a member of the NJSBA for fifteen years and has been active in the sections dealing with criminal law and with minorities in the legal profession.

Kathleen M. Healey has assumed the position of managing attorney for the Dutchess and Ulster offices of Legal Services for the Hudson Valley (LSHV) in New York. Ms. Healey has been with LSHV since 2000, serving first as a housing attorney representing tenants in courts throughout Dutchess County, then as a family law attorney assisting victims of domestic violence in obtaining custody of their children and protection from their abusers. In 2004, Ms. Healey moved to the LSHV Newburgh office as intake attorney in charge of the newly established centralized intake unit, opening new cases for clients in the seven county area served by LSHV. Ms. Healey serves on the Universal Response to Domestic Violence Steering Committee in Dutchess County. She is very active in her hometown of New Paltz, New York, and has served on its numerous committees and boards.

Michael Punke has left the legal grind to write books, most recently Fire and Brimstone: The North Butte Mining Disaster of 1917. Publishers Weekly notes that the heart of this “compelling tale” is “the horrifying account of the fire and the trapped men,” and “its soul is Punke’s contextualization of the event.”

90 Terrance J. O’Malley joined Fried, Frank, Harris, Shriver & Jacobson LLP’s New York City office as a partner and member of the asset management practice in Fried Frank’s corporate group. Mr. O’Malley is one of the nation’s leading experts on the regulation of investment management firms and, in particular, on hedge fund and private equity managers. In connection with his practice, Mr. O’Malley was cited as an authority in the 2003 staff report of the Securities and Exchange Commission (SEC) titled The Implications of the Growth of Hedge Funds. He served as the primary author of the American Bar Association’s 2005 letter to the SEC staff seeking clarification of the hedge fund manager registration rule and has provided instruction to the SEC’s
inspection staff. Mr. O’Malley is a sought-after speaker and writer on investment adviser regulatory issues, and he has authored two books: *The Investment Adviser’s Legal and Compliance Guide* (Aspen Publishing) and *The Regulation of Hedge Fund Managers by the SEC* (Institutional Investor). Mr. O’Malley has been cited by the BTI Consulting Group as a “Client Services All-Star” based on an independent survey of general counsels and business-unit heads at the world’s largest investment banks.

**Terrance J. O’Malley ’90** has been cited by the BTI Consulting Group as a “Client Services All-Star” based on an independent survey of general counsels and business-unit heads at the world’s largest investment banks.

**David C. Askin** and his wife Melinda celebrated the first birthday of their daughter, Elizabeth Frances, on August 1, 2006.

**R. Jeffrey Harris** serves as representative to part of the City of Columbia (District 23) in the Missouri House of Representatives. A Democrat, he was elected to the House in November 2002 and is its minority leader. He also serves as the Missouri representative on the State Legislative Advisory Board of the Democratic Leadership Council. Prior to serving in the House of Representatives, Representative Harris was an assistant attorney general in Missouri. He continues to sit on the board of directors of Prevent Child Abuse Missouri and is a member of the Missouri Kidney Program Advisory Council. He also holds a variety of leadership positions in state and national organizations.

**Daniel J. Lowenthal** was elected to the Los Angeles Superior Court in June, defeating his sole opponent 432,000 to 236,000. Mr. Lowenthal was sworn in on January 8, and has been told that he is the youngest judge in the state of California.

New Zealand native and resident **Jillian M. Mallon** was sworn in as a justice of the High Court of New Zealand in August. The Honorable Justice Mallon, forty-one, becomes the youngest sitting high court judge. The Honorable Justice Mallon joined the firm of Bell Gully, in Wellington, New Zealand, becoming a partner in 1998 and practicing in the areas of commercial litigation, competition, media and public law. She also taught competition law at Victoria University, where she was an honorary fellow for several years. The Honorable Justice Mallon lives in Wellington with her husband and three children.

**DLA Piper Rudnick Gray Cary LLP** has announced that **Perrie M. Weiner** and **Edward D. Totino**, both partners in the securities litigation practice in the Los Angeles office, have won the 2006 Burton Award for Legal Achievement for their article “Litigation Strategies: Managing Litigation Risk and Addressing Investor Concerns.” The award was presented by the Burton Foundation, a nonprofit cultural and academic organization devoted to promoting the legal profession, in association with the Library of Congress and the Law Library of Congress. Every year these awards honor lawyers who use clear, concise language to comment on important legal issues.

**Jessica Wilen Berg,** professor of law and bioethics at the Case Western Reserve University School of Law, has been named associate director of the school’s Law-Medicine Center. Professor Berg is a nationally recognized expert in law and bioethics, with an extensive list of publications and a record of numerous presentations on the subject. She is the co-author of *Informed Consent: Legal Theory and Clinic Practice* (Oxford, 2001). Professor Berg came to the Case Law School faculty in 1999 after serving as the director of academic affairs and secretary of the Council on Ethical and Judicial Affairs and as section director of professionalism at the American Medical Association. Previously she was a scholar-in-excellence at the University of Massachusetts Medical School; a Fellow at the Center for Biomedical Ethics and the Institute for Law, Psychiatry and Public Policy at the University of Virginia; and an adjunct professor at the University of Chicago Law School and Northwestern University Law School.
Leslie A. Leary is the director of the Auburn Education Foundation, in Auburn, New York, which raises money from the private sector to fund educator grants for Auburn public schools. At the foundation, Ms. Leary coordinates the day-to-day overall operations and is developing long-range goals for the organization.

As a result of the merger of Akerman Senterfitt and Wickwire Gavin, P.C., Brian P. Waagner is a shareholder in the law firm of Akerman Senterfitt Wickwire Gavin. The combined firm has more than 480 attorneys located in offices throughout Florida, as well as in New York; Los Angeles; Washington, D.C.; and Tysons Corner, Virginia. Mr. Waagner will continue his construction and government contracts practice in the Tysons Corner office. Mr. Waagner and his wife, Margaret Lin Waagner, live in Sterling, Virginia with their daughters, Kristen and Tracy.

In June 2005, Deborah A. Czuba took a position as senior staff attorney with the office of the Georgia Capital Defender in Atlanta, Georgia. In November 2005, Ms. Czuba became deputy director of the office.

Charles E. (Ted) Hood was promoted to managing director at Morgan Stanley, where he specializes in the development of structured financial products. Mr. Hood has been based in England for the past nine years and lives outside of London with his wife and three children.

Patrick J. Solomon, founding partner, Dolin, Thomas & Solomon LLP, represents individuals in negotiations with employers and in federal and state court in the areas of employment discrimination, collective and class actions for unpaid wages, wrongful denial of benefits, breach of employment contract, and the handling of administrative proceedings. Mr. Solomon is a board member of Compeer International Inc., the Monroe County Bar Association judiciary committee, and the American Bar Association’s fair labor standards legislative committee, as well as a volunteer attorney with Volunteer Legal Services Project, Inc., and a member of St. Regis Mohawk Nation.

Joseph M. Stefano was promoted to partner in the New York office of Allen & Overy LLP where he specializes in asset and structured finance.

Carole M. Bass was recently promoted to of counsel at Sonnenschein Nath & Rosenthal LLP. She works at Sonnenschein’s New York office where she specializes in estate planning, estate administration, and estate- and trust-related litigation. Ms. Bass is the author of “What if You Die, and then Have Children?” an article about estate planning issues arising from new reproductive technologies, which appeared in the April 2006 issue of Trusts & Estates magazine.

Alan V. Kartashkin became a partner of the firm Debevoise & Plimpton LLP in July. Mr. Kartashkin is resident in the Moscow office and a member of the firm’s corporate department where he practices in the areas of equipment finance, mergers and acquisitions, and securities.

John R. Mayer had a grave health crisis in the summer of 2005 that prompted him to rededicate himself to public service. Mr. Mayer has started a small private practice that devotes half of its time to public interest law by representing front-line service providers. He reports that his twin boys are now nearly four years old and “evidence no sequel of their extreme prematurity. So all is well.”

Jeffrey M. Jakubiak and his wife, Aviva L. Poczter, are busy with their daughter, Dafna Lillian Jakubiak, who will be one year old in March. Mr. Jakubiak is a partner at Troutman Sanders LLP in Washington, D.C., where he represents and advises electric utilities on federal regulatory and transactional matters. Ms. Poczter is senior litigation counsel at the U.S. Department of Justice’s Office of Immigration Litigation.

Matthew S. Kelman is currently senior counsel, business, and legal affairs at Spike TV. He and his wife, Karen, have a three-year-old daughter, Caroline.

Michael A. Peil has been named assistant dean for international programs at Washington University in the St. Louis School of Law.

David A. Shimkin joined Cozen O’Connor’s downtown New York office in March 2006 as a member in the firm’s general litigation department. Mr. Shimkin’s practice includes commercial litigation and the defense of catastrophic personal injury lawsuits, including
toxic torts, premises liability and construction site accidents.

**Eric D. Yordy** joined the faculty this fall as assistant professor in the Northern Arizona University College of Business Administration, teaching Business Law I and II and coordinating the law curriculum for the college.

**Gayle E. Littleton** and **Andrew B. Levy** welcomed the birth of their first child, Preston Littleton Levy, on June 17, 2006.

**Jason S. Crane** has become a member of the partnership Wiggins and Masson, LLP located in Ithaca, New York. The firm has been renamed Wiggins, Masson & Crane, LLP. Mr. Crane’s practice is primarily criminal defense and civil litigation.

**Erin Ardale Koeppel** and **David R. Koeppel** welcomed their first child, Abigail Riley, on May 1, 2006, in Washington, D.C. Ms. Koeppel is a securities enforcement and litigation associate with Kirkpatrick & Lockhart Nicholson Graham LLP. Mr. Koeppel is a litigation associate with Fried Frank.

**Zoltan Martonyi LL.M.,** trilingual in English, French, and his native Hungarian, has been made partner at Martonyi és Kajtár Baker & McKenzie, where he is head of the finance practice group. Mr. Martonyi is also a lecturer at ELTE University, in the financial law department. *International Financial Law Review* lists him as one of the world’s leading capital markets and project finance lawyers.

**Jeffrey Matthew Beyer** and **Hallie Eloise Sporn** were married on May 13, 2006. Mr. Beyer is an associate at the Manhattan firm of Skadden, Arps, Slate, Meagher & Flom. Mrs. Beyer is a manager of standards and practices for MTV Networks, also in Manhattan.

**Kimberley P. H. Mitchell** has joined Warner Norcross & Judd LLP as an associate. Ms. Mitchell concentrates her practice in the area of business law, including executive compensation and employee benefits, and resides in Holland with her husband, Mike, and children, Preston and Clara.

**The Multnomah Bar Association’s Young Lawyers Section recently elected Andrew M. Schpak** as a director. Mr. Schpak practices employment and labor law at Barran Liebman LLP in Oregon.

**A spring visit to Oregon by Her Royal Highness Princess Bajrakitiyabha Mahidol LL.M. ‘02, J.S.D. ‘05,** granddaughter of his Royal Majesty King Bhumibol Adulyadej of Thailand, recognized the relationships between the U.S.-Thai Distance Learning Organization, the University of Oregon, the city of Eugene, and the city of Springfield. The princess opened an exhibition celebrating the sixtieth anniversary of the king’s accession to the throne, officially dedicated Thailand’s gift of more than 1,700 books to the university and local public libraries, and launched a new initiative adding math and science to the university’s highly successful distance-learning program, which involves a partnership with Thai public school teachers. The trip’s objectives were to celebrate the many connections among Thailand, the royal family, the University of Oregon, and the Eugene-Springfield area; to promote understanding between the people of the two countries; to increase access to Thai materials for Thai and American students studying the Thai language and culture; and to create a place for exhibiting books and related materials about Thailand. In August 2006, the princess was selected to serve as a prosecutor for the Office of the Attorney General in Thailand after she passed an oral examination.

**Kaye Scholer LLP** announced the growth of its wills and estates department in New York with the addition of a new partner and three associates including **Marceline B. Mosio,** formerly of Simpson Thacher & Bartlett LLP.
Felicia Jamal Munion Taghizadeh is a new associate at Lewis and Roca Jontz Dawe LLP practicing with the firm’s commercial litigation group. Prior to joining Lewis and Roca, Ms. Taghizadeh was a summer associate with Cleary Gottlieb Steen & Hamilton in Washington, D.C.

Editor’s Note: The alumni office receives information for the class notes section from various sources. All information is subject to editorial revision. Please be aware that the Forum is produced a few months in advance of when readers receive it. Class note information received after production has begun will be included in the next issue.

Send information you would like reviewed for possible inclusion in future issues of Forum to the alumni office at 382 Myron Taylor Hall, Ithaca, NY 14853 or via e-mail to alumni@lawschool.cornell.edu. The office can also be contacted by phone (607 255-5251) or fax (607 255-7193).

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