THE END OF SPRAWL?
On the Cornell Law School Web site you will read about the people here who exemplify A.D. White’s founding vision that we educate Lawyers in the Best Sense. The site highlights the vibrancy of the intellectual environment of the school and its commitment to humanity.

Visit www.lawschool.cornell.edu

---

**Call for Nominations:**

**The 4th Annual Cornell Law School Exemplary Public Service Awards**


To submit a nomination: E-mail Karen Comstock, assistant dean for public service, at kvc2@cornell.edu. Include the name, graduation year, contact information, and a one to two page narrative describing the nature and depth of your nominee’s commitment to public service. Awardees will be selected by the Law School’s faculty/student Public Service Committee and announced in early January. The committee cannot consider nominations for sitting judges.

Nomination deadline: November 17, 2008

**Previous Awardees:**

- Jamie Andree ’79, Indiana Legal Services
- David S. Buckel ’87, Lambda Legal Defense and Education Fund
- Chai Vigyan Gautier ’07, Center for Constitutional Rights
- Joe Jonas ’84, CARE
- Helene Kækkeröcker ’51, Gay Men’s Health Crisis
- Dinah Lehrer ’81, Urban Justice Center
- Paul W. Lee ’76, Goodwin Procter
- Angelica Malis ’90, Arista for Progressive Action
- Albert Meyers ’72, Lexis, Couplin, Stoll, Gold & Rudman & Robbins
- Shannon Minter ’93, National Center for Lesbian Rights
- Stephen Myers ’71, The Legal Aid Society
- Elizabeth Pattle ’12, Brooklyn Bar Association ULP (posthumous)
- Rosemary Pye ’74, National Labor Relations Board
- Martha Roberts ’84, Legal Assistance of Western New York
- John Tobin ’74, F Carr Legal Assistance
- Patricia Warth ’96, Prisoners’ Legal Services
- Louis Withford ’72, NH Public Defender
- Michael Wright ’94, U.S. Attorney’s Office, SDTX
- Samer Zia-Zarifi ’93, Human Rights Watch

---

**Mark your calendars:**

**Public Service Awards Presentation**

Thursday, February 5, 2009

7:00 p.m.

Cornell Club—New York, NY
A Note from the Dean ................................................................................................................. 2

The End of Sprawl? ................................................................................................................... 4
by EDUARDO M. PEÑALVER

Cornell Law School’s International Human Rights Clinic:
Making a Difference for People across the Globe ................................................................. 8
by LINDA BRANDT MYERS

Defending the Rights of Prisoners at Guantánamo:
Alumni on the Front Lines of the Habeas Battle ................................................................. 12
by LINDA BRANDT MYERS

The Legal Information Institute: The First and the Future .................................................... 18
by JUDITH PRATT

Dream of Justice ....................................................................................................................... 22
by JOHN H. BLUME

Briefs ........................................................................................................................................ 28
Ndulo Works to End Violence in Kenya ................................................................................... 28
Visiting Iraqi Judge Says No One is Above the Law ................................................................. 30
New and Visiting Faculty Include Notable Scholars and Rising Stars ................................ 32
Summers Honored with Diversity Pioneer Award ................................................................. 37
New Securities Law Clinic Opens .......................................................................................... 37
Moot Court Celebrates International Victories ...................................................................... 41

Faculty ..................................................................................................................................... 46

Profiles ..................................................................................................................................... 60
Cynthia Farina ........................................................................................................................... 60
Michael Heise .......................................................................................................................... 62
Albert “Al” H. Meyerhoff ’72 ................................................................................................... 64
Amy J. St. Eve ’90 .................................................................................................................... 66
Laura A. Wilkinson, J.D.’85/M.B.A.’86 .................................................................................. 68
James P. Rogers ’08 ................................................................................................................ 70
Joy Ruqapram, LL.M. ’08 ........................................................................................................ 72
Nicole M. Sandoz ’08 ............................................................................................................. 74

Alumni ...................................................................................................................................... 76
Reunion 2008 ............................................................................................................................ 76
Kelly Family Reinstates “Good Guy” Award ......................................................................... 81

Annual Report to Donors ....................................................................................................... 103
Dear Friends and Alumni:

The summer began with an enjoyable weekend celebrating our alumni. Reunion 2008, with nearly 400 returning alumni—an all-time record!—was a spectacular success. Allan Tessler gave the keynote address at Saturday’s all-class dinner. Our new director of alumni affairs, Kristine Hoffmeister, along with her very capable assistant Dawna Carpenter, are both to be congratulated on a great weekend!

During reunion, we took a moment to honor former Dean Teitelbaum. His portrait joins those of all other former deans, a complete collection now gracing the walls of the Gould Reading Room. I’m sure the students, as they glance up from their studies, are inspired by the tradition of leadership they see.

As the school year began, we welcomed a bumper crop of 262 new students, studying for the LL.M. as well as J.D. degrees. It is always energizing to see the eager new faces enter Myron Taylor Hall, following in the footsteps of our illustrious alumni.

The articles in this issue of the Forum highlight the impressive work being done here. An example is Eduardo Peñalver’s essay on urban sprawl, an insightful analysis and proposal for dealing with our present gas crisis. The reach of our community members extends from human rights work to Internet initiatives by the Legal Information Institute.

This issue introduces some of our new faculty. Professors Colb, Dorf, Chafetz, Liivak, Ohlin, Thomas, and Whelan comprise an incredibly talented group. Together they bring new energy to our scholarly community. Myron Taylor Hall is bursting at the seams with activity in and out of the classroom.

I continue to be humbled by the extraordinary minds and personalities that share our common goal of being the best at what we do. John Blume’s article, “Dream of Justice,” which he eloquently presented at this past May’s convocation, reminds us all why we became lawyers. I am honored to have the opportunity to lead this Law School forward, helping “the arc of the universe bend toward justice.”

As I start my second term as dean, I hope you will join in our conversations and events. Do feel free to e-mail me or stop by to talk and let me know your ideas so that together we can continue Cornell’s tradition of educating lawyers in the best sense.

Happy reading,

Stewart J. Schwab

The Allan R. Tessler Dean and Professor of Law
dean@lawschool.cornell.edu
ABOVE: A member of the new class of law students.

ABOVE LEFT: The Reunion tent filled the Purcell Courtyard during the All-Class Reunion dinner.

LEFT: Assistant Dean Cramton ’83, John Stillman ’83, Dean Schwab, Jeffrey Feld ’83, and Katherine P. Ward Feld, M.B.A. ’82/J.D. ’83, reconnect during the Reunion barbecue.

ABOVE: Dean Teitelbaum’s son and wife look on as Dean Schwab and the artist, William Benson, unveil his portrait.
The End of Sprawl?

by Eduardo M. Peñalver

The collapse in the housing market is bad news for homeowners left to sift through the wreckage. But if there is any consolation to be found amidst the rubble, it may be that the inexorable spreading out that has characterized American life since World War II may finally be coming to an end. In light of the connections between car-dependent suburban development and a number of social ills, from climate change and the destruction of wetlands to social isolation of the poor and the elderly, the end can come none too soon.

The demise of sprawl is, in a sense, inevitable. The phenomenon is built on the twin pillars of low gas prices and cheap rural land, the combined effects of which have made far-flung homes affordable for middle-class Americans, who, not finding affordable housing in existing suburbs, can chose to “drive until they qualify.” Of course, gridlock in the suburbs, and the expenses of providing municipal services to sparsely populated communities, impose their own limits on how far we can spread out. As a result, the density of American metropolitan areas, which fell steadily in the post-war years, was already beginning to creep back up in the 1990s. Despite infrastructural restraints, the housing boom and cheap gas have continued exerting their centrifugal pressure on our living patterns, pushing the edge of new development farther and farther out into rural America. Over the past year or so, however, both of these
Despite infrastructural restraints, the housing boom and cheap gas have continued exerting their centrifugal pressure on our living patterns, pushing the edge of new development farther and farther out into rural America.

Over the past year or so, however, both of these forces have dramatically weakened, and the sprawling of our society may soon become a thing of the past.
forces have dramatically weakened, and the sprawling of our society may soon become a thing of the past.

As demand for real estate soared during the recent run up in prices, zoning restrictions in existing suburbs pushed much of the new construction necessary to meet that demand to the outer edge of metropolitan areas. But with credit tight and the demand for housing drying up, new construction in the exurbs is now grinding to a halt. The result is a decline in the building industry’s appetite for rural land on the urban edge.

The key question at this point is whether that decline will last. In the past, the sudden drop-off in demand for housing in the exurbs would have been merely a temporary hiatus, with builders biding their time until the housing market recovered and the outward push began once again. But sustained high gas prices may mean that the next building boom will take place, not at the edges of metropolitan areas, but far closer to their cores. People are more willing to drive twenty miles to work, burning a couple of gallons of gas a day in the process, when gas costs less than milk. But as gas prices climb, long car commutes become more of a financial burden and the price people are willing to pay for exurban homes suffers. This may not be enough to cause people to move, which is why demand for gas proves so inelastic in the short term, but it can influence where people choose to live when they are forced to relocate for other reasons.

In the debate over sprawl, proponents of the status quo have argued that suburban development has delivered for American homeowners a lot of home for very little money. Setting aside questions of taste and focusing on square footage, there’s a great deal of truth to this. But when the cost of transportation is factored in, the issue becomes far more complex. Housing that provides owners with no alternative to the private car is more expensive than it at first appears. That cost remained largely out of view when gas was $1.50 per gallon, but with gas prices nearly tripling over the past five years, and threatening to continue to increase for the foreseeable future, that hidden cost has jumped into the foreground. The average American family of four consumes roughly 1,500 gallons of fuel per year, so, barring a shift to more fuel-efficient vehicles, every $1 rise in gas prices costs about $1,500 per year, per family. The Center for Neighborhood Technology has created a very informative interactive map (available on their Web site) that allows visitors to compare the cost of housing-plus-transportation in different parts of various metropolitan areas. The (predictable) consequence is that, when transportation costs are included, housing far from urban centers becomes much more expensive in an absolute sense, and in many cases more expensive than housing in or near downtowns.

It should come as no surprise, then, that, during the present downturn, accompanied as it has been by rapidly increasing gas prices, homes located closer to urban centers or with convenient access to public transit are holding their value far better than houses in the car-dependent communities at the urban edge. In a widely noted white paper written for the group CEOs for Cities, Joseph Cortright found that the typical housing price drop in communities twelve miles from a central business district (CBD) was 2-4 percent higher than the drop for housing only two miles from the CBD. Moreover, he found, prices were more stable in metropolitan areas with strong urban cores than they were in those metro areas that lacked such a core. If prices at the pump remain high or even continue to increase, as many analysts expect they will, the eventual recovery of demand for new housing will not be accompanied by a resumption of America’s relentless march into the cornfields.

The death of sprawl will present policy makers with enormous challenges. Perhaps none will be greater than the need to provide new and affordable middle-class housing in areas that are already built up. Accommodating middle-class families in the era of high gas prices will mean increasing density, not just in urban centers, but also in existing suburbs, where growth is currently stymied by parochial and exclusionary zoning laws. Overcoming low-density zoning mandates so as to fairly allocate the costs of increased density will require coordination at a regional level. And this, in turn, will require us to overcome the balkanization of America’s metropolitan areas. Economist William Fischel’s influential theory of local government behavior predicts that local governments in fragmented metropolitan areas will regulate for artificially low residential densities, both to exclude land uses that consume more in government services than they generate in property tax revenue.
Accommodating middle-class families in the era of high gas prices will mean increasing density, not just in urban centers, but also in existing suburbs, where growth is currently stymied by parochial and exclusionary zoning laws.

and in order to capitalize within home prices the value of certain local government services, such as good public schools.

Professor Fischel recognizes that, given the incentives local governments face, fragmentation is likely to lead to increased sprawl. This predicted relationship between fragmentation and dispersion is by and large, though not universally, borne out by the empirical studies.

In the words of a 2006 memo by the Federal Reserve Bank of Boston, “research findings generally converge on the conclusion that fragmented government structure correlates with wider dispersion, i.e., more sprawl.”

Sprawl notwithstanding, Professor Fischel defends fragmented government because of the savings he thinks are generated by competition among local governments. Critics of (aspects of) Professor Fischel’s theory, such as Lee Fennell, have pointed toward some of the pernicious social consequences of allocating certain services (such as education) through suburban housing markets. And many first-year property students have read the Mount Laurel line of cases, in which the New Jersey Supreme Court attempted to grapple with some of those consequences by requiring suburban governments to accept their “fair share” of low-income housing. Transportation costs represent a neglected piece of this puzzle. Even if Professor Fischel is right that fragmented local governments deliver certain services more efficiently than would a consolidated metropolitan government, in an environment in which rising gas prices exceed our ability to adapt by switching to more efficient automobiles, at some point the higher cost of moving people around within such a system will swamp out those benefits. The problem of climate change represents another cost of this auto-dependent system. Thus, even if gas prices come down, or automakers come up with a cheap electric car, we will have to grapple with the immense energy costs that fragmented local government encourages.

Unless we are to consign lower-middle-class Americans to a life on the sprawled-out metropolitan fringe (or in tent cities), spending an increasing portion of their income to fuel their cars, we need to find ways to develop more affordable housing within the existing metropolitan footprint, where pedestrians, cyclists, and straphangers have a fighting chance. It is true that many suburban residents have nothing to do with the center city and that roughly half of commuters are suburb-to-suburb. Even if they move back toward the core, commuters who work in far-flung suburbs are still going to have to commute, probably by car. On the other hand, travel to work is just one way that people use cars, and moving from the outskirts of a metropolitan area to a walkable, transit-friendly neighborhood in a closer-in suburb or a city center would help to eliminate reliance on cars for trips to the store, to school, to church, to the gym, etc. One recent study found that residents of New Urbanist, transit-oriented developments made roughly 50 percent fewer vehicle trips than residents of traditional suburbs. Shifting back toward the center is obviously not the whole solution, but it is one way to reduce dependence on the car.

Given the incentives Professor Fischel describes local governments as facing, however, it is unlikely that existing governments will consent on their own to the provision of much low- and moderate-income housing within their borders. The solution seems to be either the creation of legal doctrines, like Mount Laurel, that impose obligations on local governments to consider the good of the region in their land-use decisions, or the shifting of land-use decision-making authority to higher levels of government, either at the regional or state level. This shift toward a more regional outlook will likewise force us to rethink how we fund and deliver services currently provided by local governments, most obviously (and explosively) public education.

Although the end of sprawl will require many painful changes, it will also provide us with a badly needed opportunity to take stock of the car-dependent, privatized society we have become over the past fifty years and to begin to imagine different ways of living with each other and of governing ourselves. When all is said and done, we may be surprised by what we find. We may discover that it’s not so bad living closer to work, in pedestrian-friendly, diverse neighborhoods where we run into friends and neighbors as we walk to the store, the school, or the office. We may even find that we don’t miss our cars and commutes, and the culture they created, nearly as much as we feared we would.

Eduardo M. Peñalver is a professor of law at Cornell Law School.
CORNELL LAW SCHOOL’S INTERNATIONAL HUMAN RIGHTS CLINIC

Making a Difference for People Across the Globe

by LINDA BRANDT MYERS

“If you want to have a defining moment in your Cornell Law School career,” says Jocelyn Getgen ’08, “enroll in the International Human Rights Clinic.”

Ms. Getgen credits Professor Sital (pronounced She-tal’) Kalantry with making one of the newest clinics at Cornell Law School—it was first offered in fall 2007—much more than just a course.

The clinic combines the study of international human rights law with research into live cases involving human rights abuses of individuals, explains Professor Kalantry. That gives students the experience of applying the laws they learn by defending people whose rights have been violated and crafting remedies for wrongs, she says.

“It’s important to have clinics focusing on and promoting international human rights,” says Professor Kalantry. “The work of human rights clinics gives substance and credence to an international body of human rights laws that nations have agreed to adhere to.”

As part of the International Human Rights Clinic, Ms. Getgen and classmate Steven A. Koh ’08 traveled to war-torn Colombia to do field research last December for a report they presented in March to the Inter-American Commission on Human Rights in Washington, D.C., in a publicly broadcasted hearing. The students’ findings may lead to improved access to education among Colombia’s most marginalized citizens—indigenous people and those of African descent.

The Commission monitors human rights under the auspices of the Organization of American States. The United States is an OAS member, as are thirty-four other countries, from Canada to Chile. “Our field work and report are part of a larger project to draw attention to the serious violations by countries in the Americas of the right to education of Afro-descendants and indigenous peoples,” says Professor Kalantry. “The fact that the Inter-American Commission
“How a country deals with human rights is a fundamental marker of its legal system.

The fact that some of our students already were engaged in international human rights efforts made offering a clinic on that subject the natural next step,” said Dean Schwab.

Civil and political rights tend to overshadow other human rights in the public’s mind, but economic and social human rights, among them the right to education, also were included in the Universal Declaration of Human Rights adopted by United Nations members in 1948, points out Monika Kalra Varma, who directs the Robert F. Kennedy Memorial Center for Human Rights (RFK Center). The Center, a private nonprofit that works to advance human rights work around the world, incorporated the report on Colombia with an additional one on access to education in Guatemala by students in a human rights clinic at University of Virginia Law School.

The right to education is fundamental, says Ms. Varma. “There’s no way to live with dignity if you don’t have access to it. Governments recognize the right but don’t put the resources into it or ensure it’s equally applied.” That won’t change unless such failures are quantified and contested, she says.

Ms. Getgen and Mr. Koh began researching their report using as many sources as possible and wrote it over fall break. But because of Colombia’s five-decade-long civil war, there was little data to draw from, most of it old. “We knew our findings would be strengthened if we could go there and talk to people and add their individual stories and document instances where access to education was impossible,” says Ms. Getgen, who was a government major as a Cornell undergraduate.

Over Thanksgiving break they wrote a proposal to Stewart J. Schwab, the Allan R. Tessler Dean of Cornell Law School, asking for funding to do that. “I realized our students had a unique opportunity and this trip was essential to the success of their project, and I was glad we had the resources to make it happen,” says Dean Schwab, who tapped into a special fund to aid their quest. In Colombia the students visited slums and camps for displaced persons and indigenous reservations and schools, meeting with nearly 100 people, including Afro-Colombian leaders, indigenous school teachers, education reform activists, a justice on Colombia’s Constitutional Court, a vice minister for education, and a Law School alumnus, Juan Carlos Esquerra, LL.M. ’73, who had been minister of defense and ambassador to the United States, and is now a practicing lawyer.

Working in an environment with an active conflict sometimes challenged the students. “It was eye-opening to see people who had been forced out of their communities at gunpoint and were now living in camps without access to health and sanitation, some with mental health issues,” says Ms. Getgen.

“When we were traveling the country we saw men with machine guns in military fatigues at the side of the road,” recalls Mr. Koh. “But
I felt as comfortable as you can feel in that sort of situation because Professor Kalantry and the RFK Center had done a great job of preparing us and making contacts.”

Among their draft report’s findings: 33.4 percent of Colombia’s indigenous population and 31.3 percent of its Afro-Colombia population are illiterate—nearly three times the rate of the remaining population. The problem of unequal access to education is exacerbated by a lack of quality teachers, especially in poorer regions, dilapidated school buildings or none at all, and fees to matriculate and for uniforms and transportation that poor families can’t afford. The ongoing conflict in Colombia has taken its toll as well, with less money in the national budget allotted to education, and—even more alarming—children being forced out of their communities at gunpoint and were now living in camps without access to health and sanitation, some with mental health issues,” says Ms. Getgen.

Working in an environment with an active conflict sometimes challenged the students. “It was eye-opening to see people who had been forced out of their communities at gunpoint and were now living in camps without access to health and sanitation, some with mental health issues,” says Ms. Getgen.

Professor Kalantry. As proof of their success, “our clients were exceptionally happy with the results and have come back with new projects.”

The International Human Rights Clinic came about after Cornell Advocates for Human Rights, a small group of law students, including Ms. Getgen, saw the need and lobbied for it in 2005–06. The group was already working on human rights issues for United Nations-affiliated non-governmental organizations when they made their case to Dean Schwab. It was an easy decision, says the dean. “How a country deals with human rights is a fundamental marker of its legal system. The fact that some of our students already were engaged in international human rights efforts made offering a clinic on that subject the natural next step.”

Aware that Professor Kalantry had taught a well-received human rights clinic at Yale Law School, he invited her to develop one for Cornell Law School as well as teach the school’s related Asylum and Convention Against Torture Appellate Clinic after its previous instructor left.

Professor Kalantry believes her heritage predisposed her to advocate for the rights of others. Born in India, she moved to the United States with her parents when she was four but spent summers with her grandparents in the same dirt-poor village in India where her parents had grown up. The contrast made a profound impression. “I realized that if my mother and father hadn’t come to this country I’d be a different person. I knew that I had an obligation to make the lives of others better,” she says.

A former Cornell government major who graduated magna cum laude in 1994, she went on to study economic development at the London School of Economics, then law at the University of Pennsylvania before joining Milbank, Tweed, Hadley & McCloy, where she practiced private international law.

Then, as part of the human rights clinic she co-taught at Yale in 2005–06 with Harold Koh, dean of Yale Law School, she filed an amicus brief with her students in Hamdan v. Rumsfeld, the 2006 Supreme Court case concerning the legality of military commissions in Guantánamo. “After that I was convinced that human rights advocacy work in an academic environment, with time to reflect on the strategy and substance of cases, was what I really wanted to do,” says Professor Kalantry.

“I watched Sital evolve as a human rights lawyer and teacher,” says Dean Koh, who, coincidentally, is the uncle of Professor Kalantry’s former Cornell student Steve Koh. “She was knowledgeable, extraordinarily hard-working, and deeply committed to human rights,” says Dean Koh. “Students found her inspirational. I think anyone who gets to be represented by her, or study with her, is lucky.”

“I want to give students a broad exposure to the ways human rights tools for accountability are used,” says Professor Kalantry about the way she structures the clinic. She offers a classroom component on the foundations of international human rights law; a practical component in which teams of students work on actual cases; a primer on lawyering skills, such as how to interview a client who may have suffered atrocities; and lessons on advocacy work and the media.
drafting and filing a brief to a U.S. federal appeals court arguing that deporting a client to Haiti, where he was likely to die in prison for lack of medication, food, and water, violated U.S. obligations under the U.N. Convention Against Torture;

writing a training manual on fair trial standards for trial court judges in India, which will be adopted by the Indian Judicial Academy in its training program for new judges;

drafting an amicus brief on behalf of Paul Hunt, the U.N. Special Rapporteur for Health, for a case before the European Court of Human Rights involving a woman petitioner who requested and was denied prenatal testing in her native Poland.

Lisa Newstrom ’08, who worked on that amicus on reproductive rights with Vannina C. Ettori, an ’08 LL.M. graduate, explains: “Decisions involving international law have said women have the right to obtain reproductive health care. Where a woman was effectively denied that care by the state health system, we argued that the woman’s country failed to meet its obligations to protect her reproductive rights under the European Convention on Human Rights. It was exciting to draft a document for a case that could lead to a landmark decision.”

One reason Ms. Newstrom enrolled in law school: “I saw how much of a difference effective advocacy can make in someone’s life.” A bilingual special education teacher in Austin, Texas, before coming to Cornell Law School, she was moved to write a letter to a judge on behalf of the immigrant father of one of her special-needs students showing how deporting the father would cause the son great harm.

The clinic experience touched the same chord. “I saw that for Professor Kalantry, whether it’s asylum law or the International Covenant on Civil and Political Rights, this is not an abstract sort of clinic,” observes Ms. Newstrom. “All those instruments can make a difference in people’s lives.”

Other projects her students tackled in 2007-08 include:

- drafting and filing a brief to a U.S. federal appeals court arguing that deporting a client to Haiti, where he was likely to die in prison for lack of medication, food, and water, violated U.S. obligations under the U.N. Convention Against Torture;
- writing a training manual on fair trial standards for trial court judges in India, which will be adopted by the Indian Judicial Academy in its training program for new judges;
- drafting an amicus brief on behalf of Paul Hunt, the U.N. Special Rapporteur for Health, for a case before the European Court of Human Rights involving a woman petitioner who requested and was denied prenatal testing in her native Poland.

Lisa Newstrom ’08, who worked on that amicus on reproductive rights with Vannina C. Ettori, an ’08 LL.M. graduate, explains: “Decisions involving international law have said women have the right to obtain reproductive health care. Where a woman was effectively denied that care by the state health system, we argued that the woman’s country failed to meet its obligations to protect her reproductive rights under the European Convention on Human Rights. It was exciting to draft a document for a case that could lead to a landmark decision.”

One reason Ms. Newstrom enrolled in law school: “I saw how much of a difference effective advocacy can make in someone’s life.” A bilingual special education teacher in Austin, Texas, before coming to Cornell Law School, she was moved to write a letter to a judge on behalf of the immigrant father of one of her special-needs students showing how deporting the father would cause the son great harm.

The clinic experience touched the same chord. “I saw that for Professor Kalantry, whether it’s asylum law or the International Covenant on Civil and Political Rights, this is not an abstract sort of clinic,” observes Ms. Newstrom. “All those instruments can make a difference in people’s lives.”

Key Inter-American Declarations and Treaties

- American Declaration of the Rights and Duties of Man (entered into force in 1948)
- American Convention on Human Rights (signed by the U.S. in 1977; not ratified)
- Inter-American Convention to Prevent and Punish Torture (not signed or acceded to by the U.S.)
- Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (not signed or acceded to by the U.S.)
Alumni on the Front Lines of the Habeas Battle

by LINDA BRANDT MYERS

Gitanjali S. Gutierrez ’01 took a long, deep breath when the Supreme Court’s 5-4 decision in Boumediene v. Bush was announced June 12.

The ruling, which holds that prisoners at Guantánamo Bay, Cuba, have a right to challenge in federal court their continued detention, was the one she and six other Law School alumni had been hoping for.

A staff counsel with the Center for Constitutional Rights (CCR) in lower Manhattan, she was the first “habeas” lawyer in the United States to go to Guantánamo. Without the right of habeas corpus, “we risk being a constitutional democracy on paper but not in practice,” says Ms. Gutierrez. That right, which has ancient roots as well as a clause in the Constitution, allows people to seek relief from unlawful detention by defending themselves against charges in court.

A Brief History of the Habeas Issue Post-9/11:

In 2002 the United States began shipping detainees from the war on terror in Afghanistan and twelve other countries to a prison on a U.S. naval station in Guantánamo. Chosen by the Bush administration because it sought tougher treatment for terrorists than U.S. law provided, the prison seemed beyond the reach of the law.

Soon after, lawyers for CCR began filing habeas petitions on behalf of Guantánamo prisoners. They were not permitted to meet with their clients or even learn their names, however, until the June 2004 Supreme Court decision in Rasul v. Bush, which held that the habeas statute extends federal courts’ jurisdiction to U.S. territories beyond our borders.
Having endured both harassment and torture, "many had given up, shut down," Gitanjali S. Gutierrez '01 says. "My listening to their stories about being wrongfully detained, and talking about getting in touch with their families broke some of the numbness."
US military police escort a detainee to his cell in Guantánamo Bay (top). Detainees exercise in camp (below).
On her first trip to Guantánamo after the Rasul ruling, Ms. Gutierrez discovered that many of the prisoners were innocent men picked up in post-battle sweeps or falsely accused by others who stood to gain from turning them in.

Having endured both harassment and torture, “many had given up, shut down,” she says. “My listening to their stories about being wrongfully detained, and talking about getting in touch with their families broke some of the numbness.”

Before her trip she and Michael Griffinger, a lawyer at Gibbons, where Ms. Gutierrez had been a fellow, launched a CCR-Gibbons initiative to ask major U.S. law firms to take on Guantánamo prisoners as clients. Robert C. Kirsch ’83, a partner at Wilmer Hale, volunteered along with Lynne C. Soutter ’03, an associate, and more than a dozen others at the firm’s offices worldwide. “Pro bono is a core value at our firm,” notes Mr. Kirsch, who praises Wilmer Hale management’s swift approval of their work on what became a “high-profile, controversial case and the most intense pro bono effort I’ve been involved in.”

Their team’s clients are Lakhdar Boumediene and five other Algerian-born Bosnian citizens who, in 2001 had been accused by the U.S. government of a suspected plot—since disproved—to blow up the U.S. and British embassies in Bosnia. Following their arrests by Bosnian authorities in October 2001 and an investigation that found them innocent, the Bosnian Supreme Court ordered their release from custody. Instead, they were illegally handed over to the U.S. military and deported to Guantánamo in January 2002, where they remain, not yet charged with a crime.

“It’s easy to get into Guantánamo but hard to get out,” notes Mr. Kirsch, who has made more than fourteen trips to the prison to meet with clients. “It takes the coordination of the state defense and departments of two governments to get out. Without that, you’re stuck.”

Ms. Soutter, who has twice made trips to Guantánamo when pregnant, says traveling there is essential. “It’s the only way to get a clear message across, get affidavits from our clients.” When the Supreme Court, which had first decided not to hear their case, reversed its decision, “we didn’t even know if these men were aware of it.”

More background: The Rasul ruling led to the government’s establishing “combatant status review tribunals,” panels of military officers before whom prisoners could contest whether they were enemy combatants. But Congress also passed the Detainee Treatment Act (DTA) in December 2005, which took away the statutory right to habeas for the detainees at Guantánamo. However, the Supreme Court, in its June 2006 Hamdan v. Rumsfeld decision, rejected the jurisdiction-stripping aspects of the DTA. In response, Congress passed the Military Commissions Act in September 2006, which made it clear the DTA applied both to old and pending cases for all Guantánamo prisoners.

Without the right of habeas corpus, “we risk being a Constitutional democracy on paper but not in practice,” says Ms. Gutierrez. That right, which has ancient roots as well as a clause in the Constitution, allows people to seek relief from unlawful detention by defending themselves against charges in court.
“As U.S. Supreme Court Justice Sandra Day O’Connor wrote for the court in *Hamdi v. Rumsfeld*, ‘a state of war is not a blank check for the President.’ Hopefully this [period in U.S. history] is an aberration. There is another America out there, and we can bring it back with the rule of law.”

In February 2007 the Court of Appeals in Washington, D.C., ruled that Guantánamo detainees could not challenge the Military Commissions Act because they did not have constitutional rights.

As Ms. Soutter notes, the Supreme Court at first declined to hear an appeal to that case, then agreed to hear it, leading to the landmark ruling this June in *Boumediene v. Bush*. The six Bosnians that Mr. Kirsch, Ms. Soutter, and Ms. Gutierrez are defending were part of the lead case in that appeal. “The Supreme Court decision is momentous,” says Ms. Soutter. “We look forward to finally having the opportunity to represent Mr. Boumediene and our other clients.”

Other Cornell Law School graduates doing related work are Jeffrey L. Hogue ’99, a technology expert who built a sophisticated computer network that links lawyers engaged in legal defense efforts for Guantánamo prisoners; Francesca L. Miceli ’05, an associate at Bingham McCutcheon, and Eliot J. Walker ’06, a Dechert associate, who are working on detainee cases.

Why are Cornell and other law school graduates so passionate about the issues in those cases?

“The concept of an unending war in which the law doesn’t apply is an attack on the rule of law,” says Mr. Kirsch. “It’s antithetical to anything we learned in Law School. This is a fight about the limits of authority of our presidency.”

“These are such significant changes in the law it will take more than my generation to get us back where we should be,” declares Ms. Gutierrez. “But as an American citizen with a law degree I can’t imagine doing anything else right now.”

“I find the erosion of the rule of law and executive disregard for the facts are an affront,” says Tina M. Foster ’00. A former CCR staff counsel who has defended Guantánamo prisoners, Ms. Foster helped found the International Justice Network (IJN). Mr. Hogue and two other Law School alumni, sit on IJN’s board. The nonprofit is the only organization taking cases on behalf of the estimated 30,000 people held without charge in U.S. custody in Afghanistan and other locations around the world, some moved there from Guantánamo. Several are American citizens. “Essentially they are in a legal black hole,” she says.

Being on the frontlines of the habeas battle is not for the faint-hearted. “I get hate mail and threats, and my phones are tapped because the U.S. thinks my clients are bad people,” Ms. Foster says. “But I see what I do as a duty. It is fundamentally un-American to hold people indefinitely in prison on nothing more than they look suspicious because they are dark-skinned Muslims. If most people stop and think, they can see the injustice of it. But for some, thinking about it is too scary.”

“What excites us lawyers is a lot of these issues are relatively new humanitarian and human rights law,” says Avidan Y. Cover ’02. A former Human Rights First senior counsel who monitored trials of military personnel accused of mistreating prisoners at Abu Ghraib in Iraq, Mr. Cover says: “The Bush administration has taken an antagonistic attitude toward the law. But as U.S. Supreme Court Justice Sandra Day O’Connor wrote for the court in *Hamdi v. Rumsfeld*, ‘a state of war is not a blank check for the President.’ Hopefully this [period in U.S. history] is an aberration. There is another America out there, and we can bring it back with the rule of law.”
Military Police bring a detainee to an interrogation room for questioning. (Top). An interrogation room at Camp X-Ray, Guantánamo Bay (below).
"It all started because I bought an Apple computer when I was dean in the 1980s," said Professor Peter W. Martin. Then he looked for ways to make legal materials available in the new medium. And, he recalls, "Tom Bruce sat in on a course I was teaching, and I consulted with him."

As a result of that consultation, Thomas R. Bruce and Peter Martin formed the Legal Information Institute (LII) in 1992. At that time, there were fewer than thirty Web sites in the world, and fewer than 100 programmers and writers understood Web technology. To make LII materials available to lawyers, Mr. Bruce wrote the first Web browser for Microsoft Windows.

Sixteen years later, the LII is the preeminent source of legal materials on the Internet. Twenty legal information institutes in as many countries got their inspiration from Cornell’s LII. With over 6.5 million page views a week, and more than one million links to LII materials from other Internet sites, the LII has brought a large national and international audience to Cornell Law School, carrying the Law School’s name around the world.

Jack Lewis ’69, sees the LII as a great benefit to the Law School. “I’m amazed at how important public relations is for universities today,” he said. “In my era, it was nonexistent.” Mr. Lewis, Senior Counsel with Morrison Foerster, has helped entrepreneurs develop effective business strategies for thirty years. “Whenever people learn that I went to Cornell, they immediately ask..."
more than 1 million links to LII materials from other sites

It all started because I bought an Apple computer when I was dean in the 1980s, and I looked for ways to make legal materials available in the new medium.

The LII is not simply about making legal information available on the Web. We create technologies and standards that enable others to create collections of law. We also deliver innovative forms of content, like the LII Bulletin.
The LII maintains a complex Web site of more than

about the LII,” he said. “You can pay a lot of money for such great public relations!”

“The LII is not simply about making legal information available on the Web,” explained Mr. Bruce. “We create technologies and standards that enable others to create collections of law. We also deliver innovative forms of content, like the LII Bulletin.” In this way, the LII has gathered an enthusiastic group of users, from practicing lawyers to health professionals, political science professors, high school classes, and concerned citizens.

Donald R. Frederico ’79, a senior litigator at Greenberg Traurig, noted that the LII is particularly useful when on the phone with a client. “A federal statute might be relevant, and I can look it right up, without having to leaf through a book,” he said. Katherine B. Nachod, at the Law Library of Louisiana, said “Knowing where to find things is what my job as a librarian is all about, and when I want information about U.S. Supreme Court opinions, I know I can find it on the LII Bulletin!” And Robin Ashley, like thousands who come to the LII to read the work of the Supreme Court without media filtration, said “I read the LII to hear opposing points of view and learn where the election could change things.”

Along with users from around the globe, the LII has also supported Cornell Law School faculty and students with interdisciplinary research initiatives and a new student journal.

**The LII Bulletin**

Begun in 1997, the LII Bulletin has become a respected, if non-traditional, student publication. In 2008, seventy-five students competed for twenty-four available writing positions on the Bulletin. Heidi Guetschow ’08, who served as the 2008-2009 editor-in-chief, said she wanted to help increase accessibility to the world of law. “We try to put procedural and technical issues in context and explain why they are important to the way the country works and the way we all live our lives,” Ms. Guetschow said.

Most importantly, because Bulletin associates write analyses of Supreme Court cases, their readership includes a wide range of people, many of whom respond directly to the associates by e-mail. This unique interactive feature of the Bulletin helps students enjoy the hard work they put into it, Ms. Guetschow said. Serving on the Bulletin, she concluded, “was the highlight of my Law School career.”

**Faculty Research**

Recently, Mr. Bruce has become part of a multidisciplinary group of faculty on the Cornell e-Rulemaking Initiative (CeRI). Federal regulatory agencies, such as the Department of Transportation, have begun to use the Internet and other information technologies in making the rules they issue to comply with federal legislation. Claire Cardie, the Charles and Barbara Weiss Director of Information Science at Cornell, asked Mr. Bruce and Cornell Law Professor Cynthia Farina to join in obtaining a multi-year, $750,000 grant from the National Science Foundation to research the use of computers to help rule writers analyze comments they receive from the public on proposed rules.

Professor Cardie explained their collaboration as follows: “I incorporate natural language processing algorithms [for analyzing the content of comments] into the rule-writer interface that Tom is responsible for designing and managing. Cynthia and Tom ensure that it makes sense from the rule writer’s point of view. Erica Wagner, a professor at the Hotel School, is working with user studies to see how the natural language program, interface, and user interact.”

Professor Farina was amazed at how the LII opened doors with government agencies. “Everyone already knew that Cornell was a serious player,” she said. “That’s because the LII is what government people have used for years to get access to legal materials. (See related item about collaboration between LII and the IRS on page 43.) In the university environment, Westlaw and Lexis are available with no visible cost to faculty and students, so we have no idea how important the LII is to the public sector.” Professor Farina emphasized that Cornell is uniquely situated to play a major role in e-rulemaking. “None of the other teams working on this can bring our combination of skills,” she said. “The LII is the only group in the U.S. with so much experience in presenting complex legal material in an accessible form.” However, she expressed her frustration that “Right now, the LII doesn’t have enough resources to take on a larger role in our research.”

**Funding the LII**

At present, the LII staff is stretched to its limit. Along with the projects mentioned above, and more, the LII maintains a complex Web site of more than 180,000 pages—all with only six people. Tim Stanley, founder of FindLaw and chief executive officer of Justia.com, said “The
incredible work at LII is beyond incredible when one looks at the small team making it go.”

While the Law School provides space and salary support, many LII activities receive additional funding from grants, the consulting work of its co-creators, and gifts. Since the LII’s first site-wide campaign in June 2000, thousands of LII users, with no other connection to Cornell beyond their interest in the LII, have made donations equivalent to $8.2 million in endowment funds.

The LII Future

Mr. Bruce and Professor Martin have always known that, as more and more legal materials become available on the Internet, the LII must continually reinvent its mission. “Over time, there’s been less and less running room,” Professor Martin emphasizes.

Mr. Bruce describes the LII’s next steps. “First, we need to create technologies and standards that make independent collections of law work together,” he said. “That means a lot of international collaboration. The second focus,” said Mr. Bruce, “is to create new forms of content. We must continuously reinvent public information,” he explained. Finally, he wants the LII to be a convener of interdisciplinary conversations, such as the e-Rulemaking project.

In 2004, Professor Martin retired from the LII, handing the full directorship to Mr. Bruce. “With Tom as director, the LII is in incredibly good hands,” Professor Martin said. Looking back over the last sixteen years with the LII, he said, “I consider myself immensely fortunate to have chanced upon this incredible colleague. It’s always been a rich exchange that has taken me places I never would have gone alone.”

To make a donation to LII go to: http://www.law.cornell.edu/donors/

LII Bulletin

Begun in 1997, the LII Bulletin has become a respected student publication. In 2008, seventy-five students competed for twenty-four available writing positions on the Bulletin. Heidi Guetschow ’08, the 2008-2009 editor-in-chief, wanted to help increase accessibility to the world of law through her work on the Bulletin. Serving on the Bulletin, she said, “was the highlight of my Law School career.” Bulletin associates write analyses of Supreme Court cases and many of their readers respond directly by e-mail. “This unique interactive feature of the Bulletin helps students enjoy the hard work they put into it,” Ms. Guetschow said.

The Bulletin reaches 16,000 people by e-mail and, thanks to the help of René D. Harrod ’97, it reaches another 15,000 through republication in the Federal Lawyer. The Federal Lawyer is the magazine of the Federal Bar Association and is distributed to all lawyers who practice in federal courts, all Article III judges, and all members of Congress.

Statistics

- The LII Web site gets 11% of Cornell’s Internet traffic. (The Cornell Library and Cornell Information Technologies run second, at 9% each.)
- This translates to 6.5 million page views per week for the LII (www.cornell.edu receives about 300,000 per week.)
- Over 1 million other sites link to the LII.

The American Legal Ethics Library

With initial funding from the W. M. Keck Foundation, Roger Cramton, now the Robert S. Stevens Emeritus Professor of Law, contacted blue-ribbon law firms to write narratives describing the regulations governing legal ethics in twenty-two states. The result, the American Legal Ethics Library, is now available on the LII Web site, under the editorial leadership of W. Bradley Wendel, professor of law at Cornell. “I see myself as continuing Roger’s good work,” says Professor Wendel.
I have been given lots of advice by some of my colleagues regarding this address—some solicited, some not. But the consensus was to keep it short and to keep it light: the emphasis being on brevity. I will try to be brief, but I will probably not be that “light.” That is because I want to use my time this afternoon to talk to you about several critical moments you will—almost inevitably—confront in your career as a lawyer, and to try and give you some things to remember when those moments come. And the best way I know how to do it is to use those moments in my work on behalf of the men and women of death row to illustrate the points I wish to make.
Now, we may have different views about the death penalty, reasonable minds can certainly differ about capital punishment, and my purpose here today is not to change your mind about it, but to try and use some experiences from my life as a lawyer working for the condemned to make several points. But my choice of topics means that it will not be light—there are not a lot of good jokes that begin with “Two executioners walked into a bar” or “What did one death row inmate say to the other?”

So, here goes.

I believe that in every lawyer’s career, there will come a moment (or moments) that will define who you are as a lawyer and as a person.

And I also believe that in every lawyer’s career there will be a moment (or moments) that will challenge you and when you will wonder if you can—or should—go on.

In my career, my “definitional” moment came in the late 1980s. I represented a South Carolina death row inmate named Leroy Drayton, who was on death row for the murder of a young white woman in Charleston, South Carolina. Mr. Drayton was African American. In the post-conviction proceedings, we presented what I thought was overwhelming evidence that, while not exonerating our client, did show that the crime was not capital murder and that the state’s theory of the crime—that Mr. Drayton kidnapped and sexually assaulted a stranger—was not true. Rather, our investigation revealed that Mr. Drayton and the victim had an ongoing and long-standing romantic relationship. If true, this negated the kidnapping and criminal sexual conduct aggravating circumstances and our client should never have been sentenced to death.

We lost. The judge who presided over the hearing determined that our witnesses who testified to the relationship (all of whom happened to be African American) were lying and that the victim’s friend, who testified simply that she knew that the victim would never have a relationship with a black man and if she had she would have told her about it, was telling the truth. We immediately began to do some research about this judge and found out (a) that when he was a member of the state legislature he sponsored a number of bills opposing integration, (b) that he belonged to a number of different social clubs which did not allow African Americans to join, and (c) that he also sponsored a bill that would make it a felony to give a white person a blood transfusion from an African American without telling them first. So, we had to decide whether to move to recuse him. My co-counsel did not want to do it, and truthfully, I was not that thrilled about the prospect of doing so.

He was a powerful judge in a small state and I was a relatively new lawyer. But, after thinking about it, I decided that I owed it to my client to file the motion. It was the right thing to do, and if I compromised on that, what kind of lawyer would I be. I filed the motion and the hearing was very ugly. At one point the judge threw an affidavit detailing our investigation at me.
And when it does,  
I encourage you to remember that despite all the lawyer jokes and the misperceptions of lawyers and what they do in our society, that ours is indeed an honorable profession. But its honor belongs to all of us, and it is in those moments that you choose whether it will remain an honorable profession in the years to come and for the generations of lawyers that will follow you. The honor of our profession is now yours collectively to protect, and if you compromise its honor, you damage not only yourself, but all of us.

There will also come moments which will challenge you as a lawyer to such a degree that you will wonder whether you can—or should—go on. Again, let me tell you about mine. In a six-week period, from December of 1998 through January of 1999, the state of South Carolina executed six men. Five were African American, the sixth was Native American. Five of the six were represented by either or both Professor Sheri Lynn Johnson [assistant director of the Cornell Death Penalty Project] and myself. Professor Stephen P. Garvey was involved in one of the cases. I had represented four of those clients for a total of forty years.
All of the cases went down to the bitter end, with hard fought battles in the state and federal courts and other last minute attempts to “cheat the executioner.” But, all six were executed, more or less on time; two of them—two brothers—were executed the same night.

I personally watched two of them die—and for better or worse—mine was the last friendly face they saw in this world.

For me personally, I came out of that hellish six weeks riddled with self-doubt, as low as I could get, and all of us who worked on the cases wondered whether we had done all we could for those six men, whether we made the right judgment calls, whether we had fought hard enough. We psychoanalyzed (and cursed) the courts and wondered whether we were beating our heads against the wall or whether we were like Sisyphus trying to roll the boulder up the hill. It was, to borrow a phrase from Dickens, the “worst of times.”

But then, out of the ashes of our despair, very unusual things started to happen. We heard that the state supreme court was “troubled” by what happened, by the evidence of race discrimination in several of the cases, strong evidence of possible innocence in another, and the execution of a highly decorated Vietnam veteran. But more than being troubled, things started to happen. Several months later, for the first time in over a hundred years, the court granted one of our clients, Sterling Spann, a new trial on the basis of newly discovered evidence of innocence and in April of that year, on a bright Carolina spring day, I walked with Sterling out of the prison into the free air. And since then, that court has done things they have never done before—granting new trials due to our clients and other death-sentenced inmates, finding ineffective assistance of counsel, prosecutorial misconduct, and withholding of exculpatory information. The United States Court of Appeals for the Fourth Circuit, the most parsimonious court in the country in habeas corpus cases, granted one of our clients a new trial (after essentially being forced to by the Supreme Court of course) and that client—Michael Williams from Virginia—is no longer on death row. The Supreme Court reversed the death sentences in another two of our clients’ cases (Bobby Holmes and William Weaver), and also saved several other clients by holding that juveniles and persons with mental retardation cannot be executed. So, since then, while there have been dark moments, and while cases have been lost and some inmates executed, it has, in many respects, been the “best of times” to be a capital defense lawyer.

Now again, your challenging moment will not likely be like mine. But it will come. It may come if you are a plaintiff’s lawyer and you put your heart and soul into a case, and you are convinced the evidence is overwhelming, and the jury finds for the defendant. It may come when a deal in which you have invested hundreds of hours falls through at the end and someone thinks it is your fault. It may come, as a prosecutor or public defender, when you lose a trial you
are convinced you should have won. It may come in numerous different ways, but it will come. You can be assured of that. It is the “nature” of the “legal beast.” And when it does, remember, that there are better days ahead—our system of justice is not perfect, far from it—but it is still superior to most other systems. And sometimes, you have to dig deep, pull yourself up, shake off your self-doubt and press on.

Martin Luther King, Jr., used to say that the “moral arc of the universe is long, but it bends towards justice.” I choose to believe that, sometimes even in the face of evidence to the contrary.

I choose to believe that when I dream about a day when the U.S. will not be the only Western Democracy in the world that executes its citizens.

I choose to believe that when I dream about a world where the kind of justice a person receives in the criminal or civil courts is not dependent on their ability to pay for it.

I choose to believe that when I dream about living in a country that does not have the highest incarceration rate in the world.

I choose to believe that when confronted with injustice in any form.

Your dreams may not be my dreams, and that is good, but I hope you also choose to believe that the arc of the universe bends towards justice and that your job—as a lawyer—is to help it bend a little quicker than it would otherwise bend if you had not chosen to go to law school and to enter the legal profession.

You have now become trustees of justice, and it is a sacred trust. So, dream—and dream of justice—but remember, as Langston Hughes said in his great poem the “Dream of Freedom,” “[t]o save the dream for one, it must be saved for all.”

John H. Blume is a professor of law at Cornell Law School and director of the Cornell Death Penalty Project. The graduating students selected Professor Blume to be the faculty speaker at their final convocation.
Ndulo Works to End Violence in Kenya

The devastating political violence that ripped through Kenya in early 2008—leaving thousands dead and hundreds of thousands displaced—stemmed in part from a dysfunctional constitution and ineffectual land and electoral policies. Cornell Law School professor Muna B. Ndulo is helping to resolve these problems. “The idea is to ensure that the Kenyan government sees what the options are,” says Professor Ndulo, “and that in the end, they can have something that they can live with and that can work.”

Professor Ndulo, director of Cornell University’s Institute for African Development, recently returned from Kenya. There, he and officials from the International Development Law Organization (IDLO), offered technical support in the implementation of the Kenya Peace Agreements, which aim to reform Kenya’s legal infrastructure and perhaps prevent further violence. Professor Ndulo’s commitment to such goals has been evident in his work with the United Nations, on the UN Commission for International Trade Law and as political adviser to the UN Mission in South Africa. He continues to advise UN Missions in East Timor and Kosovo and has played a similar role in Afghanistan.

Turmoil in Kenya erupted in late 2007 when incumbent Mwai Kibaki was declared president over Raila Odinga in what international observers have called a rigged election. In February 2008 Odinga and Kibaki agreed to form a coalition government and reform key governmental policies.

Professor Ndulo and IDLO colleagues are offering technical support, legal provisions and best practices as the coalition government begins negotiations. The ruling party favors strong presidential powers and a centralized government, while the opposition party advocates greater say for Kenya’s provinces. “When you have a conflict, there is polarization,” Professor Ndulo says. “Neither side trusts the other, so you need someone who is independent, who they can deal with. You can bridge divisions.”

Shi Zhengfu Gives 2008 Clarke Lecture As Part of Symposium on Law, Markets, and Social Equity

Shi Zhengfu, founder of the Center for New Political Economy at Fudan University in Shanghai, presented the 2008 Clarke Lecture at Cornell Law School on April 24. Dr. Shi’s lecture, entitled “China’s Reform as an Indigenous Institutional Innovation: An Inquiry into the Characteristics of Political and Economic Systems in China Today,” also served as the keynote presentation for the 2008 Clarke Program conference.

In his lecture, Dr. Shi explored the curious relationship between China’s central leadership, national ministries, and local governments. Dr. Shi argued that, by addressing the decentralized local governments directly, the central leadership could circumvent the change-resistant government ministries and work with localities to enact market reforms. In turn, the local governments could negotiate with the national ministries, thus lowering the transaction costs of reform.

Dr. Shi credited these interactions for creating sustainable market reforms in China, giving it a “three-dimensional market economy” in which local governments work with both private firms and the central government to generate economic growth in their localities. He contrasted this with the “two-dimensional market economy” found in other nations, composed of the state and private firms. He suggested that this three-dimensional economy, while responsible for China’s record
economic growth, also encourages local governments to prioritize attracting investment over other social concerns, such as education, health, and the environment.

Dr. Shi’s lecture was supplemented by commentary from Sherman Cochran, Hu Shih Professor of Chinese History at Cornell University, and Robert C. Hockett, associate professor of law at Cornell Law School. Professor Cochran suggested possible parallels between the traditional Chinese economic structure and the current system. Professor Hockett discussed the role of local government enterprises in other nations’ development processes, speculating that the three-dimensional system might be limited to a particular stage of development.

Dr. Shi’s lecture was part of the Clarke Program in East Asian Law and Culture conference, “Law, Markets, and Social Equity,” the third project of the Clarke International Consortium on Law and Social Justice in Emerging Markets. This conference continues the young consortium’s practice of fostering long-term intellectual collaboration through intimate scholarly exchange. The group included twenty-three scholars from China, Japan, Israel, and the United States. Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies and director of the Clarke Program in East Asian Law and Culture at the Law School, organized the conference, which was cosponsored by the Clarke Business Law Institute; the Institute for the Social Sciences, Cornell University; and the East Asia Program, Cornell University.

Berger/ILJ Symposium on the World Trade Organization Includes Stevens Lecture by Taniguchi, J.S.D. ’64

Some of the world’s most far-reaching trade disputes are settled by seven legal experts allowed to work only part-time, as they plow through thousands of pages of documentation under severe, legally imposed time constraints. The World Trade Organization (WTO) should revamp the way it resolves disagreements among its 152 members by making its Appellate Body members full-time, said Yasuhei Taniguchi. Some of the world’s most far-reaching trade disputes are settled by seven legal experts allowed to work only part-time, as they plow through thousands of pages of documentation under severe, legally imposed time constraints. The World Trade Organization (WTO) should revamp the way it resolves disagreements among its 152 members by making its Appellate Body members full-time, said Yasuhei Taniguchi.

Nonetheless, Mr. Taniguchi pointed out that the Appellate Body continues to function, and function well, while the WTO’s current round of policy talks, known as the Doha Round, is at a stalemate. “The WTO system has brought about a revolutionary change to the world trade,” said Mr. Taniguchi, a law professor at Tokyo Keizai University (after thirty-nine years at Kyoto University) and an expert on procedural law, the general theme of the symposium. “A small country like Antigua can now sue such an economic and political giant as the United States and win. The rule of law has been finally brought to the international community.”

In attendance at the symposium were five of seven legal experts who, as of June 1, would serve as members of the Appellate Body, offering a rare, behind-the-scenes look at how the world’s largest trade organization settles disagreements. “These decisions deal with very important matters of government policy in the trade field. There’s really nothing quite like it anywhere else in the international relations system,” says symposium organizer John J. Barceló, the William Nelson Cromwell Professor of Law and director of Cornell Law’s Berger International Legal Studies Program, which sponsored the symposium.

Students appreciated the chance to talk with luminaries in the field, says law student Peter Milligan ’09, the lead organizer for the Cornell International Law Journal. “The Appellate Body members are the most esteemed jurists in the world,” Mr. Milligan said, “because there’s so much scrutiny on each person appointed. They truly have to be the highest caliber jurist available.”
When Bodies Are Battlefields: The International Struggle For Justice in Prosecuting Gender Crimes

“The human mind is full of ingenuity,” said Akua Kuenyehia, the first vice president of the International Criminal Court (ICC) in The Hague. “You never know what people are going to come up with in terms of sexual violence.”

That’s one of the major reasons why Ms. Kuenyehia, former dean of the University of Ghana Faculty of Law, has been working with other international legal experts to create a clear definition of such crimes and a process for punishing them appropriately and making them visible. Last semester, Ms. Kuenyehia presented her talk, “The Establishment and Starting-Up of the International Criminal Court: Issues and Problems,” at a workshop sponsored by Cornell Law School’s Dorothea S. Clarke Program in Feminist Jurisprudence.

Ms. Kuenyehia reported that until recently, there were few precedents for preventing or punishing gender crimes. Rape, forced pregnancy and prostitution and other forms of sexual violence fall into this category. Although men are victims of such crimes as well, the primary targets are women, who are very vulnerable in times of war.

“Routine tasks become dangerous missions in times of conflict,” Ms. Kuenyehia said, citing Rwanda and the former Yugoslavia as examples where sexual violence was used as a tactic of war. The ICC not only defines gender crimes and lays out protocol for prosecution of those who commit them, but also provides emotional and physical protection for victims who might want to be a part of the court process. “A lot of [victims] want to remain anonymous because they want to stay alive,” Ms. Kuenyehia explained, adding that the ICC’s stance “demonstrates the willingness of the international community to take positive steps to address the invisibility of these gender crimes.”

Part of this stance involves a tremendous amount of outreach around the world, particularly where people may not be aware of their rights. Ms. Kuenyehia and others are working to publicize the ICC’s work and educate legislators in how to deal with gender crimes.

The ICC is a treaty-based organization, and every country that signs the treaty (currently there are 105) must adapt its national legislation to comply with the Rome Statute, the treaty that established and governs the ICC. “There can never be any lasting peace without justice,” Ms. Kuenyehia concluded, adding that gender crimes not only punish individuals but whole communities. Women who have been raped are often ostracized. “Their bodies have been used as battlefields.”

New Ways of Looking at Law: Peking and Cornell Law Scholars Meet

On June 9, leading Chinese law scholars from Peking University visited Ithaca to share their recent work with Cornell Law School profes-

ors. It is the third meeting between faculty members of the two schools, which also have programs to exchange faculty and students. (Last year’s meeting was in Beijing.)

“This conference is the keystone of a rich relationship between the two institutions,” says conference organizer Annelise Riles, the Jack G. Clarke Chair in East Asian Law and Culture at Cornell Law School. “The goal is to give faculty at our two universities a chance to learn about one another’s research and to exchange ideas in an intensive way.”

The conference theme was “Law in Context: New & Interdisciplinary Approaches to Law,” and the speakers from Peking University included the Peking Law School dean Zhu Suli, professor of economic law Liu Yan, professor of commercial law Jin Jinping, professor of economics Deng Feng, professor of jurisprudence Lin Bing, and professor of international finance law Guo Li. The Peking University speakers discussed regulating executive stock options and real estate transactions.

Cornell Law School professors who participated include Robert C. Hockett, Oskar Liivak, Bernadette A. Meyler, Jeffrey J. Rachlinski, Chantal Thomas, and Eduardo M. Peñalver. Their topics included patent law and the study of how judges make decisions. Talia Fisher, professor of law at Tel Aviv University Law School, also presented a talk on probabilistic sentencing.

Visiting Iraqi Judge Says No One Is Above the Law

Judge Ra’id Juhi Hamadi Al-Sa’edi, former chief investigative judge of the Iraqi High Tribunal, has the perilous distinction of being the man who not only indicted Saddam Hus-
Mehri Gives Cyrus Mehri Public Interest Lecture

Chief investigative judge of the Iraqi High Tribunal Ra’id Al-Sa’edi, the Cornell Law School’s Clarke Middle East fellow.

Arthur Eisenberg ’68

“Anyone who talks a lot will make a mistake,” explained Judge Ra’id, Cornell Law School’s first Clarke Middle East fellow, at his first public lecture, given March 24 in the Law School. “We learned from [the investigations in] Rwanda, Sierra Leone and Yugoslavia: Don’t let the accused manipulate the court by using the time factor, but let them think they are comfortable, allow them to talk.”

Dressed in a dark suit rather than the traditional gold-trimmed robe of his office, the former judge calmly described the overwhelming challenges in developing and running the tribunal. Despite the lack of full international support, the Iraqi government created the high court in 2003 to help establish rule of law, in large part by bringing to justice Iraqis accused of committing genocide and other crimes against humanity.

Among the defendants: Saddam’s cousin, Ali Hassan al-Majid (also known as Chemical Ali), the man who oversaw the gas attacks that killed thousands of Kurdish villagers; Iraq’s former vice president; former deputy prime minister and other former senior officials in the deposed Baathist regime. Judge Ra’id also indicted the anti-American Shiite cleric Muqtada al-Sadr for murder in 2004, which became an important factor in the Iraqi insurgency.

In the prosecution of Saddam, evidence had to be gathered from the mass murders of an estimated 100,000 Kurds before 1990 and from the annihilation of some 200,000 Shiites in the brutal quashing of the post-Gulf War revolution against Saddam’s regime in 1991. Judge Ra’id explained that the crimes had to be tied directly to policies of Saddam’s regime, which required documentation from witnesses and human rights organizations. Ten tons of files were procured and taken to a specially built secure facility where they were culled by case down to six million relevant documents and then to fourteen cases that had to be electronically scanned into a database.

Establishing the time and location of the crimes was also crucial to the investigation, requiring forensic evidence and permission to open mass graves. Of 250 sites containing anywhere from 80 to 100 individual human remains, five were selected. At each isolated site, a fully equipped camp had to be erected, said Judge Ra’id. “We had to build a city in the desert, with showers, rest places, dining facilities and refrigerators—one for food and one for remains.”

Throughout the process, the tribunal faced numerous political challenges, including a de-Baathification commission that led to the purging of numerous judges on the grounds that they were former members of Saddam’s Baath party. The commission also targeted Judge Ra’id, a Shiite who had served for a decade as a judge under Saddam. But he and other remaining judges ultimately received full support from the Iraqi government following no small amount of pressure from the United States. In the end, the court accomplished its task of bringing Saddam and company to trial. It also sent an important message to the Iraqi people.

“Our responsibility was to send the message that no one is above the law,” Judge Ra’id said. “We also sent a strong message to judges and legal experts that it is [their] responsibility to handle and improve the situation in Iraq. And we also sent a message to politicians: that they must [not interfere] with the rule of law and must show respect for the [Iraqi] constitution.”

Eisenberg ’68 discussed this and related matters in his presentation of “George Bush, the Rule of Law, and the Exercise of Unilateral Executive Authority.” This March 27 lecture by Mr. Eisenberg was Cornell Law School’s annual Cyrus Mehri Public Interest Lecture.

Mr. Eisenberg is a leading authority on civil rights and liberties and for thirty-five years has been the legal director of the New York Civil Liberties Union, where he has presented more than twenty cases to the U.S. Supreme Court. In the past, he focused on free speech
and voting rights. Recently, he has concentrated on front-page issues: challenging the National Security Agency on surveillance practices, confronting the Federal Bureau of Investigation on using national security letters, calling out the Central Intelligence Agency for destroying videotapes of prisoner interrogations, and pressuring the New York City Police Department about their video surveillance of political rallies.

FACULTY NEWS

Notable Scholars and Rising Stars Among New Permanent Faculty at Cornell Law School

Cornell Law School’s permanent faculty is expanded this year, as both well-established experts and emerging young stars join the school.

The widely published author on constitutional law, Michael C. Dorf, the Robert S. Stevens Professor of Law, joined the permanent faculty this summer. Professor Dorf taught at Columbia Law School for thirteen years, where he served as vice dean, and at Rutgers University School of Law, Camden for three years. Prior to that, he clerked for Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit and Justice Anthony M. Kennedy of the U.S. Supreme Court.

Professor Dorf looks forward to the stimulating intellectual atmosphere at Cornell Law School to further enhance his writing, noting “because most of my best ideas for scholarship arise out of the challenging questions students and colleagues ask, I expect my work to benefit enormously from an environment that is at once supportive and rigorous.” Professor Dorf is the coauthor (with Laurence Tribe) of On Reading the Constitution (Harvard University Press, 1991), the editor of Constitutional Law Stories (Foundation Press, 2004, second edition forthcoming), and the author of No Litmus Test: Law Versus Politics in the 21st Century (Rowman & Littlefield, 2006). Professor Dorf also writes a biweekly column for FindLaw’s Writ and posts nearly daily on his blog, Dorf on Law. He is a special counsel to the law firm of Dewey & LeBoeuf.

Sherry F. Colb, an evidence and criminal procedure scholar, joined the permanent faculty this summer and in the spring will be teaching a course in evidence. “Just a few years ago,” she says, “the Supreme Court dramatically changed its approach to our Sixth Amendment right to be confronted with the witnesses against us. It is now the case that some of the hearsay that falls within conventional hearsay exceptions under state and federal law might nonetheless violate the Constitution. I look forward to class discussions about this and the many other fascinating topics in the law of evidence.”

Professor Colb, who has previously taught at Rutgers University School of Law in Newark, University of Pennsylvania Law School, and Columbia Law School, also studies sexual equality and is the author of When Sex Counts: Making Babies and Making Law (Rowman & Littlefield 2007). In addition, she writes a bi-weekly column for FindLaw’s Writ. Earlier in her career, she clerked for Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit and for Associate Justice Harry A. Blackmun of the U.S. Supreme Court.

International criminal law is a fairly young discipline, founded at Nuremberg but only viable since the creation of the International Criminal Tribunal for the Former Yugoslavia in 1993. Emerging scholar Jens D. Ohlin joins the permanent faculty this fall to present courses on the topic.

Joshua A. Chafetz, whom Yale law professor Akhil Reed Amar calls “an important new scholar in the fields of comparative constitutional law and legal history,” joined the permanent faculty this semester. He will teach courses on constitutional law and legislation at the Law School, and an undergraduate course, the nature, functions, and limits of law. Professor Chafetz completed his J.D. from Yale Law School in 2007, and also holds degrees from the University of Oxford (where he was a Rhodes Scholar) and Yale University. “What I most look forward to about coming to Cornell Law School,” he says, “are the interactions with a talented and diverse group of
Schwab Reappointed Allan R. Tessler Dean of the Law School

Stewart J. Schwab, professor of law at Cornell Law School and a specialist in labor and employment law, has been reappointed the Allan R. Tessler Dean of the Law School. The reappointment was unanimously approved by the Cornell Board of Trustees on May 23, following the recommendations of President David J. Skorton and Provost Biddy Martin. Dean Schwab’s renewed five-year appointment as the law school’s fifteenth dean begins January 1, 2009.

“Dean Schwab received the strong support of a great many faculty, staff and alumni,” said Provost Martin, who chaired the original search committee that appointed Dean Schwab in 2004. “I am confident that the school will be well served by his leadership for another term.”

“I am grateful for the support my colleagues, students and alumni have shown me,” said Dean Schwab. “Cornell Law School is a great place to study law—combining inspiring teaching and cutting-edge scholarship in a supportive community. There is work still to be done in recruiting and retaining faculty, expanding our building, completing our capital campaign, and achieving our strategic initiatives. I look forward to these challenges.”

Holden-Smith and Garvey Take On New Duties as New Vice Dean and Associate Dean

Stewart J. Schwab, upon his appointment to a second term as the Allan R. Tessler Dean of Cornell Law School, has announced two changes in his administration. Barbara J. Holden-Smith will fill a new position as vice dean of the Law School and Stephen P. Garvey will fill Vice Dean Holden-Smith’s previous position as associate dean for academic affairs. The new vice dean will oversee day-to-day operations of the Law School allowing Dean Schwab to focus on strategic initiatives and the faculty. Associate Dean Garvey’s new duties will include building curriculum and hiring adjunct professors.

“Barbara Holden-Smith is an excellent problem solver,” says Dean Schwab. “She is a good listener and consensus builder but also knows how to speak directly about her concerns. Her prime focus is always on making Cornell Law School the best possible place to study law.” Vice Dean Holden-Smith, who joined the faculty in 1990, is recognized for her groundbreaking work in Supreme Court history and practice. She teaches Federal Courts, Civil Procedure, and African Americans and the Supreme Court.

Associate Dean Garvey, who joined the faculty in 1994, has written and taught in the areas of capital punishment, criminal law, and the philosophy of criminal law. “Steve Garvey is well respected by the faculty for his judgment and calm demeanor,” says Dean Schwab. “He is a scholar in the best sense, and an excellent person to lead our efforts in building a sound curriculum.”

“My goal is that this new configuration will provide renewed energy and accomplishment for each of us,” says Dean Schwab. “It will allow me time to work more closely with the faculty, including recruitment of new faculty, to further our capital campaign, and to work on strategic initiatives.”
students and with colleagues who are among the most respected legal scholars in the nation.” Professor Chafetz published Democracy’s Privileged Few: Legislative Privilege and Democratic Norms in the British and American Constitutions with Yale University Press in 2007. Last year, he clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit.

Michelle A. Whelan, a visiting professor in the Lawyering Program last year, joins the permanent faculty this semester. Last year, she noted, “the Cornell students were exceptionally motivated to develop their lawyering skills. I look forward to teaching the course again because legal writing, legal analysis, and legal advocacy are skills that every lawyer must have.” Before joining academia, Professor Whelan practiced commercial litigation for seventeen years at Greenberg Traurig and at Steel, Hector and Davis, both in Miami, Florida. She earned a J.D. with honors from the University of Florida School of Law in 1990.

International law and social justice scholar Chantal Thomas, who was appointed to the permanent faculty in 2007, takes up residence in Ithaca in fall 2008. Last year, while on leave from the Law School faculty, she served as c=chair and the Ibrahim Shihata Visiting Professor of the law department at the American University in Cairo, Egypt. (See page 32 of the fall 2007 issue of the Cornell Law Forum for more information on Professor Thomas joining the faculty.)

Broadening Course Offerings: Visitors Offer Classes in Special Fields

Full-year visitors to Cornell Law School in 2008–2009 offer courses in Chinese corporate law, international law, intellectual property law, and lawyering skills, broadening the offerings available to law students wishing to study more deeply in these areas.

Full-year visitors to Cornell Law School in 2008–2009 offer courses in Chinese corporate law, international law, intellectual property law, and lawyering skills, broadening the offerings available to law students wishing to study more deeply in these areas.

The 2008–2009 Wang Visiting Assistant Professor of Law is Li Guo, an associate professor and assistant dean at Peking University Law School. Professor Guo will teach a seminar on Chinese corporate and financial law, which will introduce students to basic concepts of incorporation, governance, and financing in the context of Chinese economic reform and development. “I feel very privileged to become part of the renowned Cornell Law academic community,” says Professor Guo. “As a Chinese idiom put it: teaching benefits teachers as well as students. It will surely be a two-way and mutually enlightening process.” Professor Guo, a member of the bar in the People’s Republic of China and New York, has published widely in English and Chinese and has degrees from Southern Methodist University, Harvard University, and Peking University Law School.

Asif Efrat, who is about to complete a Ph.D. in government from Harvard University, will visit from 2008 through 2010 to offer courses in international law and politics. He notes that knowledge of international law is not a luxury, but a necessity, for American law students. “Today, international law plays a major role in ordering international affairs,” he says. “Human rights, arms control, trade, intellectual property, and the environment are among the areas governed by international law and institutions.” His recent research focuses on international trade in small arms, drugs, illicit antiquities, and human trafficking. Professor Efrat also holds an LL.B. from Tel Aviv University. He clerked for Hon. Mishael Cheshin of the Israeli Supreme Court.

Brett M. Frischmann of the Loyola University Chicago School of Law brings expertise on the ever-changing interaction between developing technologies and intellectual property law. He is teaching courses in intellectual property, cyberlaw, and copyright law. “Intellectual property laws are works-in-progress,” he explains. “The legal regimes of copyright and patent, as well as trade secrecy, trademark, and other related areas of law, have co-evolved with new technologies since their very beginnings. In addition to a solid foundation in the fundamentals of current law, I hope to help students develop a deep appreciation of how the law applies and evolves in a broader social context.” Professor Frischmann, who has a J.D. from Georgetown University Law Center, previously worked for Wilmer, Cutler and Pickering in Washington, D.C., and clerked for Hon. Fred I. Parker of the U.S. Court of Appeals for the Second Circuit.

Lisa Coleman, visiting assistant clinical professor of law, brings both public and private sector experience to the Lawyering Program, gathered while practicing environmental law for Willkie Farr and Gallagher in Washington, D.C., and serving as the general counsel for the District of Columbia Office of Adminis-
trative Hearings. “Excellent research and writing skills are key in both the public and private sectors,” says Professor Coleman. “In my work it has been important to understand legal issues thoroughly and communicate effectively to a wide array of audiences, both in writing and orally. I hope to prepare students to meet challenges in several real-life settings I’ve encountered.” Her career has included a clerkship with Hon. James D. Todd, United States District Court for the Western District of Tennessee and teaching at the University of Memphis School of Law.

Experts in Corporate Law and Philosophy are Visiting Professors This Semester

Fall 2008 visitors to Cornell Law School offer many years of expertise in two very different disciplines: corporate law and legal philosophy.

Boston University School of Law professor Charles K. Whitehead brings his expertise in corporate, capital markets, and mergers and acquisitions law to Cornell Law School this fall. Professor Whitehead will teach a course in business associations and another on capital structure and corporate governance. “[In my courses,] I hope that my students will come to appreciate the broader issues that corporate law is designed to address,” says Professor Whitehead. “Much of the substantive law is fairly straightforward. What often makes it complicated is its application to different sets of facts and problems. Understanding how the law was applied and what it was intended to accomplish is key, and I expect my students will gain a sufficient familiarity to be able to undertake those analyses on their own.” Professor Whitehead has substantial real-world experience—before joining academia, he practiced law in the United States, Europe, and Asia, both as a law firm attorney and as general counsel of several large financial institutions. Professor Whitehead was also a law clerk to Hon. Ellsworth Van Graafeiland ’40 of the U.S. Court of Appeals, Second Circuit. Professor Whitehead’s publications include articles in the Columbia Law Review and the Journal of Corporation Law.

Chaim Gans, a professor of legal philosophy at Tel Aviv University, will spend the first half of the fall semester in Ithaca teaching a seminar on national and multicultural rights. He will cover topics including multiculturalism, cultural nationalism, and polyethnic rights. Professor Gans is looking forward to enjoying the “excellence of Cornell Law School, its faculty, and students.” Professor Gans holds an LL.B. from Hebrew University of Jerusalem, an M.A. in philosophy from Tel Aviv University, and a Ph.D. in philosophy from Oxford University. He is the author of Philosophical Anarchism and Political Disobedience (Cambridge UP, 1992); The Limits of Nationalism (Cambridge UP, 2003); From Richard Wagner to the Palestinian Right of Return (Am Oved, 2006; in Hebrew) and A Just Zionism: On the Morality of the Jewish State (Oxford UP, 2008).

Alumnus Serves As Distinguished Practitioner

For the past two years, Thomas J. Lang ’95 served as Senior Litigation Counsel at the Federal Trade Commission in Washington, D.C., where he led recent court challenges to mergers in the gasoline refining and supermarket industries.

He will bring that real-world experience to Cornell Law School students this semester as the Distinguished Practitioner in Residence.

For the past two years, Thomas J. Lang ’95 served as Senior Litigation Counsel at the Federal Trade Commission in Washington, D.C., where he led recent court challenges to mergers in the gasoline refining and supermarket industries. He will bring that real-world experience to Cornell Law School students this semester as the Distinguished Practitioner in Residence.

antitrust law, but also with an understanding of the practical issues involved in enforcing the antitrust laws through the adversary process of litigation and trial,” says Professor Lang. He explains that antitrust trials are rare, with only one or two a year, and students will have the unique chance to examine real documents and exhibits from these trials.

Previously, Professor Lang was a partner at Kirkland and Ellis in Washington, D.C., was a professional staff member on the U.S. Senate Select Committee on POW/Affairs, and served for fifteen years as a military intelligence officer in the U.S. Army Reserves and Army National Guard, reaching the rank of major. He is active in leading the Antitrust Section of the American Bar Association.
Law Professor Testifies at Inter-American Hearing on Human Rights

More than 31 percent of Colombia’s Afro-Colombians are illiterate, a rate nearly three times that of the general population. They are not getting the free education that Colombia is required to provide to them under its Inter-American Treaty obligations. Steven Koh ’08 and Jocelyn Getgen ’07 researched facts like these for Sital Kalantry, assistant clinical professor of law, who, at a March 12 hearing in Washington, D.C., presented them to the Inter-American Commission on Human Rights, an organization which represents members of the Organization of American States (OAS). The students are members of the Cornell Law School International Human Rights Clinic, directed and founded by Professor Kalantry (see article on page 8).

Mr. Koh, Ms. Getgen, and Professor Kalantry were part of a delegation to Colombia in December 2007 for a fact-finding mission sponsored by the Robert F. Kennedy Memorial Center for Human Rights, which promotes human rights throughout the world. During their visit, students met with and interviewed in Spanish nearly 100 people, including Afro-Colombian leaders, indigenous school-teachers, education reform activists, and government representatives.

“Our field work and report,” says Professor Kalantry, “are part of a larger project to draw attention to the serious violations by countries in the Americas of the right to education of Afro-descendants and indigenous peoples.”

Professor Kalantry testified on the methodology of their project and the domestic legal framework in Colombia, joined by the director of the international human rights clinic at the University of Virginia School of Law, who presented the Guatemala report. Activists Angélica Macario Quino of Guatemala and Diego Escobar Cuellar of Colombia spoke passionately about their personal experiences. The report not only details the deficiencies in education for minorities in the Americas, but also highlights the legal obligations of parties to the American Convention on Human Rights.

Professor Kalantry has focused on human rights throughout her career. At Yale Law School, she co-taught a human rights clinic focusing on national security and civil liberties. She has supervised students in a wide array of projects, including writing an amicus brief to the U.S. Supreme Court on behalf of Madeline Albright, representing Muslim Americans alleging border discrimination, filing briefs on behalf of non-U.S. citizens seeking relief pursuant to the Convention Against Torture, and advocating legislative reform in Pakistan.

Taiwan Conference Features Cornell Law Faculty

Three law professors and an alumnus played prominent roles at the world’s first International Conference on Empirical Studies of Judicial Systems, held June 20 and 21 in Taipei, Taiwan. Cornell Law School’s representatives to the gathering joined scholars from China, England, Japan, and Taiwan, and U.S. experts from New York University, Harvard, and the Justice Department. The conference took place at the Institutum Jurisprudentiae, a branch of the prestigious Academia Sinica, a multidisciplinary think tank funded by the Taiwanese government.

“The big movement in law currently is empirical legal studies,” says participant Kevin Clermont, the James and Mark Flanagan Professor of Law at Cornell Law School, “and it basically involves applying quantitative techniques to the legal sphere. It’s a revolution in the past ten years. And Cornell has been a leader in the field.”

The first keynote speaker was Cornell Law School’s Theodore Eisenberg, coeditor of the Journal of Empirical Legal Studies and the Henry Allen Mark Professor of Law. A leading authority on the use of empirical analysis in legal scholarship, Professor Eisenberg spoke on what constitutes a good empirical study. Professor Valerie Hans, an expert on jury systems, presented a talk titled “What Difference Do Juries Make?” and Professor Clermont delivered the second keynote speech, “Litigation Realities Redux.”

The conference was organized in part by Kuo-Chang Huang, LL.M. ’99, J.S.D. ’02, an assistant research professor at the Institutum. One of Taiwan’s pioneering researchers in empirical legal studies, Huang has been heavily influenced by his Cornell Law educa-
“Many hundreds have gone through the CLEO program and graduated from law school,” noted Professor Summers. He now looks back with some pride on his largely pro bono work that helped to make American law schools accessible to minority and low-income students, viewing it as the most significant public service achievement of his long career.

The New Securities Law Clinic

In January 2008, Cornell Law School established the Securities Law Clinic, under the direction of William A. Jacobson, associate clinical professor of law. Clinic course work included securities and arbitration law, as well as guest lectures by leading industry experts on financial analysis.

In its inaugural semester, the six third-year students and two second-year students worked on a wide variety of projects related to investments. Clinic students participated in a public education program on investment fraud prevention, conducting a presentation for the Ithaca Housing Authority, three presentations for Cornell Cooperative Extension (CCE) in Tompkins and Broome Counties and developing literature for public distribution, which will be used by CCE at offices statewide. Presentations planned for fall term 2008 include CCE offices in Chemung and Tioga counties, and a Lansing seniors’ organization.

Clinic students also worked on comment letters submitted to the Securities and Exchange Commission with regard to proposed rule changes. Some of the topics related to procedural rule proposals (e.g., whether to allow motions to dismiss in securities arbitrations), while others were substantive (e.g., prospectus disclosure requirements). One of the clinic’s comment letters, on the issue of dispositive motions in securities arbitration, will be included in the Practicing Law Institute’s 2008 course book on securities arbitration. Other clinic comment letters received attention from the press and industry publications.

Clinic students also began the process of potential case review on behalf of investors who otherwise are not able to obtain representation, whether because of the size of the claim or the geographic location of the investor. In May, the clinic filed its first arbitration claim on behalf of an investor, at the Financial Industry Regulatory Authority.

Professor Jacobson (farthest left, back row) with guest speaker Dr. Craig McCann (farthest left, front row) of the Securities Litigation and Consulting Group, Inc., and students from the first semester of the Securities Law Clinic: (left to right) Daniel L. Clausen ’08, Manideepa Sarkar’09, Morgan D. McDevitt ’09, Clinton K. Becker ’08, Ibrahim Barakat ’08, Arthur A. Andersen III ’08, Maria N. Hroncich ’08, and Jennifer L. Freiman ’08

Summers Honored in Chicago with Diversity Pioneer Award

African American students comprised barely one percent of the U.S. law school student population in 1968, the year that the American Bar Association and the Association of American Law Schools asked Cornell Law School’s Robert S. Summers, the William G. McRoberts Professor of Research in the Administration of the Law, to serve as a co-consultant in the founding and operation of the Council on Legal Education Opportunity (CLEO). Since then more than 8,000 students have participated in CLEO’s programs. CLEO alumni can now be found in private law firms and corporations, law schools, federal and state judiciaries, and in legislative bodies across the country.

This year the program celebrates its fortieth anniversary. On June 8, Professor Summers was a panelist at a CLEO symposium in Chicago, where he was presented with the 2008 CLEO Legacy Diversity Pioneer Award. In an address at the symposium, he reflected on founding CLEO, noting “the beginning was a somber time. As we began, Dr. Martin Luther King had been killed. So too, Robert Kennedy. There were race riots in many American cities, much unrest and concern.”

But due to the work of Professor Summers and cofounder Robert O’Neil, then professor of law at the University of California-Berkeley, and through the efforts of CLEO administrators, CLEO has educated many diverse students and greatly enriched the American legal profession. “Many hundreds have gone through the CLEO program and graduated from law school,” noted Professor Summers. He now looks back with some pride on his largely pro bono work that helped to make American law schools accessible to minority and low-income students, viewing it as the most significant public service achievement of his long career.

“I’m proud to have played a part in its founding,” said Professor Summers. “The program has had a considerable impact.”

professor Clermont commented after the conference concluded. “This is going to be the first conference of many.”

professor and connections and spoke on proposed reform of the criminal appeals system.

“Taiwan is doing some very cutting-edge stuff,” Professor Clermont commented after the conference concluded. “This is going to be the first conference of many.”
On the Waterfront: Faculty Member Will Oversee Watchdog Agency

In June, the New York State Senate confirmed Ronald Goldstock, adjunct professor of law, as the state’s next commissioner of the Waterfront Commission. The commission, created in 1953 to investigate and stop criminal enterprises at the Port of New York and New Jersey, monitors hiring practices and activities of stevedores and longshoremen at the port, as well as working to prevent terrorism.

Professor Goldstock, who has previously done academic work in this area, is well-acquainted with bringing ideas to government practice. “In 1976, I coauthored the rackets bureau study, which instructed people how to run an organized crime unit. In 1981, I took over the New York State Organized Crime Task Force and put that article from theory into practice,” he says. “In 1980, I wrote an article, ‘On the Waterfront: RICO and Labor Racketeering.’ Now, as waterfront commissioner, I will put that theory into practice as well.”

Along with directing the Organized Crime Task Force for thirteen years, Professor Goldstock also served as Inspector General of the U.S. Department of Labor, Chief of the Rackets Bureau in the New York County District Attorney’s Office, and consultant to the Secretary of State of Northern Ireland, helping control international organized crime. He will continue to teach his classes on organized crime and corruption at Cornell Law School during this current appointment.

Deans on Display in Law Library

Students now have a complete collection of all the previous Law School deans to inspire their efforts while they study under the vaulted dome of the Gould Reading Room in Myron Taylor Hall’s Law Library. A portrait of former dean Lee Teitelbaum was unveiled before an audience of Law School alumni attending Reunion 2008 (see page 80 for more information about Reunion 2008) many of whom fondly remember his time leading the law school.

Dean Teitelbaum’s portrait, painted by local artist William Benson, now hangs in the Gould Reading Room with recently restored paintings of deans Douglas Boardman, Ernest Wilson Huffcut, and Edwin Hamlin Woodruff; and newly painted images, also done by William Benson, of deans Frank Irvine and George Gleason Bogert; along with other previous dean portraits already on display. “The portraits keep faculty, staff and students connected to the past,” says Richard F. Robinson, associate dean for administration and finance, who supervised the project. “They are a tribute to the ongoing leadership of those individuals who helped shape the school and made it what it is today.”

Professor Cornell Joins New York State Government Board at Governor’s Request

Angela Cornell, a specialist in labor law who created and teaches the Labor Law Clinic at Cornell Law School, was asked by Governor
Paterson to join the Advisory Board on Public Work this spring. Professor Cornell will represent the public interest on the six-member board, which also includes representatives of employers and employees. The board reviews public policy and how New York labor laws are applied and makes its recommendations to the New York Commissioner of Labor.

Professor Cornell believes that during her tenure, the board will first address prevailing wage—the set wage for workers on public works construction projects. “This type of pro bono service helps to advance the effective implementation of the prevailing wage statute,” says Professor Cornell. “Practice in the field is extraordinarily valuable when teaching a subject like labor law, and the inside perspective from serving as a board member should enhance my instruction in both the Labor Law Practice and Policy course as well as the Labor Law Clinic.”

Previously, Professor Cornell was a labor commissioner in New Mexico. Her nomination was confirmed by the New York State Senate in June and she will serve on the board until 2013.

JoAnne Miner Receives Award for Service to Women at Cornell Law School

The Women’s Law Coalition at Cornell Law School awarded the tenth annual Dean Lukingbeal Award to JoAnne M. Miner on April 2 for her outstanding commitment to women in the law and to Cornell Law School.

“JoAnne’s decision to focus her clinical work on family law and assisting domestic violence victims with divorces has real impact on the local community and particularly on women who would not have access to legal services without her,” said Bryn Lovejoy-Grinnell ’08, who presented Professor Miner with the award.

“I am proudest of the relationships I’ve created with the students, helping them make the transition from student to practitioner and helping them develop the tools they need,” says Professor Miner.

“Even before Professor Miner came here to teach, she was a social worker and a legal services attorney for the indigent,” says Glenn G. Galbreath, clinical professor of law. “Her focus on service to those less privileged was always clear. But unlike those who proselytize for social justice by preaching at the ‘ignorant,’ Professor Miner allowed her students to draw their own conclusions based on the circumstances of their clients’ lives, the questions she raised, and by her own life example.”

After training Cornell Law School students to help others for twenty-two years, JoAnne M. Miner, retired in May 2008 as director of the Legal Aid Clinic and clinical professor of law.

“Throughout Professor Miner’s time on the faculty, her focus has been on the needs of students and how best to give them the skills and vision necessary for a fulfilling career in the law,” says Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law. “We will miss her leadership.” She will ease into retirement slowly—next year, she will still teach social justice and externship courses.

Law Professor and Former Cornell President Named Chancellor and Founding Dean of China Law School

Jeffrey S. Lehman ’77, president of Cornell from 2003 through 2005 and now a professor of law at Cornell Law School, has been named chancellor and founding dean of the first American-style law school in China.

The School of Transnational Law at Peking University’s campus in the mainland city of Shenzhen, just north of Hong Kong, will enroll its first class of fifty-five students this fall. According to Professor Lehman, the new law school plans to seek accreditation from the American Bar Association so that graduates can take the New York state bar exam.

The School of Transnational Law will offer the same three-year J.D. graduate program as American law schools, focusing on common law and judicial reasoning. Since multinational firms seek out students with J.D. degrees, many students from China—which has about 600 law schools—pursue a U.S. legal education. The school is intended to fill a need in China to offer a legal education that is comparable to that in the United States.

The new law school will offer all its courses in English, teach cases from the United States and use professors from American law schools to teach most of its courses. The school will operate independently of Peking University’s existing Chinese-style law school.
Ms. Higgins ’09 was commended for her 2007 pro bono work with Neighborhood Legal Services, the Ithaca office of Legal Assistance of Western New York (LAWNY), where she helped former inmates with re-entry issues and low-income clients with divorce proceedings.

**Briefs**

**Katie Higgins ’09 Wins Pro Bono Award from NYSBA**

On May 1, Katie Higgins ’09 was honored in Albany by the New York State Bar Association, which gave her the 2008 President’s Law Student Pro Bono Service Award. She was the only law student in the state to be recognized. Ms. Higgins was commended for her 2007 pro bono work with Neighborhood Legal Services, the Ithaca office of Legal Assistance of Western New York (LAWNY), where she helped former inmates with re-entry issues and low-income clients with divorce proceedings. But that was just a stop in a career that began with working for Human Rights Watch and continues with criminal defense work for clients of the Legal Aid Society in New York, NY in summer 2008.

“In her admissions application, Katie expressed her desire to dedicate her efforts to social justice and she has not wavered from that path,” says Dean Anne Lukingbeal. “She bypassed numerous opportunities to interview with large private law firms for high paying summer associate positions and instead, has chosen to spend her summer representing indigent criminal defendants. I am confident that Katie has a promising public interest career path ahead of her.”

**Death Penalty Awareness Week**

Cornell Law student members of the National Lawyers Guild held a Death Penalty Awareness Week from March 3 through 5, sponsored in part by the Cornell Law Students’ Association and Cornell’s Graduate and Professional Student Assembly Finance Commission.

“At Cornell, students do not even have to wait until they graduate to begin working against the death penalty,” says Ginger McCall ’09, president of the Cornell National Lawyers Guild. She notes that students can do significant work on Cornell’s Death Penalty Project, co-led by law professors John H. Blume and Sheri Lynn Johnson.

Professor Johnson began the week with a lecture about capital punishment examining issues of innocence, race, and mental illness. Muna B. Ndulo, professor of law and director of Cornell’s Institute for African Development, spoke about capital punishment from an international perspective. Later in the week Christopher Seeds, visiting fellow with the Cornell Death Penalty Project, addressed the current moratorium on the death penalty in New York State. After Mr. Seeds’s talk, participants viewed Deadline, a film about the decision of former Illinois Governor George Ryan to commute the sentences of all Illinois death row inmates. Spirited discussion among the students followed.

**Exonerated Death Row Inmate Advocates Capital Reforms**

Kirk Noble Bloodsworth spent nine years in prison, including two on death row, for a crime he did not commit—the 1984 rape and murder of a nine-year old girl he had never met—all because of bad lawyering and a prosecutor’s misconduct. Mr. Noble spoke at Cornell Law School on April 1, with John Terzano, president of the Justice Project, a Washington, D.C., organization that advocates for reform of the American criminal justice system. Mr. Bloodsworth, now a program officer with the Justice Project, was eventually found innocent. His case was the first capital conviction in the United States to be overturned as a result of DNA testing.

The Justice Project has created a program of eight initiatives designed to increase the fairness and accuracy of the criminal justice system, says Mr. Terzano. “Two such areas for reform are improving eyewitness identification procedures and ensuring proper safeguards against bad lawyering on both sides of the aisle.” The Justice Project was instrumental in advocating for the Innocence Protection Act, the first piece of federal death penalty reform legislation Congress signed into law.

“We are fortunate to welcome Kirk and John to discuss what can be done to remedy and prevent wrongful convictions in the future,” said Christopher Seeds, a visiting fellow with the Law School’s Death Penalty Project, who helped organize the visit.

**Terrorist Surveillance and the Constitution**

On April 1, the Cornell Law School Federalist Society and the Cornell Law School National Lawyers Guild (NLG) cohosted a debate con-
cerning the National Security Agency’s (NSA) Terrorist Surveillance Program. The debate centered around whether the NSA’s Terrorist Surveillance Act was lawful, whether or not Congress infringed on the president’s constitutional powers when it passed the Foreign Intelligence Surveillance Act and whether the warrantless wiretapping, practiced in the surveillance program, was permissible under the Fourth Amendment, which forbids unreasonable search and seizure.

Ginger McCall ’09, president of the Cornell NLG, emphasized the importance of the issue, charging that “[t]he president’s authorization of this program was an unconstitutional action that bypassed Congress’s valid exercise of power in the Federal Intelligence Surveillance Act. No matter who authorizes this program, though, it is still unconstitutional under the Fourth Amendment. With its authorization of this program, the Bush administration flouted Congress’s rightful exercise of power in this area and blatantly violated the constitutionally protected privacy rights of the citizens of the United States.”

Craig Minerva ’08, president of the Cornell Federalist Society, took a different stance, expressing the society’s delight in hosting Professor Robert F. Turner, one of the preeminent scholars in the field of national security law, who defended the Terrorist Surveillance Program on both the separations of powers and Fourth Amendment issues. “This is a very important and timely subject, as intelligence is a vital tool in the ‘War on Terrorism.’ Although the Federalist Society does not take policy positions, and there are certainly many individuals associated with the Federalist Society who may disagree with Professor Turner’s perspective, we are eager to hear from a scholar who will defend the administration’s program.”

The debate, moderated by Law School professor Steven D. Clymer, also featured Law School professor Bernadette A. Meyler; Guilherme Roschke, Skadden fellow with Electronic Privacy Information Center; and professor Robert F. Turner of the University of Virginia School of Law.

Moot Court Celebrates International Victories

Students and faculty gathered in Myron Taylor Hall’s foyer on April 23 to celebrate a successful international moot court season. During 2007–2008, Cornell law students fielded teams in four countries and placed well in international competitions while arguing topics ranging from First Amendment law to international commercial arbitration.

In February, Cornell Law School’s Philip C. Jessup International Law Moot Court Competition team—Montse Ferrer De Sanjose ’09, Carter Stewart ’09, Jennifer Jude ’09, and Hiral Mehta ’08—won the Jessup Northeast Super Regional Competition in New York City. Lexis Nexis presented the Cornell team with a $500 prize, which they in turn donated to the moot court team from the National University of Lesotho, helping that team pay its travel expenses to the 2008 International Round competition.

Also in February, another team traveled to the D.M. Harish Memorial International Moot Court Competition, held at the Government Law College in Mumbai, India. Steven Koh ’08, Maxim Kogan ’08, and Vannina Ettori LL.M. ’08, faced and defeated teams from almost every continent before advancing to the championship round.

At the Jessup International Round Competition, held in April in Washington, D.C., the Cornell team was successful in the preliminary rounds. Competing with more than 100 teams from around the world, including Lesotho whom they helped, the team advanced to the run-off rounds (comparable to the NCAA’s “Sweet Sixteen”) ending up ranked number twelve. They beat the team from Oxford University before falling to Belgium’s Catholic University of Leuven.

Cornell Law School international moot court competitors also earned other honors through the year. At the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, the team won honorable mention for their “Memorandum for the Claimant.” At the Fasken Martineau First Year International Law Moot Competition in Toronto, Canada, Aditya Nagarajan ’10 was selected as a distinguished oralist. The team representing Cornell Law School at George Washington National Religious Freedom Moot Court in Washington, D.C., was a semi-finalist. The team attending the Judge John R. Brown Admiralty Moot Court Competition in New Orleans, LA was named “Best New Team.”
Cornell Law School also sent teams to the Stetson International Environmental Moot Court Competition, the Niagara International Moot Court Competition, the National First Amendment Moot Court Competition, the Jerome Prince Memorial Evidence Moot Court Competition, and the Duberstein Bankruptcy Moot Court Competition.

“We’ve really distinguished ourselves among our peers this year,” said Quinton Lucas ’09, Moot Court Chancellor. “These students who are in these competitions work so hard and are still smiling in the classroom on Monday morning! The faculty, the deans’ offices, and the support staff help make us shine.”

**Langfan Moot Court**

The Moot Court Board proudly congratulated Kimberly Knudson ’10, winner of the 2008 Langfan First-Year Competition and Julie Fukes ’10, the tournament finalist this past April.

The judges, Hon. Jane R. Roth of the U.S. Court of Appeals for the Third Circuit; Hon. Richard C. Wesley ’74 of the U.S. Court of Appeals for the Second Circuit; and Hon. Margaret Cangilos-Ruiz ’74 of the United States Bankruptcy Court, Northern District of New York, commented on what a well argued competition it was. “Congratulations again to all of the fine competitors who participated in this competition and made it such a success,” said Quinton Lucas, chancellor of the Moot Court Board, after the results were announced. “This has been an exciting and interesting competition, and each competitor should be extremely proud of their effort.”

The William and Marion Langfan Family First-Year Moot Court Competition is open only to first year students, and is the first major opportunity for students at the Law School to compete in Moot Court.

**Final Convocation of the Cornell Law School Class of 2008**

Two hundred sixty students had something special to add to their Mother’s Day celebrations on May 11, 2008—a convocation in honor of the successful completion of their studies at Cornell Law School. In a ceremony steeped in tradition and in the official bright red academic attire that symbolizes their degree achievement, each student gathered in Bailey Hall to be recognized by Cornell Law School’s deans and faculty.

Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, hosted the ceremony honoring the graduates. Students selected Nina Winkler, LL.M. ’08 to speak on behalf of the LL.M. students. She discussed the challenges of being a lawyer in today’s increasingly globalized world. Michael H. Bornhorst, J.D. ’08 spoke about the past three years of Law School. Law School professor John H. Blume, director of Cornell’s Death Penalty Clinic and a frequent petitioner before the U.S. Supreme Court, was also selected to address the gathering of new lawyers (see page 22 for the text of his speech).

Following the speeches, John R. DeRosa, assistant dean for student services, called each graduate to the stage to receive Dean Schwab’s congratulations on behalf of the Law School and Cornell University. The celebration concluded with a champagne reception in Myron Taylor Hall.

**Students Take Time Out to Help Others**

They helped hurricane victims clear property titles. They drafted bylaws for not-for-profits. They even planted garlic! Cornell Law students took time out from their very busy schedules in 2007–2008 to do a wide range of pro bono work in Ithaca and around the nation.

During spring break, thirty-nine law students took a service trip that is the annual highlight of the pro bono year. In 2008, as in previous years, the students traveled to the Gulf Coast to continue to assist people whose lives have been dramatically changed by Hurricane Katrina. Students worked with Southeast Louisiana Legal Services, New Orleans Legal Assistance Corporation, the Orleans Parish Public Defender, and the City Attorney of New Orleans. They helped homeowners clear property titles, negotiate for relief funds, and file tax returns. With the Student Hurricane Network, they surveyed FEMA response in order to monitor the federal agency.

Individual students also took initiative to develop their own pro bono projects. Daniel Egers ’10 devoted significant effort to Friends of Oakland Lake and Ravine, a not-for-profit dedicated to improving Oakland Lake in Bay-
side, Queens. Mr. Egers not only prepared paperwork to earn the group’s 501(C)3 status, but also mentored sixty local youths in a series of planting and clean-up events at the lake. He also helped the group garner $14,000 in grants for landscaping the entrance to the park.

And the garlic? It was close to home, at the local organic cooperative West Haven Farm, where members of the Environmental Law Society got their hands dirty during an aromatic day of service in the fall, planting the pungent corms.

DEPARTMENT NEWS

Cornell’s Legal Information Institute—A Place Where Even the IRS Can Get Help

When the Internal Revenue Service (IRS) calls, people pay attention—especially as tax time approaches in April.

So Thomas Bruce, director of Cornell Law School’s Legal Information Institute (LII), was a little surprised to get a call in February from the IRS. No, it wasn’t an audit (whew!). It had to do with LII’s crisply organized and composed version of Title 26, the section of the U.S. code that governs tax law. The IRS wanted to include LII’s Title 26 in its top-drawer Tax Products CD/DVD package, which includes tax publications and forms, research tools and answers to FAQs. Now it also offers the LII’s Title 26.

“LII’s version of the U.S. Code is hugely popular, highly ranked in Google and one of the things we’re proudest of,” said Bruce. “But this was the first time we were ever directly approached by a U.S. agency requesting published data for redistribution on such a large scale. We have a long history of use by federal agencies and a strong tradition of outreach, but this was something new.”

The six staff members at the LII are pretty savvy when it comes to fielding queries for information on their Web site. After all, the institute has an international reputation as a leading provider of free, user-friendly public legal information on everything from divorce settlements to offshore corporate tax codes.

In fact the LII Web site accounts for 25 percent of all Cornell Web traffic, much of it from international legal searches. Some 10 million hits a week from more than 200 countries make the LII a local Internet hot spot.

The IRS produces 26,000 of its Tax Products CD/DVD packages, which are sent free of charge to thousands of tax preparers and other interested parties, usually lawyers. The package goes to each member of Congress; to such free tax clinics as those run by the AARP; to members of the IRS Corporate Partnership (companies who make tax information freely available on company intranets); to libraries; and to IRS employees and IRS walk-in offices.

“We work in a disconnected environment, and employees like easy access to products,” said Paul Showalter, the IRS staffer who produces the Tax Products and placed the call to Bruce.

“The Tax Products package is a great off-line research tool, and that’s why it was created.”

The LII closed the deal with the IRS in one business day, transmitting the rights and Cornell Law School’s version of Title 26 to the agency with a minimum of formal fuss. While the Government Printing Office (GPO) also makes the U.S. Tax Code available online, it is a mind-numbing read. The LII version is not only more readable, but also provides a table of recent updates to the law and a link to the GPO site; its materials can be easily downloaded or printed.

“The IRS request highlights the unique services LII offers,” said Mr. Bruce. “A number of law schools distribute case law and litigation, but not on the same scale as the institute and not for as long. The LII also offers commentary so that a wide variety of people can use the material more easily.”

Members of the Class of 2008 celebrating their graduation include: Jaclyn D. Greenstein, Andrew Keisner, Christine W. Kim, Nicholas D. DeLuca, and Jennifer Van Thiel
Call for French Clerkship Applications

Monsieur Jean-Louis Debré, the president of France’s Conseil constitutionnel (and former president of the French Parliament), and Cornell Law School’s Stewart J. Schwab, the Allen R. Tessler Dean and Professor of Law, recently announced the first-ever “Clerkship” at France’s supreme constitutional court (see page 81), extending the Law School’s relationship with the high courts in Paris.

The Conseil constitutionnel is an extremely important and prestigious body, increasingly prominent in recent times. It reviews all legislation before enactment to ensure its constitutionality. The court, like many others in Europe, has a tradition of studying constitutional law from other countries to inform its decisions. The justices have a growing interest in foreign legal ideas, which they increasingly find to be a source of useful inspiration and reflection.

The main purpose of the clerkship scheme is to assist the justices of the Conseil constitutionnel in making good and up-to-date use of foreign law, and especially American material, in the preparation of their judgments. The clerk will be given an office at the court in Paris. Cornell will provide the court with complete electronic access to American legal materials as part of this agreement.

While in France, the clerk will also devote up to three hours per week as a visiting professor teaching an introductory course on American law at France’s famous Ecole Normale Supérieure (ENS), under a separate agreement with its Directrice, Madame Canto Sperber. This agreement includes a collection of American law and legal periodicals provided by the Cornell Law Library to the ENS Library.

The program begins in September 2008 when Juscelino F. Colares, J.D. ’03 will be the first to hold the clerkship with the Conseil constitutionnel (see additional story in alumni section pp#?). Thereafter, the position will be held each year by a U.S. law graduate, preferably from Cornell, distinguished by his or her studies in law and by his or her mastery of the French language.

Kevin M. Clermont, Cornell’s James and Mark Flanagan Professor of Law, is now calling for applications for 2009–2010, directed to him by November 30, 2008. Please include a current CV and, if available, an official law school transcript.

“Cornell, the French court, and both countries will benefit enormously,” says Professor Clermont. “But for the clerks, this can be a life-altering enrichment.”

Librarian Julie Jones Honored

“Legal research remains one of the more difficult aspects of the practice of law, at least for newer attorneys,” says Julie M. Jones, head of information services and lecturer in law, who joined the Law Library’s professional staff in 2004. That is why she focuses on teaching young researchers how to use all available resources efficiently and well. Her commitment to legal research was recently honored by the American Association of Law Librarians (AALL), which gave her the 2008 AALL LexisNexis—New Member Division Award for her paper “Not Just Key Numbers and Keywords Anymore: How User Interface Design Affects Legal Research.” She was awarded $750 and has been invited to present the paper in 2009 to the Section on Law Libraries of the Association of American Law Schools annual meeting in San Diego.

Ms. Jones’s paper considers information foraging theory and current standards in optimal Web design to analyze whether the user interfaces of Westlaw and Lexis help or hinder the process of legal research and the development of effective research skills. “Teaching law students how to best assess and navigate these complex mega-databases is tremendously challenging and rewarding,” says Ms. Jones, who has a J.D. from Northwestern University School of Law and an M.L.I.S. from Dominican University.

The Google Generation: Tech Savvy but Too Trusting

It is quite common, according to reports from our faculty, for incoming undergraduates to use Google as their sole way of finding information and to view Wikipedia as a reliable source to cite in papers. They are a “net generation” which depends on technology. But
They tend only to skim the surface of available resources and lack discernment about the reliability of information that appears on their screens. In response, librarians at Cornell, co-led by Thomas Mills, head of collections at the Cornell Law Library, have created an initiative to help develop "information competency" skills for undergraduates.

In order to help faculty teach new research skills, Mr. Mills co-chaired the Cornell Undergraduate Information Competency Initiative in June 2008. During the week-long meeting, a pilot group of eight faculty members met with librarians and information technology staff to learn about new electronic research methods and to redesign their courses to highlight teaching these skills. The group will continue to meet throughout the year.

“We have a common goal of improving undergraduate information competency,” says Mr. Mills. “We want to teach students how to be information savvy for their lives—how to evaluate the information they find and use it ethically and legally.”

Judicial Clerkships Obtained in the 2007–2008 Academic Year

### Class of 2008
- **Antoine, Wilson**
  Justice Helen E. Hoen, New Jersey Supreme Court
- **Barst, Nomi**
  Hon. Peter W. Hall ’77, U.S. Court of Appeals, 2nd Circuit (2009–10 term)
- **Begley, Kerry**
  Hon. S. James Otero, U.S. District Court, CDCA
- **Beaulieu, Richard**
  Hon. Robert E. Payne, U.S. District Court, EDVA
- **Derr, Emily**
  Hon. Amy St. Eve ’90, U.S. District Court, NDIL
- **Ibrahim, Yosef**
  Justice Jack B. Jacobs, Delaware Supreme Court
- **Koh, Steven**
  Hon. Carolyn Dineen King, U.S. Court of Appeals, 5th Circuit
- **Ozturk, Ferve**
  Hon. Martin Glenn, U.S. Bankruptcy Court, SDNY
- **Parks, Gregory**
  Hon. Anna Blackburne-Rigsby, District of Columbia Court of Appeals
- **Rabe, Elizabeth**
  Hon. Micaela Alvarez, U.S. District Court, SDTX and Justice Gary E. Hicks, New Hampshire Supreme Court (2009–2010 term)
- **Rogers, James**
  Hon. Richard Wesley ’74, U.S. Court of Appeals, 2nd Circuit
- **Santos-Hernandez, Rafael**
  Hon. Gustavo Antonio Gelpi, U.S. District Court, DPR
- **Schurmann, William**
  Senior Judge John P. Fullam, U.S. District Court, EDPA
- **Taylor, Kyle**
  Hon. Joseph Tauro ’56, U.S. District Court, DPA
- **Whitney, William**
  Hon. Scott Wallace Stucky, U.S. Court of Appeals for the Armed Forces

### Class of 2007
- **Cohen, John**
  New York State Court of Appeals Central Legal Research Staff
- **Nieland, Andrew**
  Hon. John Gleeson, U.S. District Court, EDNY
- **Selman, Ari**
  Hon. Marjorie O. Rendell, U.S. Court of Appeals, 3rd Circuit
- **Wimbush, Nicholas**
  Senior Judge Robert L. Carter, U.S. District Court, SDNY

### Class of 2006
- **Bleiberg, Benjamin**
  Hon. Bruce Kauffman, U.S. District Court, EDPA
- **Connolly, Christopher**
  Hon. Paul Crotty ’67, U.S. District Court, SDNY
Gregory S. Alexander, the A. Robert Noll Professor of Law, spent a month teaching a course on comparative constitutional property law at Tel Aviv University’s Buchmann Faculty of Law in the spring. While at Tel Aviv, he gave a faculty workshop based on his forthcoming article, “The Social Obligation Norm in American Property Law.” Professor Alexander also gave a faculty workshop at Hebrew University of Jerusalem and participated in a conference held at Tel Aviv University with members of the Max Planck Institute for Comparative and International Private Law (Hamburg, Germany) and the Tel Aviv law faculty. He also began work on a new book with the dean of the Buchmann Faculty of Law, Hanoch Dagan. Professor Alexander was the first Cornell Law School faculty member to teach at Tel Aviv as part of the Law School’s new program with Tel Aviv’s law faculty.

Upon returning from Israel, Professor Alexander commented on a paper given by Roy Kreitner of Tel Aviv University at a conference on “Law, Markets, and Social Equity,” held at Cornell Law School. The conference was a project of the Clarke International Consortium on Law and Social Justice in Emerging Markets and was co-organized by Professors Riles and Cui Zhuiyan, the Wang Distinguished Visiting Professor of Law, visiting from Tsinghua University. In June, Professor Alexander participated as a commentator at the second annual joint conference of Cornell Law School and Peking University Law School, held in Ithaca. He commented on papers given by professors Bernadette Meyler (Cornell), Lin Bing (Beida), and Cui Zhuiyan (Tsinghua). Later that month, he presented a paper at the annual Property Works-in-Progress Conference held in Boulder, Colorado.

Professor Alexander’s article, “The Social Obligation Norm in American Property Law,” was accepted by the Cornell Law Review. It will be published in May 2009. He also published the entry on property law in the new edition of the Encyclopedia Britannica.

John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law, was the principal organizer of the Berger Program/Cornell International Law Journal Symposium on “Process and Procedure in WTO Dispute Settlement” held at the Law School in April. The symposium was attended by five of the seven sitting members of the WTO Appellate Body and many of the leading WTO scholars from the United States and abroad. Professor Barceló moderated the first panel entitled “General International Law: Interpretation and the Inter-Relation between Regional and WTO Dispute Settlement” and presented his own paper in the second panel devoted to “Proceedings, Standard of Review, and Issues of Proof.” Professor Barceló’s paper, “Burden of Proof, Prima Facie Case, and Presumption in WTO Dispute Settlement,” argues that the Appellate Body should clarify and simplify its burden of proof rules by dropping references to a prima facie case and a shifting burden. His paper argues that the burden of proof as
Professor Barceló’s paper, “Burden of Proof, _Prima Facie_ Case, and Presumption in WTO Dispute Settlement,” argues that the Appellate Body should clarify and simplify its burden of proof rules by dropping references to a _prima facie_ case and a shifting burden. His paper argues that the burden of proof as to the claimant’s main claim should be understood to mean essentially the burden of persuasion, should rest on the claimant, and should remain there without shifting during the course of the proceeding.

The symposium papers will be published in the _International Law Journal_’s annual symposium issue, which will be dedicated to Yasuhei Taniguchi, J.S.D. ’64. Professor Taniguchi retired from the WTO Appellate Body in December, and the symposium was held in his honor.

Professor Barceló was the principal organizer of a second major conference held in April in Miami. The conference was devoted to “Globalization in Latin America: Business Climate and Dispute Resolution” and was the first event the Law School has held aimed at bringing together the school’s Latin American alumni and other alumni who have a strong interest in Latin America. Professor Barceló moderated a panel devoted to “International Commercial and Investment Arbitration in Latin America.” Approximately one hundred Law School and Johnson Graduate School of Management alumni and friends participated over the three days of the event.

In May, Professor Barceló taught a condensed course on WTO law at the Central European University in Budapest. He also lectured at the Munich Intellectual Property Law Center on international commercial arbitration.

During the spring semester, Professor Barceló and other faculty colleagues helped to launch a new initiative in the Law School’s expanding and deepening relationship with academic and judicial affairs in France. Starting this fall, the Law School and a number of cooperating law firms in Paris will support a Cornell Law School graduate in a new and innovative role as a clerk for the Conseil Constitutionnel (French constitutional court) in Paris. The first clerk, Juscelino F. Colares ’03, is an assistant professor at Syracuse University College of Law and will begin his clerkship duties in Paris in September.

As the Elizabeth and Arthur Reich Director of the Berger International Legal Studies Program, Professor Barceló served on the steering committee of the Institute for European Studies and on Cornell’s International Studies Advisory Council.

In March, John H. Blume, director of the Cornell Death Penalty Project and professor of law, gave several lectures at the National Legal Aid and Defender Association’s annual “Life in the Balance” capital defense seminar in Atlanta. Professor Blume gave talks discussing his empirical studies of juror decision making in capital cases and death row “volunteers.”

In April, Professor Blume gave a presentation at Washington and Lee University in Lexington, Virginia, titled “The Development and Presentation of Mental Health Issues in Capital Cases.”

In May, Professor Blume gave several presentations at the fifth annual National Conference on Mitigating Evidence in Capital Cases in Baltimore. He gave one lecture discussing the relevant findings of the capital jury project and other empirical studies of juror decision making in capital cases, and another regarding the relevance of new developments in diagnosing fetal alcohol syndrome and fetal alcohol effect to capital litigation.


In March, Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law, made a presentation about social science and the law, featuring a case study of cohabitation, at the Feminism and Legal Theory Conference at the University of Wisconsin in Madison. She
In February, Sherry F. Colb presented a paper at St. John’s University School of Law entitled “Why Is Torture ‘Different’ and How ‘Different’ Is It?” The paper asks whether an absolute prohibition against torture is morally warranted and whether torture in self-defense is a coherent concept.

also spoke at an all-day meeting of the Veteran Feminists of America in June in New York City. The program was called “A Salute to Feminist Lawyers: 1963–1975,” and Professor Bowman discussed the legal progress made in the area of education for women over that period.

Professor Bowman is also preparing a chapter on Blank v. Sullivan and Cromwell, the 1971 lawsuit brought by women law students against major Wall Street firms alleging discrimination in hiring, to be included in the Women and the Law volume of the Foundation Press Law Stories Series.

Legal Information Institute (LII) director Thomas R. Bruce spent the first half of 2008 on a variety of projects: continuing ongoing work with the National Science Foundation-funded CERI e-rulemaking initiative (http://ceri.law.cornell.edu), serving on the American Bar Association Administrative Law Section Special Committee on the Future of e-Rulemaking, supervising the immensely successful student-written LII Bulletin project, and supervising the LII’s busy staff. A particularly noteworthy accomplishment was the adoption of the LII’s version of the tax code by the IRS for use in its widely distributed tax-materials DVD.

At the Center for Computer-Assisted Legal Instruction Conference in June, Mr. Bruce did the first of what will be many presentations of oai4courts, a technology designed to make seamless operation between independently held repositories of case law much easier. Based on work done by colleagues at the Cornell Digital Libraries Research Group, oai4courts is an infrastructure standard which should enable better and faster searches for case law across Web sites operated by different courts.

In February, Sherry F. Colb, Professor of Law and the Charles Evans Hughes Scholar, presented a paper at St. John’s University School of Law entitled “Why Is Torture ‘Different’ and How ‘Different’ Is It?” The paper asks whether an absolute prohibition against torture is morally warranted and whether torture in self-defense is a coherent concept. A revised and edited version of the paper will be published as an article in the Cardozo Law Review later this year.

Professor Colb has also published numerous legal essays on Writ.FindLaw.com, including “A Chance to Determine the Fourth Amendment Limits on Search Incident to Arrest: The U.S. Supreme Court Grants Review in Arizona v. Gant,” “The Implications of Death Penalty Law for Human Euthanasia,” “What’s So Special about Genetic Discrimination? Congress Passes a Revealing Bill,” and “Hearsay, the Sixth Amendment, and Framers’ Intent: The U.S. Supreme Court Hears Argument in Giles v. California.” In addition, she has posted a number of entries on the blog Dorf on Law, including “Paying for High Grades and Behavioral Economics,” “Meat without Suffering,” and “Driving on a Suspended Fourth Amendment.”

Angela B. Cornell, director of the Labor Law Clinic and associate clinical professor of law, and was invited to speak at the new Centre for Transnational Law and Justice at the University of Windsor in Ontario in March. Her topic was “International Labor Law and Cross Border Issues of Economic Justice.” In February she participated in the Global Legal Skills Conference in Monterrey, Mexico, where her topic was “International Labor Law, Undocumented Workers, and Hoffman Plastic Compounds.” She also participated in a panel discussion on international framework agreements at the International Federation of Journalists’ Latin American conference in Santiago, Chile.

During this past spring semester, Professor Cornell organized two panel discussions on
timely labor law topics, collaborating with the ILR School for both events. The first panel discussion was titled “Profiting from Creativity: The Writers’ Strike and Workers’ Fair Share in the Internet Age,” which featured Mona Mangan, executive director of the Writers Guild of America East; Stephen Koppekin, executive vice president of industrial relations for the Paramount Pictures Corporation; and Edward Pomerantz, an award-winning screen and television writer. The participants discussed the collective bargaining process and its breakdown, culminating in the recent strike. The topic of the second panel discussion was the landmark 2007 Supreme Court of Canada decision *B.C. Health Services*, which interpreted the Canadian Charter of Rights and Freedoms to provide a constitutional right of collective bargaining. The second panel was transmitted live via picture telephone from Ithaca to New York City.


In May, Governor Paterson nominated Professor Cornell to serve on the New York State Advisory Board on Public Work. The state senate later confirmed her appointment as one of six members on the board, which reviews public policy and implementation of Labor Law Article 8, Section 220, and makes recommendations to the New York Commissioner of Labor on public work matters, including prevailing wage and related issues.

In early January, Charles D. Cramton, assistant dean for graduate legal studies, attended the annual meeting of the Association of American Law Schools in New York City. At the meeting, he served as a panelist for two programs. The first program was sponsored by the Section for Graduate Programs for Foreign Lawyers on the topic “Assessing Global Change: The Evolving Role of our LL.M. Graduates in the World around Them (and Our Evolving Role in Preparing Them).” Along with Assistant Dean Cramton, one of his co-panelists was Marjorie B. Mpundu, LL.M. ’05, who currently works for the World Bank. The second panel was entitled “‘Build It and They Will Come’: Responsible Growth of Post-Graduate Law Programs.” Assistant Dean Cramton addressed the issue from the perspective of a long-standing graduate program and focused on student services and finances. At the meeting, he was also appointed to the graduate program section’s executive committee for the year. In that capacity, he is working with the section in planning for its 2009 annual meeting programs.

In the spring term, Assistant Dean Cramton continued to work with the LL.M. and J.S.D. graduate students. As part of the Graduate Legal Studies Program, Assistant Dean Cramton worked with the J.S.D., visiting doctoral, and LL.M. students in the planning and presentation of the fourth Cornell Inter-University Graduate Student Conference. Over a weekend in March, twenty-six graduate students from eight universities presented papers on a variety of international and comparative law topics. In April, Assistant Dean Cramton attended the Law School’s first Latin American alumni gathering in Miami. The program focused on international dispute resolution and the Latin American business climate. He also attended the National Association for Law Placement’s annual meeting in Toronto. He continues to serve on the New York State Bar Association’s Committee on Legal Education and Admission to the Bar and on the New York State Bar Association’s special committee to study the bar examination, which is charged with an overall review of the bar examination in New York.

Roger C. Cramton, the Robert S. Stevens Professor of Law Emeritus, completed an article with Paul D. Carrington, Duke University School of Law, which discusses the history and importance of judicial independence in our constitutional system, but warns that excessive independence may and has led to overreaching by some courts, especially the U.S. Supreme Court. The article will be published in the *Cornell Law Review*. Professor Cramton also is engaged in a semi-empirical work that considers the partial failure of legal sanctions in the United States to deter intoxicated drivers, resulting in a higher rate of serious injuries and fatalities than in other comparable countries.
In the third year of a $750,000 grant from the National Science Foundation, Cynthia R. Farina continues research on electronic rulemaking (e-rulemaking) with Mr. Bruce, director of the Legal Information Institute, and Claire Cardie, the Charles and Barbara Weiss Director of information sciences and professor of computer science at Cornell. Three papers from the research project were presented by Professor Farina, Mr. Bruce, and Stephen Purpura, an information sciences graduate student at Cornell, in May at the tenth annual International Digital Government Research Conference in Montreal. The papers report on progress in one area of the grant research: analyzing public comments submitted on a proposed rule with the help of a computer program that learns how to recognize and categorize substantive issues.

In January, Michael C. Dorf, the Robert S. Stevens Professor of Law, delivered a lecture titled “The Morality of Prophylactic Legislation” as part of the Current Legal Problems lecture series at the University College London Faculty of Laws. In his capacity as special counsel at the law firm of Dewey and LeBoeuf, Professor Dorf worked on an amicus brief in District of Columbia v. Heller, the Second Amendment case in the Supreme Court. He also mooted Walter Dellinger, the District’s lawyer in the case, and spoke on panels about the case at the Association of American Law Schools (AALS) annual meeting and at Cardozo School of Law. Professor Dorf was also a speaker on an AALS panel on reproductive rights after Gonzales v. Carhart (the federal partial-birth abortion case).

In March, Professor Dorf presented his paper “Dynamic Incorporation of Foreign Law” to faculty workshops at Rutgers-Camden, Columbia, and the George Washington University Law School. The paper will appear in the University of Pennsylvania Law Review in the fall. In May, Professor Dorf presented a paper on “The Extra-Constitutional Rule of Recognition” for a conference on the Constitution and the Rule of Recognition at the University of Pennsylvania Law School. In June, he was the keynote speaker at the AALS Conference on Constitutional Law in Cleveland, where he was also a panelist on constitutional theory. In addition to his academic writing, Professor Dorf’s biweekly columns appeared on the Web site WritFindLaw.com, and his blog entries appeared nearly daily on Dorf on Law (http://www.michaeldorf.org).

John R. DeRosa, assistant dean for student and career services, met with the Dean’s Special Leadership Committee in New York City in May to provide a briefing on the current state of the legal job market. In January, Assistant Dean DeRosa began serving as chair of the Association of American Law Schools’ Section on Student Services. Assistant Dean DeRosa has served on the section’s executive committee since 2005. In addition, Assistant Dean DeRosa was recently asked to serve a two-year term on the National Association for Law Placement’s National Diversity Recruiting Task Force.
Stephen P. Garvey, associate dean for academic affairs and professor of law, published “Self-Defense and the Mistaken Racist” in the New Criminal Law Review. In the article, he argues that a liberal state cannot legitimately deny a claim of self-defense to an actor who kills another person, who is black, because the actor believes that the other person is about to kill him, but would not have so believed if the other person had been white.

Glenn G. Galbreath, clinical professor of law, continues to work with the New York State Judicial Institute’s curriculum committee, developing training for newly elected town and village justices, as well as advanced training for experienced justices. He made presentations to newly elected justices in March on “Introduction to the Law,” “Life Cycle of a Criminal Case,” and “Criminal Arraignment” (demonstration and discussion). Also in March, he did two presentations to experienced justices on “Practical Evidence.” In February, he presented lectures and trial demonstrations in Albany and Rochester for child protective services workers in order to prepare them for regularly testifying in trials involving child abuse and neglect. These programs were presented through the Center for Development of Human Services, State University of New York in Buffalo. Professor Galbreath was also re-elected, for the fourth time, as the justice for the Village of Cayuga Heights.

Richard D. Geiger, associate dean, communications and enrollment, had a very busy spring semester overseeing the admission, financial aid, and admitted student recruitment processes for roughly 3,900 J.D. and 920 LL.M./J.S.D. applicants. He also completed his second year overseeing the Law School’s reorganized communications department.

With the Law School Admission Council (LSAC), Associate Dean Geiger continued to serve as a representative on the Oversight and Disclosure Board of the After the J.D. project, a multimillion dollar national longitudinal study of law school graduates who passed the bar in 2001. The project is funded by the National Science Foundation, the American Bar Foundation, the National Association of Law Placement, the Access Group, and the LSAC. In May, he attended the LSAC’s annual meeting in Marco Island, Florida, and in June he participated in two panels at the annual meeting in Ithaca of the Northeast Association of Pre-Law Advisors. One panel provided guidance to experienced pre-law advisors, and the other discussed interesting and bizarre admissions cases.
In January, Claire M. Germain, the Edward Cornell Law Librarian and Professor of Law, attended the Association of American Law Schools (AALS) meeting in New York City. In March, she traveled to Paris to lead the Cornell delegation meeting with the president of the Constitutional Council, Jean-Louis Debré, and Guy Canivet. She introduced them to the Cornell law graduate who is serving as the first-ever Law Clerk to the Council (the French supreme court for constitutional matters), Juscelino F. Colares ’03, who is currently an assistant professor at Syracuse University College of Law, will spend next year at the Council and also will teach an introduction to U.S. law at the École normale supérieure.

As Cornell Law School’s director of the Dual Degree Programs in Paris and Berlin, Professor Germain met with Jean-Louis Halpérin, who is building a law curriculum at the École normale supérieure. She also met with Cornell Paris law alumni and selected the two French students to be enrolled in the J.D.-Master in French Law program this fall.

In April, Professor Germain returned to her alma mater Louisiana State University for a presentation at a ceremony honoring the eighty-third birthday of Saúl Litvinoff, a world-renowned civil law scholar who supervised her thesis. She contributed a chapter to the book Essays in Honor of Saúl Litvinoff, entitled “Louisiana, America, and France: Retracing Historical Milestones and Enhancing Legal Dialogue.” She also attended the New England Law Library Consortium Board of Directors’ meeting in Freeport, Maine.

In June, Professor Germain spoke at the AALS Workshop on Law Librarians in Cleveland on the topic of managing successful relationships.

She also spoke at the American Association of Law Libraries Joint Study Institute in Washington, D.C., on “Digitizing the World’s Law: A Look at Cooperative Endeavors.”


In February, Cornell Law School hosted an engaging symposium on Professor Hans’s new book. Commentators at the symposium included Professor Rachlinski, Cyrus Mehri ’88, and New York University law professor Catherine Sharkey. Professors Hans and Vidmar also offered their reflections on the process of working on the book and the current state of the American jury.

An “authors meet readers” session, in which four legal experts commented on American Juries from their different perspectives and Professors Hans and Vidmar responded, took place at the Law and Society Association’s annual meeting in Montreal. Pieces related to the book appeared in Judicature and Trial, and Professor Hans participated in a number of media interviews to discuss jury matters.

Professor Hans continues to explore a new research interest, studying the international expansion of the use of lay citizens as legal decision makers.

In May, she organized and chaired a panel discussion of scholars who spoke about their research on the upcoming introduction in Japan of Saiban-in Seido, a group of six citizens and three professional judges who will deliberate together to decide verdicts and sentences in serious criminal cases. The panel was presented at the Law and Society Association’s Montreal meeting.

In the summer, Professor Hans lectured to students in Cornell Law School’s Summer Law Institute in Suzhou about the contemporary American jury and the recent Chinese expansion of the use of lay assessors.

George A. Hay, the Edward Cornell Professor of Law and professor of economics, attended the annual spring meetings of the Antitrust Section of the American Bar Association in April, where he was interviewed as part of the oral history project for the Antitrust Section. The interview is available on the section’s Web site.

In June, Professor Hay was a lecturer in the course for competition agencies’ economists run by the Fordham University School of Law Competition Law Institute. His article, coauthored with Rhonda Smith and entitled...
“Why Can’t a Woman Be More like a Man: A Comparative Analysis of Section 2 of the Sherman Act and Section 46 of Australia’s Trade Practices Act,” was published in the Melbourne University Law Review. His revised chapter “The Cigarette Industry” was published in the twelfth edition of The Structure of American Industry, edited by James Brock. Professor Hay also continues to serve as co-chair of Cornell’s University Hearing Board.


In May, Professors Robert A. Hillman and his co-author, Maureen O’Rourke, presented a tentative draft of “Principles of the Law of Software Contracts” to the membership of the American Law Institute in Washington, D.C.

In April, Robert A. Hillman, the Edwin H. Woodruff Professor of Law, presented a paper at Boston University School of Law entitled “Warrants and Disclaimers in the Electronic Age.” The paper, coauthored by Ibrahim Barakat ’08, reports on software vendors’ practice of making express warranties on their Web sites only to disclaim them in their licensing agreements. The paper surveys possible responses to the problem and suggests some solutions. Professor Hillman also coauthored another paper, with Maureen O’Rourke, entitled “Rethinking Consideration in the Electronic Age.” In May, Professors Hillman and O’Rourke presented a tentative draft of “Principles of the Law of Software Contracts” to the membership of the American Law Institute in Washington, D.C.

Robert C. Hockett spent most of January and February teaching his Business Organizations and Financial Institutions classes, as well as preparing several articles for submission to the law journals. Two of those pieces are now slated for publication in the University of Pennsylvania Journal of International Law and the Virginia Law and Business Review, respectively. The other, recently featured on Solum’s Legal Theory Blog, is still under review.

Professor Hockett spent March, in addition to teaching, on several other writing projects. These included putting final edits on an article forthcoming in the Cardozo Law Review and putting final edits on a forthcoming casebook with Thomson/West. Professor Hockett also finished a book proposal for submission to several university presses.

Professor Hockett spent much of April, apart from teaching, with speaking engagements. At the beginning of the month, he gave a combined Public Economics and Law and Economics Workshop organized by Robin Boadway at Queen’s University in Ontario. Later in the month, he commented on the paper given by Shi Zhengfu as the Law School’s annual Clarke Lecture. Finally, at the end of the month he gave the annual Henry George Lecture at the University of Scranton’s Kania School of Management. Previous speakers in that series have included Cornell economists Christopher B. Barrett, Robert H. Frank, and Ravi Kanbur.

In May, in addition to grading final examinations, Professor Hockett gave a workshop as part of Cornell’s department of policy analysis and management seminar series. He also began work on additional writing projects. In June, Professor Hockett presented a paper at
the Law School’s “Law in Context” conference organized by Professor Riles, and worked on a number of other projects, including a reader in international finance, which is to be published as part of Thomson/West’s Global Issues Series. He also began assembling reading materials for a new seminar he is planning with Kaushik Basu, newly named chair of Cornell’s department of economics. The course is tentatively titled Normative Foundations of Law, Economics, and Social Choice.

Sital Kalantry, assistant clinical professor of law and director of the Law School’s International Human Rights Clinic, testified and presented a report to the Inter-American Commission on Human Rights in March on the right to education for Afro-descendants and indigenous peoples in Colombia. The Inter-American Commission, formed under the auspices of the Organization of American States, monitors the human rights situation in the Americas. The testimony and report were a culmination of the international fact-finding mission conducted by students of Professor Kalantry’s International Human Rights Clinic during the fall 2007 semester. Professor Kalantry was also invited to present the findings of the Human Rights Clinic’s study on the right to education at the Law School’s Latin American alumni event in Miami in April.

Mitchel Lasser, the Jack G. Clarke Professor of Law, spent the 2007-08 academic year in New Haven as the inaugural Maurice R. Greenberg Visiting Professor at Yale Law School. He gave a faculty workshop there in February about the book he will complete this summer, tentatively entitled Judicial Transformations: The Rights Revolution in the Courts of France and Europe. He also traveled to Berkeley to present parts of the book at the Mellon Sawyer Seminars on The Dilemmas of Judicial Power, organized by faculty at the law school and in the political science department.

Anne Lukingbeal, associate dean and dean of students, attended the Association of American Law Schools annual meeting in New York City in early January. She was also in New York in February to introduce Rosemary Pye ’74 as the recipient of one of this year’s Distinguished Public Service Awards. In April, she attended the National Association for Law Placement (NALP) annual meeting in Toronto.

In Ithaca, Associate Dean Lukingbeal spent most of her time as the dean of students. She moderated a panel on careers in public policy in January. The panel was one of four panels presented as part of the Public Interest Careers Symposium. On the Cornell University campus, Associate Dean Lukingbeal served as a judge for the Cornell Undergraduate Mock Trial Tournament held in Myron Taylor Hall in January. She accepted assignment to the Cornell University Health Careers Evaluation Committee and chaired the search committee for a new judicial codes counselor.

Associate Dean Lukingbeal wrote an article entitled “The Task Force on Women’s Leadership Issues Presents Recommendations,” which appeared in the April NALP Bulletin.

Peter W. Martin, the Jane M. G. Foster Professor of Law, presented a paper entitled “Online Access to Court Records—from
John Mollenkamp presented “The Hitchhiker’s Guide to the Universe (of Legal Writing Programs)” at the Rocky Mountain Legal Writing Conference in Salt Lake City in March. Along with copresenter Lance Long of the University of Oregon, Professor Mollenkamp described the varying needs for legal writing instruction at schools across the spectrum of U.S. News rankings.

Professor Mollenkamp taught Pretrial Litigation as a visitor at the University of Missouri at Columbia for the summer term. The course focused on the proper use of discovery techniques to resolve federal litigation prior to trial. Upon completing his visit there, Professor Mollenkamp returned to Cornell to continue his work in Ithaca as a permanent member of the Cornell law faculty.

Andrea J. Mooney, clinical professor of law, contributed a chapter entitled “The Reach of Liability for Physical Restraints” for the book For Our Own Safety: Examining the Safety of High-Risk Interventions for Children and Young People, published this year by the Child Welfare League. During the spring, she conducted mock civil trials in Albany, Rochester, and Utica, New York, regarding an injury following a physical restraint.

Professor Mooney has been invited to be a member of a research advisory panel convened by the New York State Office of Children and Family Services. She was also the speaker for the annual “Kids Are Our Business” breakfast sponsored by the Advocacy Center of Tompkins County, which serves victims of domestic violence and child sexual abuse.

Muna B. Ndulo, professor of law and director of Cornell’s Institute for African Development, together with Professor Taylor, conducted a workshop for Rwanda judges at the Institute for Legal Practice and Development in Nyanza, Rwanda, in early January. The workshop was organized by the Kampala-based African Centre for Legal Excellence. The topic of the workshop was the draft contract law for Rwanda drafted by Professor Summers and others and expected to be enacted into law soon. The workshop was attended by well over fifty judges from all over Rwanda.

Also in January, Professor Ndulo spoke at a Human Rights Watch, Africa Division, researchers retreat at Rock Hill, New York. He spoke about increased Chinese investment in Africa and the challenges this poses, if any, for human rights advocates. Professor Ndulo expressed the view that Chinese investment in Africa should be looked at like any other investment from elsewhere and as presenting the same challenges for human rights advocates as any other investment. He stated, however, that particular attention needs to be paid to workers’ rights, environmental rights, and the safety of workers in the workplace. He called for greater attention to social economic rights by human rights advocates.

In March, Professor Ndulo attended the Gender Links Board meeting in Johannesburg, South Africa. Among other items, the board reviewed the progress being made in the adoption of a Southern African Development Community’s protocol on women’s rights. Also in March, Professor Ndulo participated in the Indiana Journal of Global Legal Studies symposium, Operationalizing Global Governance, held at the Indiana University School of Law in Bloomington. At the symposium, he presented a paper on ethnicity and constitutional making. In the paper, he argues that ethnic differences in and of themselves are not the problem. In his view, it is the failure to provide mechanisms for processing conflicts that causes the difficulties experienced by countries in which ethnic conflicts break out. The challenge for the lawyer is to devise structures of government, beginning with the constitution, that provide mechanisms for processing conflicts. He also argues that exclusion is the prime source of conflicts while democracy is one proven mechanism.
In April, Oxford University Press published Jens D. Ohlin’s book on international self-defense, titled *Defending Humanity: When Force Is Justified and Why*, coauthored with George Fletcher. The book presents a new interpretation of Article 51 of the UN Charter and argues that the article’s concept of “legitimate defense,” a concept originally borrowed from continental criminal law, includes not just self-defense but also defense of others, and provides a Charter-based legal argument for humanitarian justification. The book was the subject of a symposium at Columbia Law School in the spring.

Professor Ohlin’s article “Group Think: The Law of Conspiracy and Collective Reason,” a draft of which was presented to the Cornell faculty last fall, was published in *the Journal of Criminal Law and Criminology*, and his article “The Bounds of Necessity” appeared for resolving them. He argues for the promotion of inclusive democracy and good governance to prevent and manage ethnic conflict.

In late March, Professor Ndulo spoke as part of a panel called to discuss the recent crisis in Kenya. The panel examined the causes, nature, and possible solutions to the crisis that engulfed Kenya in early 2008 after disputed national elections. In April, Professor Ndulo attended a conference on law, poverty and economic inequality at Valparaiso University School of Law. During the conference, he presented a paper “Legal Education and the Challenge of Development.” In his paper, he discusses legal education in the context of globalization with specific reference to Africa. He examines the problems that African law schools face in responding to the challenges of legal practice and the complex issues posed by economic development and examines ways of dealing with the challenges. In the paper, he proposes increased training and exposure of lawyers to complex commercial litigation.

In April, Professor Ndulo participated in a MacArthur Foundation consultative meeting on human rights in Africa held at the MacArthur Foundation head office in Chicago. At the meeting, they discussed the human rights situation in Africa and the African human rights system and looked at ways to strengthen the same. Five days later, Professor Ndulo gave a talk to Professor Emeritus Robert B. Kent’s perspectives in law class at Roger Williams University School of Law in Rhode Island. He spoke to the class on the transition from apartheid to a democratic South Africa from 1992 to 1994, a period during which Professor Ndulo worked as political adviser to the UN Observer Mission in South Africa.

In late April, Professor Ndulo attended and presented the keynote address at a national colloquium on the future of legal education at his alma mater, the University of Zambia. In his address, he challenged the University of Zambia to reform its curriculum to meet the challenges of globalization. He advocated the strengthening of international law programs and the introduction of programs that emphasize the skills and perspectives that lawyers need to discharge in their many obligations both domestically and internationally in an increasingly globalized world economy.

Professor Ndulo participated as a panelist at a symposium on the governance dimensions of the Millennium Development Goals in Africa at the UN in New York City in May. The symposium was jointly organized by Cornell and the United Nations University. In his presentation, Professor Ndulo observed that good governance was a precondition to economic development. He further observed that governance has a direct impact on the delivery of services. He noted that although governance has improved in Africa, much remains to be achieved.

In June, Professor Ndulo served as a member of an International Development Law Organization survey mission to Nairobi, Kenya, to look at the implementation of former UN Secretary General Kofi Annan’s Kenya agreements concluded to end the violence in Kenya early this year. Also in June, he attended a project meeting of the International Center for Transitional Justice in Bonn, Germany. The meeting discussed the roles various national institutions can play in promoting transitional justice in societies emerging from conflict.

In April, Oxford University Press published Jens D. Ohlin’s book on international self-defense, titled *Defending Humanity: When Force Is Justified and Why*, coauthored with George Fletcher. The book presents a new interpretation of Article 51 of the UN Charter and argues that the article’s concept of “legitimate defense,” a concept originally borrowed from continental criminal law, includes not just self-defense but also defense of others, and provides a Charter-based legal argument for humanitarian justification. The book was the subject of a symposium at Columbia Law School in the spring.

Professor Ohlin’s article “Group Think: The Law of Conspiracy and Collective Reason,” a draft of which was presented to the Cornell faculty last fall, was published in *the Journal of Criminal Law and Criminology*, and his article “The Bounds of Necessity” appeared
In February, Eduardo M. Peñalver presented his paper “The Problem with Land” at the Columbia Legal Theory Workshop. The paper discusses the shortcomings of the economic analysis of land use law and proposes an alternative based on virtue theory.

In April, Professor Peñalver attended the gathering of Cornell Law School’s Latin American alumni in Miami, where he spoke about potential property claims in a post-Castro Cuba. A week later, he participated in a two-day roundtable discussion at Emory University on religious and moral freedom. In June, he participated in a conference on property theory at Harvard Law School.

In May, Jeffrey J. Rachlinski taught courses on behavioral law and economics at the law schools at Hebrew University of Jerusalem and the Interdisciplinary Center, Herzliya.

During the spring semester, Professor Rachlinski presented a paper on unconscious bias and judges at a number of different law schools in the United States, Germany, and Israel. The paper presents research on trial judges that reveals that like most adults, trial judges harbor invidious unconscious associations concerning women and minorities. Professor Rachlinski’s research indicates that these implicit attitudes do not directly affect the decisions that these judges actually make when race or gender is identified explicitly. The influence of these biases emerges, however, when judges are induced to think about the race of a defendant in unconscious ways.

Professor Rachlinski also completed a paper with Gregory S. Parks ’08 on the role unconscious bias is playing in the 2008 election. In the paper, the authors present evidence that both Hillary Clinton and Barack Obama have had to confront the adverse unconscious biases in their efforts to obtain the Democratic nomination for president. The paper was quoted on several blogs, including the Huffington Post and Newsweek’s blog.

Professor Rachlinski was also interviewed about the paper for the Patt Morrison show, a daily radio program broadcast on 89.3 KPCC in Southern California. As of this writing, the paper, like the presidential election, remains a work in progress, waiting for an outcome.

Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies and professor of anthropology, published three articles during the spring semester. The first two, “Transdisciplinary Conflicts: Opening up the Theoretical Foundations of Private International Law” (coauthored with Karen Knop and Ralf Michaels) and “Cultural Conflicts,” both appeared in a special issue of Law and Contemporary Problems which she coedited with Professors Knop and Michaels on new approaches to globalization through the doctrines of conflict of laws. The third article, “Private Global Governance, Legal Knowledge, and the Legitimacy of the State,” was published in the American Journal of Comparative Law and will be republished in an edited volume commissioned by Mohr Siebeck publishers, Germany. The first two articles demonstrate how sophisticated insights and methodologies from anthropology can help resolve problems in the conflicts of laws that stem from legal fragmentation and pluralism in conditions of globalization.

Annelise Riles published two articles in the spring semester that demonstrate how sophisticated insights and methodologies from anthropology can help resolve problems in the conflicts of laws that stem from legal fragmentation and pluralism in conditions of globalization.
E. F. Roberts was impressed by how ours is a number-driven civilization in which a new wave of law journals has only belatedly joined the truth-by-number-crunching ideology. But whether this is really something new under the sun puzzles him. “Take away number in all things and all things perish.” Thus spake St. Isidore of Seville, circa 600.

A scene in the kitchen adjacent to the faculty commons room would seem to cry out for some number crunching. On the counter sit three insulated aluminum carafes, two containing regular coffee and one decaffeinated ersatz coffee. A handmade sign behind the carafes declaims that the custom among the users is to make a new “pot” to replenish an emptied one, and the coffee-making machinery right at hand would be child’s play for a chimpanzee. Often one of the containers is empty, sometimes two, and it can happen that all three are empty. Can the advertised custom be said to exist? How would one begin to put together a rule decreeing the custom can only exist if a certain numerical level of refilling is maintained? But before setting up one’s computer on the site, perhaps it would pay to decide whether the message actually asserts a state of affairs or, by way of irony, seeks to encourage certain behavior. This latter notion might be especially befitting given that the late idol of law school faculties, Socrates, often employed irony. This particular irony does not appear to work very well. But it may work very well to prove a charge often made against persons trained on law school drill fields to the effect they don’t “get” irony. This suggests that, instead of bemoaning that there are no answers, we must concentrate on the quaere, what is the question?

Emily L. Sherwin, together with coauthor Larry Alexander of the University of San Diego, published a book entitled Demystifying Legal Reasoning (Cambridge University Press, 2008). The book examines the methods of reasoning and interpretation used by judges, and argues that, contrary to many popular views, there is no uniquely “legal” form of reasoning.

Professor Sherwin published chapters in two books: “Legal Positivism and the Taxonomy of Private Law” in Structure and Justification in Private Law: Essays for Peter Birks, edited by Charles Rickett and Ross Grantham; and “The Story of Conley: Precedent by Accident” in Civil Procedure Stories, second edition, edited by Professor Clermont. Also published this year was her article commenting on provisions of the draft Restatement (Third) of Restitution and Unjust Enrichment, entitled “Unjust Enrichment and Creditors,” in the Review of Litigation. She also gave a talk on legal reasoning at the DRI Appellate Advocacy Seminar in Orlando in February.
Robert S. Summers, the William G. McRoberts Professor of Research in the Administration of the Law, was honored in Washington, D.C., in May as one of the two cofounders and first coadministrators of the CLEO program, introduced forty years ago to help, as it was then put, “remedy the racial imbalance in the legal profession.” CLEO stands for “Council on Legal Education Opportunity.” The program continues to exist, and from the beginning has set up summer institutes for minority college students possibly interested in going to law school, and has provided scholarships. The program has contributed greatly to increased minority enrollment in American law schools. While in Washington, D.C., Professor Summers also lectured on the CLEO program to classes of students at Washington and Lee High School in Arlington, Virginia, and a lively discussion followed.

Professor Summers continued his work on law reform for the African nation of Rwanda. With the help of his administrative assistant, Gina Jackson, and his research assistants, especially Brian J. Boyle Jr. ’09, Sapna Desai ‘09, Ryan L. Juliano ’09, and Jonathan D. Grossberg ’08, Professor Summers worked on teaching booklets addressed to the new code of contract law he has codrafted for Rwanda.

As co-chair of the Bielefelder Kreis, an international and comparative research group with members from eight countries, Professor Summers is working with Professor Barceló, also a member, to cohost the upcoming meeting of this body, here at Cornell this fall. The group has already coauthored two volumes and is planning a third.

In the past year, the final (and fourth) volume of the fifth edition of James J. White and

In February, W. Bradley Wendel delivered the 2008 F. B. Wickwire Memorial Lecture on Legal Ethics and Professional Responsibility at Dalhousie Law School in Halifax, Nova Scotia. The lecture was entitled “Executive Branch Lawyers in a Time of Terror” and considered the ethical issues implicated in the war on terror in terms of the duty of all lawyers to respect the law. A text of the lecture will be published in a forthcoming issue of the Dalhousie Law Journal. Professor Wendel also presented a paper on government lawyers’ ethics at the Yale Legal Theory Workshop, and versions of the same paper at faculty work-in-progress workshops at Boston College; the University of Nevada, Las Vegas; and Georgetown University. Finally, professor Wendel contributed a paper to a symposium on judicial ethics in the Notre Dame Journal of Law, Ethics and Public Policy, and a review of David Luban’s book Legal Ethics and Human Dignity to a forthcoming symposium in the Cornell Law Review.

An article on a problem in lawyer conflicts of interest by Charles W. Wolfram, was recently published. His “Competitor and Other ‘Finite Pie’ Conflicts” appeared in the Hofstra Law Review (2007). The article attempts to resolve a long-standing controversy over whether a lawyer is ever precluded from representing business or other competitors. Noting that a significant body of decisions have stated that competition between clients, by itself, does not create a conflict for a lawyer representing both clients in unrelated matters, Professor Wolfram approvingly notes a parallel body of decisions holding that such representation is impermissible when it would involve the lawyer assisting one of the competitor clients to compete directly with the other. In the article, Professor Wolfram urges that courts interpret an ambiguous comment to the Model Rules of Professional Conduct in light of those decisions.
FACULTY PROFILE

Cynthia R. Farina

Colleagues describe her as a national figure in the field of administrative law, but the subject initially was not part of her game plan when she joined the Law School faculty in 1985.

“I wanted to teach civil procedure and constitutional law,” she recalls. But the school needed her to offer administrative law and she had the background to do it, having clerked on the District of Columbia circuit, the premier federal court for administrative law, and done regulatory work with a top Boston law firm.

Now, twenty years after teaching her first class on the subject, she says: “I came to appreciate how important it is to so much of the public policy in this country.”

One case that influenced her thinking, Chevron U.S.A. v. Natural Resources Defense Council, was decided the summer she came to Cornell and went on to become one of the most-cited twentieth century administrative law cases.

In that ruling, the Supreme Court directed courts to defer to federal agency interpretations of ambiguous regulatory statutes, as long as the interpretations are reasonable. The decision permitted the Reagan administration Environmental Protection Agency (EPA) to reverse a view of Clean Air Act requirements that the EPA had followed during the Carter administration.

The Chevron case “significantly affected the balance of power in our government,” says Professor Farina. “Congress lost power vis-à-vis the president because it’s hard to write a statute without gaps or ambiguities,” she comments, explaining: “Congress’s regulatory policy preferences often don’t match the president’s. If courts resolve statutory questions, their decisions won’t tend to favor either branch disproportionately. But when agencies do the interpreting, the president’s preferences usually win.” The only way for Congress to regain control over a statute’s meaning, she says, is with a veto-proof majority.

Professor Farina sees the shift as part of a “troublesome” broader trend toward increased presidential power. “The president does not uniquely embody the ‘will of the American people’ in the way presidentialists want to insist,” she says. “Voters choose among presidential candidates for many reasons that cannot possibly be viewed as endorsements of the winner’s every policy position,” says Professor Farina. “We have three branches of government to provide three different articulations of the will of the people. Representative democracy emerges from their cooperation and competition as equals.”
Representative democracy emerges from their cooperation and competition as equals.”

She doesn’t see the “presidentialist” trend ending soon either. “We haven’t seen the kind of mass revulsion to the assumption of presidential power that we had, for example, with Watergate, which created a broad-based sense that the presidency had gotten out of control,” she says. “Perhaps it takes a policy disaster of that magnitude to change the momentum.”

But a project Professor Farina is working on may help restore the balance a little by making it easier for ordinary people to understand and participate in significant regulatory decisions. Referred to as e-rulemaking (e is for electronic), the project leverages the Internet to open up the rulemaking process. “It has the potential to level the playing field if it’s done well,” she says.

“Most people—in fact many lawyers—don’t appreciate the significance of rulemaking,” comments Professor Farina. “Rules set the permissible levels of ozone in the air and arsenic in the water, determine fuel economy and airbag standards for automobiles, define airlines’ responsibilities for passengers bumped from overbooked flights, and even specify what federally funded clinics may tell women seeking information on abortion,” she notes. “Those are subjects a lot of us have an interest in.”

Generally, agencies must publish a proposed rule and give the public time to comment on it, she explains. In the past, key background material as well as people’s comments could be viewed only at the agency’s reading room, typically in Washington, D.C. “That gave large corporations and well-resourced groups an unfair advantage,” she says.

Now agencies are beginning to post such information on the Web and to accept online comments, says Professor Farina, but people who comment don’t always understand the process. “Rulemaking isn’t like voting. The agency can’t make a decision simply because most comments are pro or con. It needs facts and relevant policy arguments.”

Doing e-rulemaking the right way became Professor Farina’s chief interest after Thomas R. Bruce, director of the Legal Information Institute (LII), linked her with Claire T. Cardie, professor of computer science and the Charles and Barbara Weiss Director of the information science program at Cornell. “Claire wanted to research whether new information technologies could be useful in rulemaking,” says Professor Farina, “and LII is expert at providing legal information to the public.” Together they formed the Cornell e-Rulemaking Initiative (CeRI) and received a three-year $750,000 grant from the National Science Foundation (NSF) to “explore several different ideas,” she says.

The primary idea they are pursuing, requested by agency rulemakers, is a program to help analysts extract and categorize substantive issues in people’s comments. With the help of teams of law students and students in Cornell’s Faculty of Computing and Information

Cynthia Farina is a principal researcher in the Cornell e-Rulemaking Initiative (CeRI). Her scholarship and teaching focuses on administrative law, the presidency and the legislature, due process and separation of powers.
Michael Heise

When he was nine, Michael Heise watched on television as Neil Armstrong walked on the moon in 1969 and decided he wanted to be an astronaut too.

From then on he applied himself to the study of science and math, which he was interested in and had a flair for—hinting at his later affinity for data-driven legal research.

But in high school he realized he would soon outgrow the height limitations NASA then placed on Apollo program astronauts. (“I was already over six feet tall and still growing,” he recalls.)

While he had no Plan B, his academic and athletic interests led him to Stanford University in 1979, where he took courses that interested him, from aeronautical engineering to American history, and played football and ran track.

“I literally knew nothing about law school, but after a practice I noticed a teammate with an LSAT preparatory book. I asked about it and whether anyone could take the exam,” he recalls. “A month later I walked in and took it.” He ended up enrolling at the University of Chicago Law School in 1983, which turned out to be a perfect fit.

“I found the law school experience intellectually exhilarating and academically intense,” he says. “It was an easy place to learn a lot, and I quickly understood that I had a lot to learn.”

It was in law school that his interest in empirical research began to emerge. Lacking enough data for a research paper he was writing on the racial integration of public schools, a topic that straddled law, public policy, and education,
“I realized that to make sense of the issue I needed to approach it with more rigor than traditional legal scholarship provided.” So he visited nearby Northwestern University’s department of public policy, which had a quantitative focus, and asked the dean: “Would pursuing this subject in a Ph.D. program make any sense?”

The answer was yes, and the paper formed the basis of Professor Heise’s doctoral thesis at Northwestern, “A Constitutional and Statistical Analysis of School Desegregation Consent Decrees.” One controversial finding: many court-ordered school integration efforts placed a greater burden on black students than white ones.

“Graduate school was where the proverbial light bulb went off for me, and a Plan B emerged with utter clarity,” says Professor Heise. “I knew I was going to approach legal research questions from an empirical perspective, using the quantitative tools and techniques I was learning in graduate school.”

Following his Ph.D. in 1990, he planned to do post-doctoral research; but at the urging of his wife, Dawn Chutkow, an attorney whom he met in law school, he instead accepted an offer to join the U.S. Department of Education in Washington, D.C. He worked there for two years, first as senior legal counsel to the assistant secretary for civil rights and then for Lamar Alexander, then U.S. secretary of education. “I had the opportunity to observe senior government officials and see policy making at a high level,” says Professor Heise. “It was a wonderful experience and gave me a deeper understanding of, and respect for, administrative rulemaking and the legislative process.”

One of the cases he reviewed there involved the Virginia Military Institute (VMI), whose then-male-only admissions policy was being challenged under the 14th Amendment’s equal protection clause. “I knew instantly that this case was much larger than the department and would have to be resolved by the Supreme Court,” says Professor Heise. Indeed, the Court ruled in 1996 that women could enroll at VMI.

Following Washington, Professor Heise became a faculty member at Indiana University School of Law in 1994, where he returned to empirical legal research, much of it initially involving law, public policy, and education. Widely published on a range of subjects in peer-reviewed and law journals by the time he left in 1999, he went on to become professor of law at Case Western Reserve University and then at Cornell Law School, whose faculty he joined in 2002.

“The opportunity to come to Cornell was something neither I nor my family could pass up,” he says. “The Law School is extraordinary and benefits from outstanding students and a first-rate faculty, particularly in the area of empirical legal studies, from whom I continue to learn. The collaborative, collegial environment is unique. It’s a privilege to teach law here. And Ithaca is a wonderful place to raise children.” He and his wife have a daughter and son, both now in their teens.

The Law School’s Journal of Empirical Legal Studies (JELS) published its first issue soon after he arrived, Professor Heise recalls. He already knew the work of its key founder, Theodore Eisenberg, the Henry Allen Mark...
**Profiles**

**ALUMNI PROFILE**

**Albert “Al” H. Meyerhoff ’72**

With his thick mane of curly hair and wide grin, Albert “Al” H. Meyerhoff ’72 looks more like comedian Al Franken, only taller and minus the glasses, than a courtroom champion of the defenseless.

But there’s nothing funny about the abuses Mr. Meyerhoff has legally challenged. He litigated to outlaw pesticides that cause birth deformities, secured the right to education for the children of immigrants, and won reforms at one of the worst sweatshops on U.S. soil.

“I was meant to do this work,” he says of his thirty-six years as a labor, civil rights, and environmental lawyer.

In 1999, Doe vs. The Gap et al, a precedent-setting class action suit, was filed on behalf of thirty thousand workers from six Asian countries hired as “guest workers” but treated as indentured labor in sweatshops in the Northern Marianas Islands, a U.S. commonwealth in the Pacific.

“Conditions were horrendous—barbed wire enclosed factories, guard dogs, and work quotas,” Mr. Meyerhoff relates. “The workers signed ‘shadow contracts’ that waived every imaginable right, after paying thousands of dollars for the privilege of working six-day weeks making clothing labeled ‘Made in the U.S.A.’

Mr. Meyerhoff’s team made use of the Alien Tort Claims Act, enacted in 1789, that grants the right to non-U.S. citizens to seek justice in U.S. courts when human rights have been violated by “the enemies of all mankind,” he relates. They sued factory owners and a dozen high-fashion clothing makers such as Ralph Lauren and Tommy Hilfiger. An out-of-court settlement included $20 million, a model workplace code of conduct, and a monitoring program. His firm waived their fees.

**Andrew C. Compton ’07,** who took Professor Heise’s torts class, says: “I was immediately impressed by his organization, clarity, and ability to bring case law to life—from the ‘daily roadmap’ he wrote on the chalkboard each class session, to equipping us with our own ‘torts tool belts.’”

Professor of Law at Cornell Law School.

“Back when I was in law and graduate school, Ted and some of his Cornell colleagues were just beginning to help define the field of empirical legal studies. As a student I had the temerity, and was naïve enough, to approach him with a few technical questions involving some of my work,” he says. “Even though I wasn’t one of his students, Ted was gracious and generous with his time, assistance, and encouragement. It left an impression I’ve never forgotten.”

Says Professor Eisenberg: “Michael has quickly become a leading scholar of his generation. He has done some of the most important legal scholarship, empirical and non-empirical, in a variety of fields, including judicial policy preferences, case outcomes, school policy, and sentencing.”

Professors Heise and Eisenberg are among *JELS*’s coeditors. They also have collaborated, with colleagues, on several recent empirical studies with intriguing results, for example, that juries are more likely to reverse appealed decisions (“Plaintiphobia in State Court? An Empirical Study of State Court Trials on Appeal,” *Journal of Legal Studies*, forthcoming); and that juries and judges use compensatory and punitive damages similarly (“Juries, Judges, and Punitive Damages,” *JELS*, 2007).

“It has been argued that punitive damages operate like wild cards,” explains Professor Heise. “But if you look behind the headlines carefully you see they generally operate the way underlying compensatory damages would suggest—very predictably.”

Andrew C. Compton ’07, who took Professor Heise’s torts class, says: “I was immediately impressed by his organization, clarity, and ability to bring case law to life—from the ‘daily roadmap’ he wrote on the chalkboard each class session, to equipping us with our own ‘torts tool belts.’” Now an associate with Latham & Watkins LLP, he also was a research assistant for Professor Heise, whom he calls a mentor and friend. “His advice was pivotal to the decisions I made about opportunities to pursue at the school and professionally,” Mr. Compton says.

An active blogger, Professor Heise regularly contributes to the Empirical Legal Studies Blog, where he often posts summaries of others’ research, for comment. He also serves as faculty editor of the *Cornell Law Forum*.

He and his wife spend much of their free time transporting their children, both competitive swimmers, to meets. In addition, Professor Heise is a trained commercial pilot who flies frequently—which seems like the ideal hobby for a once-aspiring astronaut. “I still enjoy the physics of it,” he says. “It also allows me to exercise a non-legal part of my brain and clears my mind like little else. I tell my wife it’s much cheaper than therapy.”

- LINDA BRANDT MYERS
Sadly, under the General Agreement on Tariffs and Trade, many Marianas clothing factories are now closing, with production moved to China, where some of the same abuses may proliferate, reports Mr. Meyerhoff. “But the Marianas case established an important precedent,” he says.

Mr. Meyerhoff grew up in a small town in north central Connecticut “with little white churches and a predominantly white population,” he says. Harassed as a boy by older town bullies, he developed “an active dislike of the abuse of power” early on. He joined the anti-Vietnam War movement in college and decided to study law because “I wanted to effect change.”

But when he arrived at Cornell Law School on scholarship in 1969, he found it “a sleepy little school” unlike the political hotbed of the larger Cornell University. “Most students were male and white. Suits and ties were required in class until just before my first year,” he remembers.

Professor Walter Oberer, who taught contracts law, seemed the identical twin of professor Charles Kingsfield, the character played by John Houseman in the 1973 movie The Paper Chase. “He was legendary, brilliant, and conservative in his politics, especially about the war. I went head to head with him both in and out of the class. But I learned how to be a lawyer from him, to stand on my feet and make my case. I ended up getting his highest grade — still among my proudest accomplishments.”

Some of Mr. Meyerhoff’s bold litigation strategies had their beginnings at Cornell. Along with classmate and friend Jeffrey A. Mishkin ’72, now a renowned sports lawyer, he volunteered with the Law School’s Legal Aid Clinic and persuaded the dean to begrudgingly assign a full-time faculty member to the clinic and give students course credit. Says Mr. Mishkin: “There was no one in our class who cared more about doing good than Al.”

While still at the Law School, Mr. Meyerhoff argued his first class action case, in U.S. district court in Utica, on behalf of Louella Mills, a blind woman whose social security survivor benefits had been cut off after the death of her live-in daughter. “We successfully argued you couldn’t cut off her benefits without a hearing. Louella got her benefits back and we learned a lot,” he reports.

Following graduation, Mr. Meyerhoff turned down a high-paying position at McCutcheon Doyle to take a $60-a-week job with the California Rural Legal Assistance (CRLA), a nonprofit Office of Economic Opportunity program. There, for nine years, he represented migrant workers and the rural poor during the heyday of United Farm Workers leader César Chávez. “I worked on issues I believe in with extraordinary people doing extraordinary things,” he says. “What beats that?”

Among the cases he litigated was a successful challenge to a statute preventing undocumented immigrant children from attending public school, Maria P. v. Riles. Maria was a six-year-old girl born in Mexico after her mother, a U.S. resident alien, was refused admission to a U.S. hospital. In Caap v. UC Regents he also sued the University of California, challenging
agricultural mechanization research that harmed workers and family farms.

Mr. Meyerhoff’s interest in science and technology prompted him in 1981 to join the Natural Resources Defense Council (NRDC). There, for seventeen years, he used a “multi-pronged approach” that included litigation, testifying before Congress more than fifty times, and appearing on programs such as Meet the Press, 60 Minutes, and Crossfire.

To pressure the chemical industry to agree to tougher standards, in Les v. Reilly, his clients invoked the Delaney clause, a strict but little-used Food, Drug, and Cosmetic Act amendment prohibiting animal carcinogens in processed foods. “The tactic forced a crisis requiring the industry to negotiate,” he relates. “That resulted in the Food Quality Protection Act, the first national pesticide reform statute in twenty-five years.” The Act has resulted in bans of several dozen carcinogenic pesticides, he says. “Al is one of the most creative forces linking environmental law with social justice to make the world better for the next generation,” says Carl Pope, executive director of the Sierra Club.

But there also have been tough losses along the way, such as Big Green, a sweeping 1990 California ballot initiative he helped write to protect the environment. “We raised $17 million and put in two years work,” says Mr. Meyerhoff. “But a recession and the first Persian Gulf War happened. We were outspent six to one and got clobbered.”

In 1998, he joined Coughlin Stoia, a major class action law firm, where in addition to offshore sweatshops, his varied cases have involved the Enron fraud and challenging Mexican cross-border trucking that fails U.S. health and safety standards.

“He has never stopped trying to do good,” says Mr. Mishkin.

“One of the benefits of being a public interest lawyer is you can combine different kinds of advocacy,” notes Mr. Meyerhoff. He continues to be a highly public voice as a blogger for the Huffington Post and op-ed author for such newspapers as the Washington Post, New York Times, and Los Angeles Times, weighing in on such hot topics as gay marriage, climate change, and the conservative imbalance in today’s courts.

When not being a lawyer for the public good, Mr. Meyerhoff spends time with his family. He is married to TV journalist Marcia Brandywine, and the couple has an adopted rescue dog, Milo, a schnoodle. Mr. Meyerhoff is also very proud of his twenty-eight-year-old daughter, Leah, a prize-winning filmmaker.

The recipient of the Law School’s Exemplary Public Service Award in February 2007, Mr. Meyerhoff would like to see a better public interest career path developed for new lawyers. “It’s work that our society needs, but most young lawyers are deterred by few opportunities and salaries too low to pay off school loans,” he says. “We need to create incentives for public service, and law schools should lead the way.”

Mr. Meyerhoff’s latest cause is to save the world’s honeybees.

-LINDA BRANDT MYERS

ALUMNI PROFILE

Amy J. St. Eve ’90

At just over five feet tall, Hon. Amy J. St. Eve ’90 is “not overly imposing when standing,” wrote a reporter covering the Conrad Black fraud trial in Chicago for the Telegraph in 2007. “But when sitting behind the bench in courtroom 1241 in Chicago’s federal court house, she is not a woman to be messed with.” Indeed, Judge St. Eve was one of the youngest judges to join the federal bench when she was appointed at age thirty-six to her current position as U.S. district court judge for the Northern District of Illinois by President George W. Bush in 2002.

But since then, in addition to the trial of Mr. Black, a media mogul found guilty of stealing $84 million from the company that owns the Chicago Sun-Times, Judge St. Eve has presided with aplomb over two other high-profile trials. In one, the defendant, Muhammed Salah, a Chicago medical van driver, was convicted earlier this year of lying under oath about his ties to the Palestinian group Hamas, which is on the U.S. government’s list of terrorist organizations. In another, Antoin “Tony” Rezko, a Chicago real estate developer and fundraiser for Barack Obama and other politicians from both parties, was convicted of fraud and money laundering.

On her approach to her job, Judge St. Eve explains: “I take the allegations seriously in every case that comes before me, whether it’s small, big, criminal, or civil. Politics plays no role at all. I assess things based on the law and the facts presented to me, and I try very hard to make sure I’m fair and objective in everything I do.” One of her tasks is making sure the media doesn’t influence a trial’s outcome. It’s a lesson...
she learned in 1994–96 when she was named associate independent counsel under Kenneth Starr during his investigation of then-president Bill Clinton. “I learned in Little Rock to not let the press affect anything I do,” she says. “Now I don’t read coverage during a trial, and I put certain procedures in place so it doesn’t affect the jury.”

Judge St. Eve had worked in private practice with Davis Polk & Wardwell in New York City for just four years when her interest in prosecution earned her a spot on Mr. Starr’s team, prompted by a recommendation to his assistant deputy chief in Little Rock from a colleague at another law firm with whom she’d worked on a case.

Only twenty-nine when she took the job, she was responsible for the win in the fraud trial of former Arkansas governor Jim Guy Tucker and Jim and Susan McDougal, two partners in a failed real estate venture called Whitewater Development whose copartners also included Bill and Hillary Clinton.

“Shes an absolutely brilliant lawyer, one of the best there is,” says George Collins, a Chicago lawyer who appeared against Judge St. Eve in the prosecution of Mr. Tucker. “She was competent and capable and perceptive, and an extraordinarily good examiner of witnesses. If it didn’t hurt too bad to lose, I’d say it would be a joy to be against her.”

An early riser known for her promptness, Judge St. Eve is in her Northern Illinois district court chambers at 6:00 a.m., and in court ahead of schedule. “At the rates lawyers are billing their clients these days, if I set a hearing for 8:30 a.m. and don’t come until 9:00 a.m., I think that’s unfair,” she says.

“Smart and reasonable, she won’t let cases age, but she doesn’t steamroll you either,” one civil litigator writes in the Robing Room, a Web site where practitioners weigh in on judges.

“She’s an outstanding judge who mixes high intelligence with down-to-earth common sense,” says colleague Virginia Kendall, a federal U.S. district court judge with the Northern District of Illinois. “She is efficient and hardworking, and as a result, the litigants who appear in front of her are assured that their matter will be handled by someone who has expended the time and effort to understand the issues.”

Judge St. Eve grew up in Belleville, Illinois, a suburb of St. Louis. The kid sister of three brothers (“They toughened me up.”), she read Little Women and the Nancy Drew series as a girl and was class valedictorian and student council president in high school. A teacher and student council adviser, Fritz Kunze, made an impression when he told her “to keep my options open and reach for whatever I might want.”

Hunting for a good college on the East Coast at her father’s urging, “I did a school tour and fell in love with Cornell,” she says. She majored in history, graduating with honors in 1987. After interning the summer before her senior year for Illinois senator Alan J. Dixon, a Democrat also from Belleville, she decided to go on for a law degree at Cornell because, “I saw you could do so many different things with it.”

At the Law School, she was first in her class and editor of the Cornell Law Review. “It sounds crazy, but I really enjoyed law school,” she says. “The small classes were wonderful. Professor Hillman’s contracts class definitely had an impact, as did Professor Wolfram’s class in civil procedure.”

She joined Davis Polk after graduation, gravitating toward white-collar criminal defense work. Interested in prosecution, she considered joining the Justice Department but was prevented from doing so by a hiring freeze. Later, after her work with Mr. Starr’s team and before her judgeship, she was a prosecu-
“Amy is an outstanding judge who mixes high intelligence with down-to-earth common sense,” says colleague Virginia Kendall, a fellow U.S. district court judge with the Northern District of Illinois. “She is efficient and hardworking, and as a result, the litigants who appear in front of her are assured that their matter will be handled by someone who has expended the time and effort to understand the issues.”

In 2002, she was named one of the forty top people under age forty in Crain’s Chicago Business, and in 2003, she was appointed to the President’s Council of Cornell Women. A third honor she cherishes is from her high school, Belleville West, which put her on its Wall of Fame. Sandy Hall Magnus, an astronaut, and Bob Goalby, a top golfer, are also on the wall, notes Judge St. Eve. “I was honored to be in their company.”

In response to those who have speculated she’ll eventually be nominated as a Supreme Court justice, she says: “I’m flattered. But my current position is a lifetime appointment by the president, confirmed by the Senate. I love my job, and I feel lucky and blessed with my life. I have no other plans.”

—LINDA BRANDT MYERS
recommend that the government block the merger or acquisition or, more often, seek a settlement requiring the merged firm to divest the assets that would have given it a monopoly. “The assets to be divested could be those in a geographic area or an entire product line or a subsidiary,” she explains. “The goal is to find a solution that is responsive to government concerns yet allows the rest of the transaction to go forward.”

Now at Weil Gotshal, she often negotiates with her FTC counterparts to reach minimally invasive solutions that keep competition healthy but still allow the merging firms to grow and thrive.

Ms. Wilkinson, who won the Paul Rand Dixon Award at the FTC for developing innovative legal theories and arguments, an honor she credits with paving her way into private practice, says: “I like mergers and acquisitions and long-term class action litigation because, while there are a limited set of statutes, they’re interpreted broadly and the analysis is vibrant. You also have the ability to work in every industry, from oil and gas to pharmaceuticals, which makes it fresh and interesting each time,” she notes.

Multimillion dollar deals she has been involved in include the management-led leveraged buyout of energy company Kinder Morgan in 2007; the merger of the television network NBC and Vivendi Universal Entertainment in 2004; and Shell Oil Company’s acquisition of Pennzoil-Quaker State in 2002. In the Kinder Morgan transaction, a landmark deal valued at $22 billion, “the company had been private, then was public and was going private again with a management-led buyout. What made it interesting is that the other participants—large private equity funds who would be partial owners—held interests in competing firms,” says Ms. Wilkinson. The FTC had concerns that the partial ownership of Kinder Morgan would give the private equity firms access to sensitive information and also provide them with the incentive and ability to affect the way firms compete, she explains. The innovative solution: the participants became “passive” in their ownership of the competing firm, retaining their financial interest but relinquishing their seats on the board.

This June, Ms. Wilkinson exchanged her business suit for a long Kay Unger gown to accept a 2008 Burton Award for Legal Achievement for clear, concise writing in an article she coauthored with Jeff White about deals like the Kinder Morgan buyout, “Private Equity: Antitrust Concerns with Partial Acquisitions,” published in the American Bar Association publication Antitrust. The ceremony took place at the Library of Congress, which cosponsors the national competition. “The award is significant and special to me because clear writing is an essential lawyering skill,” says Ms. Wilkinson. “I’ve never been a fan of legalese.” Her article was one of thirty selected from stacks of entries submitted by the one thousand largest U.S. law firms.

Laura works harder than virtually everyone,” says Mr. White, a Weil Gotshal associate who works with her in the firm’s antitrust/competition practice. “She’s well known and respected in her field, she doesn’t back down under pressure from clients or adversaries, and her door is always open.” She wins high marks for mentoring others as well. “Laura is approachable and genuinely...”
By the time James P. Rogers ’08 completed his undergraduate degree at Connecticut College, he had a private pilot’s license, had founded an academic journal that is still thriving, had spent a semester in Prague, and was preparing to bicycle across the United States.

“I’ve always loved history, exploring the past and seeing where things come from,” explains Mr. Rogers. “There’s something really amazing about this country and its ideals.”

Growing up in Bronxville, New York, he hadn’t seen much of the rest of the United States, so, he continues, “I biked from San Diego to Florida, which was one of the best things I’ve ever done in terms of understanding the country.” He usually stayed in older motels on U.S. Route 90, but, he says, “I had a rule to make the trip more interactive—if someone wanted to give me a ride up a hill or asked me to stay the night, I’d do it. There were wonderful people out there.”

His semester in Prague came from a similar openness to experience. “I was convinced to do it over a slice of pizza with my friends,” he quips. It must have been quite a talk because Mr. Rogers changed majors from chemistry to American studies, then took a semester to learn about Czech language and literature.

“Prague is a very haunting city because it’s been through several hundred years of oppression by various conquerors,” he says.

Mr. Rogers’s adventurous spirit appeared early. He learned to fly as a senior in high school, earning a private pilot’s license just after his eighteenth birthday and his commercial license three years later. “People can pay me to fly, dust crops, or fly banners,” he explains. The summer before his senior year of college, he served as education coordinator at the Mu-
While I was there, I started to form the idea of my honors thesis. The thesis, “Enduring the Dream: The Social History of Flight in America,” looks at the way flight has changed America. “From about the 1850s through today, you see articles in magazines talking about the future when everyone will be flying their own plane to work—or their own hot air balloon, dirigible, or helicopter. It’s the American dream, the eternal hope that we will reach this success, despite our failures.”

Along with his adventurous spirit and openness to experience, Mr. Rogers has a great interest in community building and managing projects. For example, in college, he and some friends realized that, while students in the sciences could publish papers with their professors, no such opportunities existed for students in the humanities at Connecticut College. They founded Expose: The Journal of Interdisciplinary Inquiry at Connecticut College, which is still going strong. “When I became executive editor of the Cornell Law Review, I’d already dealt with a lot of the same nuts and bolts of producing a journal.”

Given all his interests, law school “seemed like it would open a lot of doors,” explains Mr. Rogers. His father is a lawyer, he continues, “and my dad and I sort of think alike.” Mr. Rogers chose Cornell for its small community environment and its opportunities to get involved.

His community involvement at Cornell began with organizing service trips to New Orleans after Hurricane Katrina, which happened during his first year in law school. He and a friend organized a spring break service trip to New Orleans, the first service trip the Law School had ever done. They placed law students with nonprofit organizations and government offices to do legal aid work and physical labor. During the summer between his first and second years at Cornell, Mr. Rogers worked for the City Attorney’s office in New Orleans. “New Orleans is rife with problems, but the city has a good soul,” says Mr. Rogers. “I’ve been there every break. Going back has given me peace.” Based on his experience in the city, he wrote “Third Amendment Protections in Domestic Disasters,” which was selected for publication in the Cornell Journal of Law and Public Policy. “It’s the most unknown amendment,” he explains. “It says that soldiers shall not be quartered in private buildings without the consent of the owner.” In New Orleans after the hurricane, it was hard to find people who could give that consent to the thousands of National Guard soldiers from every state that came to help. Mr. Rogers’s article argues that Third Amendment violations in such a scenario are likely. But only one Third Amendment case has ever been litigated, and this lack of case law may deter potential litigants from bringing claims. “Even though our military is relatively well-disciplined, it’s important to be aware of this law,” says Mr. Rogers.

Mr. Rogers also served as senior vice president for the Cornell Law Student Association and as co-chair for the Public Interest Law Union’s fundraising auction in 2007, which raised a record $45,000. His awards include the Fredric Weisberg Prize for great distinction in Constitutional Law. “I like the academic intellectual aspects of the law,” says Mr. Rogers. He also likes advocacy and was the winner of the 2008 Winter Cup moot court competition.

Perhaps his most satisfying experience in community involvement has been as one of the three judicial codes counselors for Cornell University. “We are the public defenders for the university adjudication system,” Mr. Rogers explains. When a student is charged with a violation of the Code of Conduct or the Code of Integrity, the judicial codes counselors are available to represent them. “We go before a hearing board, very much like a trial,” says
Profiles

“I like everything about litigation and advocacy,” reports James P. Rogers, “but ultimately I prefer to work collaboratively with different types of people to make someone’s life better.”

Mr. Rogers. “The prosecutors are full-time lawyers who work for Cornell. It was very front-line legal work, like working in one of the Law School clinics, but without a supervisor.”

The judicial counselors also serve as ex officio members of the University Assembly’s Codes and Judicial Committee, which reviews and revises Cornell University’s Campus Code of Conduct. This involves interacting with some high-level executives: current proposed changes have been put forward by Cornell’s legal counsel, the vice presidents of communications and student services for Cornell, and Cornell’s president. “It’s the most rewarding thing I’ve done,” Mr. Rogers concludes.

In the summer of 2007, Mr. Rogers served as a summer associate with Sullivan & Cromwell in New York City. “I was able to work in every area that interested me—pro bono work, securities transactions, contracts, and litigation,” says Mr. Rogers. “I learned how a large law firm works. It was a great learning experience working with good people.”

After completing the New York Bar Examination, Mr. Rogers will clerk for Judge Richard C. Wesley ’74 of the U.S. Court of Appeals for the Second Circuit. “He’s a very dynamic person, with an energy level that exceeds my own,” Mr. Rogers says enthusiastically.

Mr. Rogers is not sure what will be next. “I like everything about litigation and advocacy, but ultimately I prefer to work collaboratively with different types of people to make someone’s life better,” he explains. With his skills and interests, one can imagine him flying and cycling to remote areas, bringing legal information and community spirit.

Joy Ruqsapram, LL.M. ’08

Joy Ruqsapram, LL.M. ’08, grew up in Bangkok, Thailand, with a Thai father and a Swedish mother. Her first name, in fact, came from her mother’s culture; but “Joy” is only used as a nickname in Thailand, where names are much longer. So, Ms. Ruqsapram laughs, when she introduces herself in Thailand, people ask “yes, but what is your full name?”

In Thailand, as in many countries, law is an undergraduate degree. “You choose your profession when you graduate from high school,” Ms. Ruqsapram explains. To make the choice, she first considered the jobs in her family. Her father is retired from a private business, her mother and sister work at the Swedish Embassy in Bangkok, and her brother studied environmental science and computer science. Then she considered her Thai grandfather, who passed away when she was quite young. “When I was younger, I found a book about his life that was created for his funeral, and it influenced me,” says Ms. Ruqsapram.

“He was a lawyer in the south of Thailand. I feel proud and in some way I want to be like him.”

“In Thailand, we still have a lot of uneducated people, and I’ve seen many people taken advantage of,” Ms. Ruqsapram says. “Becoming a lawyer and a judge gives you a chance to help people.”

She attended Chulalongkorn University, the oldest university in Thailand, where she focused on business law. “I find that business law is really up to date and evolving all the time,” explains Ms. Ruqsapram. “I could also use a lot of my knowledge of English.” While in law school, she worked for the rural development volunteer camps, which are set up by members of the law faculty. “Once a year, we go out to a rural area where people are quite uneducated and need a lot of help,” Ms. Ruqsapram says. “We helped build facilities and a school, educated them about their land rights, and helped teach the children.”

Ms. Ruqsapram also considered volunteering after the tsunami but feared to undertake the burial details described by her friends. Her family did adopt two “tsunami dogs,” to add to their menagerie of dogs and cats. “It’s in my family’s blood,” jokes Ms. Ruqsapram. “I volunteered for the Thailand SPCA [Society for the Prevention of Cruelty to Animals] and went to other provinces to help sterilize the animals.” In Ithaca, she volunteered for the SPCA every week. “I go there because of me,” she explains. “It gets the stress off—and I miss my dogs and cats.”

With the ultimate goal of becoming a judge, Ms. Ruqsapram took both the lawyer’s certification, which allows you to practice law in Thailand, and the bar exam, which is required to become a Thai judge. “It’s almost like another degree,” she explains. “I took a year off to study, in a course organized by the bar association.” She placed fourth in the Thai bar exam, out of over 1,400 candidates.

To take the judicial exam in Thailand, you have to be twenty-five years old, pass the bar, and have practiced law. Therefore, the next step for Ms. Ruqsapram was to practice law for the minimum of two years, which she did as the legal assistant to a commissioner in the National Telecommunications Commission. The agency manages all telephones, both mobile and fixed, as well as Internet and satellite systems for Thailand. Her boss was also one of her professors. “He was more like a teacher and a dad, pushing me to go further,” says Ms. Ruqsapram. Most Thai students study abroad, usually in the United States or
the United Kingdom, and her boss wrote her recommendations for Cornell.

Cornell University has a very good reputation in Thailand. In fact, HRH Princess Bajrakitiyabha Mahidol of Thailand attended Cornell Law School, earning her LL.M. in 2002 and her J.S.D. in 2005. Two years later, the Law School and the Thai Bar Association collaborated to set up a scholarship and exchange program to link the two countries, naming it in honor of Princess Bajrakitiyabha. It includes a scholarship fund providing a full year’s tuition and expenses for a Thai student with especially outstanding qualifications. Ms. Ruqsapram was the first student to receive a scholarship from this program.

“It’s quite an honor,” she says. “Before I came here, I had a chance to meet with the princess. I didn’t even know what to say—I was very nervous! In Thailand, when you speak to royalty you use more formal terms, and I’m not sure how well I spoke, but I think she knew how excited I was. The Princess wished me luck; she said I’d have a great time. It was one of the most memorable days of my life.”

In Thailand, the legal system is based on civil law, beginning with the abstract rules laid down by statutes, while the United States uses the common law system, drawing many rules from specific court cases. As a result, Ms. Ruqsapram says, “I’m used to reading statutes and then cases which interpret such statutes. But here, you learn the cases first and try to figure out what the rules are. This is very challenging.”

Joy Ruqsapram says, “I’m used to reading statutes and then cases which interpret such statutes. But here, you learn the cases first and try to figure out what the rules are. This is very challenging.

In the LL.M. program, Ms. Ruqsapram took a variety of courses, and did research for law professor John H. Blume on the death penalty in Thailand. “In our system, after the case is final, the convicted person can ask for royal pardon,” she explains. “Most do get that, so only a few are executed.” However, she found it difficult to take a position in death penalty arguments. “Even if the murderer is vicious, it’s still really hard to take the life of another,”
Ms. Ruqsapram says, “But then I researched some horrible crimes and thought—what about the victims? I think I need firsthand experience before I can say what’s right.”

In Ithaca, Ms. Ruqsapram enjoyed the rural landscape, which reminded her of trips to visit relatives in Sweden. She also loved the snow, and even tried skiing. “I spent most of the time rolling down the hill,” she laughs. “Whenever I got scared, I’d just sit down and roll!”

Talking about her hard work at Cornell, Ms. Ruqsapram recalls her Swedish grandfather, who lived with her family in Bangkok during his final years. “He was always joking around and teasing,” she says. “He did everything. He was a soldier, a high school teacher, and a teacher of the mentally ill. I always wished I had his life.” While proud of how her Thai grandfather benefited society, Ms. Ruqsapram says, “I also want to be happy, like my Swedish grandfather. I’m trying my best to combine the two.”

As for plans after Cornell, Ms. Ruqsapram is deciding between taking the Thai exam to become a judge first and pursuing further education later, or attending the University of Cambridge in England for a master’s degree right away, where she would examine how the common law system is used in the United Kingdom. Either route will require hard work, but that seems to make this international student happy.

-JUDITH PRATT

RECENT GRADUATE PROFILE

Nicole M. Sandoz ’08

Nicole M. Sandoz ’08 tackles the complicated issues of gender, race, and class with clear thinking and a warm heart. As an undergraduate, a law student, and even as a summer associate with a law firm, Ms. Sandoz has engaged problems related to feminism, rape and genocide, minority education, and poverty.

“I’ve always wanted to be a lawyer,” Ms. Sandoz says. “My dad wanted me to look at different things, but I was always a single-minded child.” Her father is a retired family court judge, her mother works for the Los Angeles County Office of Education, and her brother is a Macintosh computer consultant. With her interest in family law and child advocacy, Ms. Sandoz notes, she’s combining her parents’ careers.

Because of a family friend who attended Amherst College, Ms. Sandoz chose it for her undergraduate work. “I didn’t really think about snow,” she admits. “Then I discovered we didn’t get snow days in college!” Studying political science drew her into the Amherst Feminist Alliance and counseling rape victims, which, she says, “shaped my college career.” In a class about domestic violence, she learned about rape camps in the Bosnian war. That led to her senior thesis, “Rape as Genocide: A Cross-Cultural Analysis of the Destruction of Women’s Bodies in Ethnic Conflicts.” “I didn’t come to any conclusions, but the research was amazing,” she says.

After college, Ms. Sandoz decided to take time off before law school to experience the legal profession. “I’m going to spend $150,000 on law school, it should be what I really want,” she explains. She worked for a couple of years as a legal assistant for Willkie Farr & Gallagher in New York City. “It taught me about the law firm life,” she says. “I met a lot of great attorneys, who helped me with applications and wrote recommendations.”

She chose Cornell Law School because of its reputation in international law. “I wanted to get back to my thesis, to find legal ways to help women,” Ms. Sandoz explains. However, Cornell law professor Andrea J. Mooney, who serves as a law guardian in family court, changed her mind. “I had my lawyering class with Professor Mooney and did a direct study with her my second year,” says Ms. Sandoz. “I was so lucky to have her for Lawyering—I love to write, and you can tell she loves to write.” As a result, Ms. Sandoz continues, “Cornell ended up being the right school for me, but not for the reason I chose it.”

She worked with Professor Mooney in the Child Advocacy Clinic, visiting the children...
that the program represents. “It opened my eyes to the class issue,” Ms. Sandoz observes. “Seeing where the children start from broke my heart. If you live in one room, with no books, no one making you do your homework because your mom has to work two or three jobs, how do you get from there to Cornell Law School? And it’s important to remember that I had a lot of opportunities these children don’t have. I can be an example, but I can’t present myself as someone who knows what they’re going through.”

At Cornell, Ms. Sandoz served as the president of the Black Law Students Association (BLSA). “I tried to use the group as a forum to air their grievances, to give them support,” explains Ms. Sandoz. “Law school brings up a lot of interesting issues, particularly in classes like constitutional and criminal law. The racist comments are mostly ignorance, but as a first-year, it’s a lot to take.” It helped, Ms. Sandoz notes, that law professor Sheri Lynn Johnson “knows the constitutional law cases that bring up those issues, and knows how to respond to students.”

As president of BLSA, Ms. Sandoz says, “I worked with Associate Dean and Dean of Students Lukingbeal, who is the best asset for the Law School and who I adore.” Their tasks included finding ways to increase the number of black students at the Law School and encouraging admitted students to choose Cornell. “We have a weekend where we show admitted students all the different sides of Ithaca,” says Ms. Sandoz. “I tell them that in Ithaca, you can focus on your work. And you can go abroad. That’s one of the best programs Cornell has.”

In fact, Ms. Sandoz spent the fall 2007 semester at University College London, studying international and comparative law. “I had an amazing time,” she exclaims. “I traveled every weekend—France, Italy, Switzerland. I love to travel.” That love was kindled, rather than extinguished, by a visit to Russia while she was in high school. “That was my first experience with overt racism, with taunting at school,” she recalls. “There was no other black person. My Russian family was great, but I was scared a lot of the time.”

After graduating, Ms. Sandoz returned to Los Angeles to work for Paul, Hastings, Janofsky & Walker in employment litigation. As a summer associate for the firm, she focused on affirmative action—how to implement corporate law for companies who want to increase their diversity—and she continues work in that area now. “I think the idea behind those programs is admirable,” Ms. Sandoz says. “But if a company is able to look at its employment practices and wants to fix the gap, there are very specific legal rules they have to use.”

In Los Angeles, Ms. Sandoz also continues her volunteer work at the Harriett Buhai Center for Family Law, providing help to low-income families dealing with domestic violence. “I’m excited about my work with Paul Hastings, but I’ll stay open to the possibilities,” Ms. Sandoz says. “My dad always said that the first job you have is never the last job you have. I’ll make sure I’m doing what I want to do.”

- JUDITH PRATT
The three-day weekend started with a reception at the A.D. White House, honoring the fiftieth reunion for the class of 1958 and featuring wine tasting courtesy of several New York Finger Lakes wineries. With over sixty people at the event and warm summer weather, it was a great way to kick off the reunion activities. By the time the weekend ended, over 395 people had enjoyed Reunion 2008 with representatives from the class of 1948 to the most recent graduates from the class of 2008 participating.

In keeping with Cornell Law School’s commitment to the education of our graduates, a variety of informative activities, including the following impressive and varied Continuing Legal Education (CLE) programs, were held during Reunion:

- “Ethical Lawyering in a Technical World” with law librarians Jean M. Callihan and Charles Finger. Participants learned about ethical issues facing attorneys as technology continues to enhance, yet complicate, the practice of law.

- “Contemporary Legal Issues in Sports” with Dennis Curran, general counsel of the National Football League (NFL) Management Council; Cyrus Mehri ’88, founding partner of Mehri & Skalet PLLC; and moderator William Buckley “Buck” Briggs ’76, a Law School adjunct professor and vice president of Labor Arbitration & Litigation, NFL Management Council. This program explored current laws and issues facing professional sports.

- “Real Estate and the Housing Market: Has the Bubble Burst and What Are the Ramifications?” with Jennifer Schultz ’03, staff attorney with Community Legal Services; Daniel J. Wagner ’83, vice president and senior associate general counsel, Mack-Cali Realty Corporation; Jeffrey L. Schwartz ’73, partner, Hahn & Hessen, LLP; and moderator Jerome Hass, professor, Cornell’s Johnson Graduate School of Management. Panelists discussed the current housing market and its impact on the economy and legal issues that attorneys now face.

- “Food Policy and Law—We Are What We Eat: A Discussion of Current Public Policy and Food Safety Issues” with Eric F. Greenberg ’83, Eric F. Greenberg P.C.; Jeremiah Cosgrove ’88, deputy commissioner, New York State Department of Agriculture & Markets; and moderator Risa M. Mish ’88, a faculty member with the Cornell’s Johnson Graduate School of Management. This gathering highlighted legal changes that have newly developed due to the recent explosion of issues affecting the food we eat. Panelists also offered their unique perspectives on the successes and challenges presented by government and industry responses.
“Arming the Citizenry to Fight Fraud Against the Government: False Claims Acts and the IRS Whistleblower Law” with Neil V. Getnick ’78 and Hon. Margaret J. Finerty ’78, both from Getnick & Getnick; and moderator, Law School professor W. Bradley Wendel. Panelists shared legislative and litigation experience and insights into the new legal landscape for combating fraud on state and federal governments.

Alumni also took advantage of several other activities that were available, including a tour of the Cornell Plantations; an open house at the Law Library’s Dawson Rare Book Room with its current exhibit “From Paper to the Internet: Making the Treasures of the Cornell Law Library Accessible to the World;” and a family friendly scavenger hunt. Scavenger hunt participants were encouraged to seek out several different items hidden around Myron Taylor Hall using rhyming clues (for example: “You have already come so far, on your competitors, you’ll be gaining . . . Write down the stats from the Dean with green balloons around his painting!”). Three winners were selected by a random drawing and presented with a gift basket filled with Cornell Law School and Ithaca Coffee Company items. The winners were Henry Massey ’68, Timothy Bixler ’93 and William Verhelle ’98. Special thanks go to Gabriel Cannavo (son of Vito Cannavo ’78) for assisting with the drawing.

The “Dean’s State of the Law School” breakfast brought news of record-breaking fundraising by members of these reunion classes. Congratulations to all alumni who participated in Reunion 2008’s efforts to raise significant financial support for the Law School.

During Saturday’s lunch, an annual meeting of the Cornell Law Association took place, led by Law Association president Katherine P. Ward Feld, M.B.A. ’82/J.D. ’83. Official business

Clockwise from Above Left:
Jeremiah Cosgrove ’88, Risa M. Mish ’88, Dean Schwab, and Eric F. Greenberg ’83 at the CLE presentation entitled, “Food Policy and Law—We Are What We Eat: A Discussion of Current Public Policy and Food Safety Issues.”

The class of 1988 enjoys dinner at Madeline’s.

Alice and Duncan W. O’Dwyer ’63 at the dean’s welcome reception.

William Verhelle ’98 and his sons stroll through the breezeway at Myron Taylor Hall.
TOP LEFT and ABOVE LEFT:

Professor Kent; Victoria L. Pepper ’83, and (back row, left to right): Sally Hopkins Mulhern ’82; David K. Mulhern ’83; Leslie G. Landau ’83; Katherine Ward Feld, M.B.A. ’82/J.D. ’83; and Toni Marie Sutliff ’83. Members of the class of 1983 chose Professor Kent as their guest of honor for their class dinner.

Cyrus Mehri ’88, Dean Schwab, Dennis Curran, and Professor Briggs ’76 gather outside of the “Contemporary Legal Issues in Sports” CLE offered during Reunion.

TOP and ABOVE:

Gabriel Cannavo helps Kristine Hoffmeister, director of alumni affairs, draw the winners of the scavenger hunt.

Timothy E. Bixler ’93, and his wife, Kim Bixler, show off their scavenger hunt prize.
ing a portrait of former Dean Lee E. Teitelbaum. The late dean’s wife, Herta Teitelbaum, and their son, Peter Teitelbaum, were in attendance and accepted a framed sketch rendering of the portrait. A talk, “Was the Trip Worthwhile?” by keynote speaker Allan R. Tessler, LL.B. ’63, chief executive officer of International Financial Group, followed the unveiling. Mr. Tessler’s answer to the title of his talk could be seen in the many happy faces under the tent. The thunderous applause after his talk concluded was proof that the answer was a resounding “YES! This was indeed a worthwhile trip!”

The evening concluded with live music by the “Backtalk Band” and dancing.
An American in Paris: CLS Initiates Clerkship with French Court

Juscelino Colares ’03 is the first American to hold a prestigious clerkship with the Conseil constitutionnel (Constitutional Council) in Paris, France, where he will research American constitutional law for French justices. The Conseil constitutionnel, one of France’s three supreme courts, reviews all legislation before it is enacted to ensure it is constitutional. The court, like many others in Europe, has a tradition of studying constitutional law from other countries to inform its decisions. The program, which began in September 2008, extends the Law School’s relationship with the high courts in Paris.

“This is precedent-setting,” says Professor Barceló, who helped organize the clerkship. “It will be the first time that any of the French supreme courts has used a clerk. It is a feather in Cornell’s cap that this is a Cornell initiative.”

While in Paris, Dr. Colares will also teach an introductory course on American law methodology, sources, and legal research at the École normale supérieure. He holds a Ph.D. in political economy from the University of Tennessee and is an assistant professor at Syracuse University College of Law, where he specializes in international trade law. He speaks English, French, Portuguese, Spanish, and Italian. “We’re very lucky to have chosen him,” comments Professor Barceló. “He’s ideally suited.”

Sir Basil S. Markesinis, a former visiting Cornell Law School faculty member, initiated the clerkship. He was aided by Law School colleagues Professor Barceló; Professor Germain; Kevin M. Clermont, the James and Mark Flanagan Professor of Law; and Dean Schwab. The program is sponsored by Cornell Law School, the Florence Gould Foundation, and a number of Paris law firms employing Law School alumni, including Paul, Hastings, Janofsky & Walker, LLP (Joel M. Simon ’85); Lussan Brouillaud (Freddy Dressen, LL.M. ’72); and Cleary, Gottlieb, Steen & Hamilton (Jean-Pierre A. Vignaud, LL.M. ’70).

Kelly Family Reinstates “Good Guy Award” at Law School

The family of John J. Kelly ‘47 has reinstated the John J. Kelly Jr. Memorial Prize by establishing an independent endowment that will fund the amount of the annual award. Given to the graduating J.D. student who best exemplifies scholarship, fair play, and good humor, the Kelly Prize was known informally as the Law School’s “good guy award.”

Mr. Holt-Harris supported the Kelly Prize to honor his colleague and fellow alumnus, John J. Kelly, formerly a partner in the Albany firm of DeGraff, Foy, Holt-Harris & Mealy. Mr. Kelly died in 1960, at age thirty-nine, from complications related to wounds he suffered in the D-Day landing on Omaha Beach. He enlisted shortly after taking his A.B. and won the Silver Star for gallantry in the North Africa campaign and the Distinguished Service Cross for heroic action during the battle of Sicily. To this day, John J. Kelly is Cornell Law School’s most highly decorated war hero.

Mr. Holt-Harris supported the Kelly Prize to honor his colleague and fellow alumnus, John J. Kelly, formerly a partner in the Albany firm of DeGraff, Foy, Holt-Harris & Mealy. Mr. Kelly died in 1960, at age thirty-nine, from complications related to wounds he suffered in the D-Day landing on Omaha Beach. He enlisted shortly after taking his A.B. and won the Silver Star for gallantry in the North Africa campaign and the Distinguished Service Cross for heroic action during the battle of Sicily. To this day, John J. Kelly is Cornell Law School’s most highly decorated war hero.

The Kelly Family Reinstates “Good Guy Award” at Law School

Mr. Holt-Harris supported the Kelly Prize to honor his colleague and fellow alumnus, John J. Kelly, formerly a partner in the Albany firm of DeGraff, Foy, Holt-Harris & Mealy. Mr. Kelly died in 1960, at age thirty-nine, from complications related to wounds he suffered in the D-Day landing on Omaha Beach. He enlisted shortly after taking his A.B. and won the Silver Star for gallantry in the North Africa campaign and the Distinguished Service Cross for heroic action during the battle of Sicily. To this day, John J. Kelly is Cornell Law School’s most highly decorated war hero.

Mr. Kelly’s legacy of valor might have slipped from memory had not his son, James Kelly, and current DeGraff Foy partner, Frank J. Lasch, LL.B. ’57, made devoted efforts to preserve it. In 2007, James Kelly published a book of his parents’ love letters written during the war; at nearly the same time, Mr. Lasch approached Claire M. Germain, the Edward Cornell Law Librarian and Professor of Law, about honoring John Kelly at what would have been his sixtieth Law School reunion. The result of both gentlemen’s efforts was an exhibit at reunion 2007, titled “Law Library Special Presentation: Wartime Letters of John J. Kelly ’47,” at which James Kelly presented a copy of the book to the library.

This event inspired the children of John Kelly to reinstate the award named for their father. In April 2008, Dean Schwab conferred the Kelly Prize on James P. Rogers ’08.

John Kelly at what would have been his sixtieth

Former NLRB Chairman
William B. Gould ’61 Made Independent Monitor

Stanford law professor, labor law mediator and arbitrator, and legal scholar William B. Gould IV accepted an appointment last January as an independent monitor of labor organizing campaigns at First Group America. The company owns Laidlaw International, a major operator of school and urban buses, as well as Greyhound, and maintains a freedom of association policy designed to protect employees from coercion in any union-organizing process. Professor Gould and his staff will investigate allegations that labor organizers have violated this policy, as well as allegations by the Inter-
national Brotherhood of Teamsters, other unions and employees that First Group America engages in anti-union conduct.

Nearly fifty years in the profession both inside the academy and out have given William Gould as complete an understanding of U.S. labor law as anyone can claim. He served as chairman of the National Labor Relations Board from 1994 through 1998, and since 1972 has taught labor law at Stanford Law School, where he is the Charles A. Beardsley Professor of Law, Emeritus. He has authored nine books (two more are forthcoming in 2009) and has received five honorary degrees. Professor Gould has either arbitrated or mediated more than 200 labor disputes, including those between the Major League Baseball Players Association and the owners’ Player Relations Committee in 1992 and 1993, respectively. As NLRB chairman, he was instrumental in resolving the 1994–1995 baseball strike, the longest in the history of the game. In his new role, he is likely to call upon all the knowledge, patience, and wisdom this work has given him; at the time of Mr. Gould’s appointment, some fifty allegations of unfair labor practices against First Group America were pending before the NLRB.

Mr. Gould regards his position as “a great challenge and opportunity because it comes at a time when labor law has fallen into disuse.” As independent monitor, he will report to the board of directors of First Group PLC, the British parent company of First Group America. Despite the misgivings of Teamsters’ president James Hoffa, who lobbied for an independent monitor who would report to a joint committee of union and management representatives, William Gould is confident the program will prove beneficial as constituted. He said, “I think there is the potential for the effective alternative given the speed with which we can resolve these complaints and the fact the program provides more protection than employees get from the National Labor Relations Act.” Of First Group America’s 87,000 employees, some forty percent are unionized; of these, approximately 14,000 are represented by the Teamsters. Given these numbers, it is reasonable to expect Mr. Gould to be a very busy independent monitor.

Scholarship Endowment Honors Marc Joseph ’50

When Carol Joseph and her brothers, Peter and Scott, were deciding on a gift to mark their father’s eightieth birthday, a named scholarship at Cornell Law School seemed a natural choice. “My father loved the Law School when he was a student there,” says Ms. Joseph, “and he loves it to this day. He made lifelong friendships at Cornell and has been a real supporter since he graduated. Endowing a scholarship at the Law School in his name seemed like the best and most appropriate gift we could give him.” Marc Joseph attended Cornell Law School after returning from military service in World War II and has been a steadfast supporter and friend of the Law School since his graduation. He continues to practice law into his eighth decade as senior vice president for legal affairs and general counsel to Allied Outdoor Advertising in South Hackensack, New Jersey.

“We liked the idea of a scholarship because it would perpetuate my father’s relationship to Cornell,” Ms. Joseph explains. “We also liked the tangible good it would do for students, especially because my father values his own time as a law student so highly.” Ms. Joseph describes her father’s reaction to the Endowment Certificate, which she and her brothers presented to him with all of his family and grandchildren present, as “overwhelmed; he was speechless. He was happy and, I think, grateful, and so full of emotion that words escaped him.”

In announcing the Marc Joseph Scholarship, Peter Cronin, associate dean for alumni affairs & development, said, “We are touched at the Law School by the magnanimous nature of this gift. Mr. Joseph’s children have created a remarkable tribute in honoring him in this way. Cornell Law School is fortunate to count Marc among its most loyal alumni, and equally fortunate to have the interest and investment of his family.” The Marc Joseph Law Scholarship will be awarded beginning with the fall term of 2008.

First Cornell Law School Latin America Alumni Gathering

Cornell Law School hosted its first ever gathering of Latin America alumni. The event was held in Miami, Florida on April 10, 11, and 12. Florida alumni, LL.M.’s, Latino American Law Students Association members, Advisory Council members, Mosaic alumni, and Johnson School alumni were invited to attend this three-day symposium. Over 100 attendees enjoyed the weekend, representing over eight countries in Central and South America, Puerto Rico, and ten states.

Alumnus Lee Weintraub, ’71 was instrumental in bringing the project to fruition. Highlights of the event were the “Globalization in Latin America” panel discussions, organized by John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law, and the many informative talks given,
including Professor Peñalver’s “provocative and insightful” luncheon remarks about property claims in a post-Castro Cuba. What seems to stand out most for Mr. Weintraub and others attending the event is the opportunity the symposium gave for alumni to renew acquaintances and establish new ones with colleagues engaged in diverse and important legal work. Mr. Weintraub concluded with “Congratulations and thanks to Dean Schwab for the inception and leadership of the symposium, and to Associate Dean for Alumni Affairs and Development Peter Cronin and Karen Weinreich Weiss who did so much of the planning and work that made the weekend possible. My wife Teresa and I were thrilled to be a part of it.”

The two days of faculty and alumni presentations covered a variety of issues related to Latin America in the areas of law, business, and arbitration and provided CLE credits to attending attorneys. A common theme among the presenters was the extreme diversity within the Latin American community, nuances that Americans of all backgrounds often take for granted. Specific topic areas included a discussion of possible options for Cubans after Castro’s fall, trademark issues for major companies in foreign countries, and the economic and political instability issues that make interactions difficult yet enticing.

The symposium culminated with a Saturday evening keynote address from Juan Carlos Esguerra, LL.M. ’73, former Colombian ambassador to the United States. ILR alumnus Martin Solomon recounted that Ambassador Esguerra addressed the multifaceted stressors that affect relationships between the America communities and the mutual negative stereotyping, which has been offset by friendships, commercial and academic relationships. He encouraged the furthering of such relationships, comparing the need for them and the possibilities inherent in them, to those of the fledgling United States when first forming. Washington, in the draft of his Farewell Address, admonished people from different regions to develop close relations with those in other regions. In the same way, it is important for people from Latin America and the United States to have close relations when they are young, to learn that the differences are not fundamental, and to become friends.

Overall the weekend provided business and social opportunities for all. “The event brought together a fantastic mix of academics and real-life practitioners discussing a fascinating topic,” alumnus Glenn Ayala ‘89 commented. “If I need to register a corporation in Panama, I know who to call; if I want a briefing of the political situation in Venezuela, I know who to call; if I want a breakdown of the projects out for bid in the petro-chemical sector in Mexico; I know who to call. As a financial advisor with an international client base, the importance of this network cannot be overstated. Moreover, everyone whom I call will be a member . . . with whom I have an immediate connection, i.e., we both have Cornell in common. I would be hard pressed to find another forum with so many distinct advantages.”

Many commented on their appreciation of Cornell’s efforts, and suggested various other foreign locations for the next event. Cornell looks forward to more international alumni involvement. A schedule of all the events, speakers, and commentators can be found at http://www.lawschool.cornell.edu/alumni/Globalization-in-Latin-America.cfm.

Kittipong Kittayarak, LL.M. ’83 is Thailand’s New Permanent Secretary of Justice Ministry

The Cabinet of Thailand has approved the appointment of Dr. Kittipong Kittayarak, LL.M. ’83 as Permanent Secretary of the Justice Ministry. In his new position he will oversee correction, probation, and juvenile justice, focusing on alternative sentencing, restorative justice, and increased public participation in criminal justice. Dr. Kittipong will also serve as secretary for the newly established Independent Commission on Justice and Civil Liberties in the Southern Border Provinces, which he describes as an “urgent and demanding task.” The Commission seeks to establish peace and reconciliation in the troubled deep south of Thailand. Dr. Kittipong previously served as deputy permanent secretary of the Justice Ministry. In announcing the appointment Justice Minister Sompong Amornwiwat said that Mr. Kittipong is well qualified for the post and that the appointment will not cause rifts within the ministry.
For more than a decade Dr. Kittipong has been instrumental in shaping judicial reform in Thailand. A gifted scholar, Dr. Kittipong has lectured at major Thai universities and at the Bar Association of Thailand. He has been a visiting expert at United Nations Asia and at the Far East Institute for the Prevention of Crime and the Treatment of Offenders in Tokyo, Japan. Dr. Kittipong believes that the most effective path to reform begins with teaching young students the importance of human and civil rights.

In addition to his new duties, Dr. Kittipong is on the board of directors of Transparency International Thailand, is Thailand’s councilor at the Law Association of Asia and the Pacific, serves on the National Research Council—Legal Branch, and is on the board of trustees of Bangkok University. Among his many honors, he was selected Man of the Year by the Association for the Promotion of Women’s Status Under the Royal Patronage in 2000, was a Fulbright Scholar from 1987 through 1990, and was an Eisenhower fellow in 2001. A member of the Cornell University Council and the Law School Advisory Council, Dr. Kittipong tries to visit the Cornell campus each time he comes to the United States.

Sam Zia-Zarifi ’93 Talks about Countering Terror with Justice

When British, American, and other coalition forces invaded Iraq in 2003, the “United States and Britain were utterly unprepared for their obligations” to keep local residents safe, as mandated by international law on occupying powers, said Saman Zia-Zarifi ’93, director of Amnesty International for Asia and former director for Human Rights Watch.

Mr. Zia-Zarifi was in Afghanistan and Iraq shortly after the terrorists attacks on September 11, 2001, to document abuses perpetrated by Saddam Hussein, and again, after the invasion of Iraq, to report on human rights violations. This past spring he gave a talk at Cornell Law School, “Counter Terror with Justice: The Dispatches of Terror and the Axis of Evil,” in which he discussed his experience as an international lawyer and human rights activist working in Iraq and Afghanistan.

Showing images of mass graves and looted buildings in Iraq as well as unexploded ammunition and cluster bombs in Afghanistan, Mr. Zia-Zarifi discussed the problem of holding non-state actors accountable for human rights violations. International and human rights laws currently lack the scope to fully address such crimes.

Mr. Zia-Zarifi was an international monitor attending the first session of military commissions for U.S.-held detainees at Guantánamo Bay Naval Station. He used the Guantánamo Bay hearings as an example of some of the inadequacies of present international law. For the Guantánomo detainees, none of whom are state leaders, there is no precedent or law process their lawyers can use. In one of the first Guantánamo cases, after lawyers debated during a trial over who could decide on objections, and on what grounds, the trials stopped. “As a former litigator, and someone who has seen lots of trials in other countries, [I have found] few things . . . as sad as watching American-trained lawyers come up with a new system of legal process when due process was off,” Mr. Zia-Zarifi said.

He encouraged Cornell students and faculty committed to human rights to turn their attention to reforming inadequacies in present international human rights laws. “We need your help . . . not financially, but intellectually,” he said. “Policy and reality have galloped so far ahead of the law that there is a serious disconnect... We are asking you to give us some answer because the law is starting to run out on the issues that we are identifying. It is clear that the rights of individuals are being violated but is no longer clear who is going to be held accountable for those violations.”

For years, Mr. Zia-Zarifi has traveled to global flashpoints—often at great personal risk—to investigate human rights abuses and to push for reform. “There is a perception that human rights activists are liberal tree huggers who get together and sing “Kumbaya.” I want to assure you that that is not the case,” he said to a rapt audience in Myron Taylor Hall. “We are not soft on terrorism or on perpetrators.”

Mr. Zia-Zarifi said the terrorist attacks on the World Trade Center represented a life-changing moment for him, particularly because of his Iranian roots. After the September 11 attacks and the start of the U.S.-led war on terror, he carried out numerous emergency missions in
Alumnus Shannon Price Minter ’93, legal director of the National Center for Lesbian Rights, played a key role in the California Supreme Court’s historic decision legalizing gay marriage. Mr. Minter argued the case on behalf of fourteen same-sex couples and two organizations, Equality California and Our Family Coalition.

The case challenged the constitutionality of state laws that discriminate against same-sex couples in marriage. The court ruled that, under the state constitution, same-sex couples may not be excluded from civil marriage. In a 4–3 decision, drafted by Chief Justice Ronald George, the court stated: “In light of the fundamental nature of the substantive rights embodied in the right to marry—and their central importance to an individual’s opportunity to live a happy, meaningful, and satisfying life as a full member of society—the California Constitution properly must be interpreted to guarantee this basic civil right to all individuals and couples, without regard to their sexual orientation.”

“This is a historic and landmark day for those who value fairness and opportunity,” said Mr. Minter. “The court’s decision today upheld the highest ideals of equality that are embodied in the California Constitution.”

Ultimately, the court held that lesbian and gay couples are entitled to the same dignity, respect, and stature as other couples. The language limiting marriage to a union between a man and a woman is unconstitutional and must be stricken from state law, and current marriage laws must apply to both same-sex and opposite-sex couples. The California Supreme Court instructed the lower court to issue an order directing state officials to allow same-sex couples to marry.

“There is no more important and deeply personal decision than whether to take on the commitment of marriage,” said Mr. Minter. “With today’s ruling, the California Supreme Court declared that lesbians and gay men have an equal right to make that cherished commitment.”

The National Center for Lesbian Rights claims they have “the audacity to fight for justice and the perseverance to win.” This recent ruling in California shows the truth behind that statement.

Cornell Law School alumni are playing important parts in this drama—Boyd M. Johnson III ’92, who heads the Manhattan U.S. Attorney’s public corruption unit, is leading Mr. Spitzer’s investigation, and Don D. Buchwald ’68 will represent sex worker Ashley Alexandra Dupré.
better known as “Kristen” in any upcoming legal actions.

Mr. Johnson began leading the U.S. Attorney’s public corruption unit in November 2006. He became an assistant U.S. attorney in 1999, specializing in international narcotics trafficking. Previously he held a position at Gibson Dunn and a federal-judicial clerkship in California. Johnson, a married father with two children, is from Connecticut and also has a degree from Hamilton College.

“In his career,” says Peter Cronin, associate dean for alumni affairs and development, “Mr. Johnson has quickly distinguished himself as a thoughtful and thorough prosecutor with a commitment to serving the public good.”

Don D. Buchwald is a litigator at Kelley Drye in New York City where he specializes in white collar crime. He is best known for representing Wall Street Journal columnist R. Foster Winans before the U.S. Supreme Court on insider trading charges. Previously, he practiced for twenty-seven years at Buchwald & Kaufman, a firm he co-founded, and also served as Deputy Chief of the Criminal Division of the U.S. Attorney’s Office for the Southern District of New York.

“In Mr. Buchwald is a noted litigator with a distinguished record as a defense attorney across a wide spectrum of cases,” says Associate Dean Cronin. “In this instance, Mr. Buchwald has been appointed by the Southern District to represent Ms. Dupré in these proceedings, fulfilling his responsibility to the court as a member of the bar.”

“Mr. Johnson’s and Mr. Buchwald’s involvement demonstrate the best elements of the breadth and scope of talent among Cornell Law School’s graduates,” continues Cronin, “as well as the depth of commitment to public interest and service that our alumni demonstrate.”

“I am proud, but not surprised, that Cornell alumni are involved in such important ways in this case. It is a nice demonstration of the diversity and talent of our graduates,” adds Dean Schwab.
Annual Report
of Reunion Giving

Cornell Law School 2007-2008
The report on the following pages demonstrates the tremendous generosity our reunion classes have shown this past academic year. As always, we were fortunate to have dedicated alumni volunteers who ensured the success of our reunion efforts with their tireless enthusiasm and personal investment.

The Law School Reunion Campaigns raised a total of $2,034,680 in gifts and commitments, and proved to be a key factor in facilitating another record year in the School’s fund-raising history during which more than $10.3 million in new gifts and commitments were recorded on behalf of the School. This generosity propelled our overall total of support in the context of Far Above… The Campaign for Cornell to more than $34 million.

Most of our graduates support Cornell Law School through the Annual Fund, and this past year was no different. Support for the current operations of the School through the Fund reached nearly $1.6 million this year. On behalf of the students and faculty who receive the direct and immediate benefit of that philanthropy, I wish to publicly thank our donors once again.

I have had the privilege to travel worldwide on behalf of Cornell Law School and have seen firsthand the broad understanding our graduates demonstrate of the many roles of law in society and the work that they do around the globe to ensure peace and justice. This work is the tangible outcome of a legacy of philanthropy at Cornell Law School. I am grateful to all of you who have chosen to continue that legacy to ensure the success of today’s and tomorrow’s Cornell Law School graduates. We are fortunate to have your support.

Thank you!

Stewart J. Schwab
The Allan R. Tessler Dean and Professor of Law
Volunteers for Cornell Law School are an essential element of the strong tradition of leadership and support that has helped shape the Law School into the world-class institution it is today. The volunteer role is pivotal in making the Cornell Law School experience meaningful for the next generation of “Lawyers in the Best Sense.”

Every five years, reunion campaign and social committees are established in conjunction with Reunion weekend to help encourage classmates to support the Law School through participation and a financial contribution. This year, reunion volunteers raised just over $2 million in gifts and pledges from 485 donors, and helped attract the record number of alumni and guests—398—who returned to Myron Taylor Hall for Reunion 2008!

Our heartfelt thanks go out to each of our Reunion volunteers who generously contributed their time, intellect, and financial resources to Cornell Law School and its mission.
Reunion Social Committee
Jay Brown
Sally Anne Levine

Class of 1978
Campaign Committee Chair
William F. Murphy II
Campaign Committee Members
Vito A. Cannavo
Robert M. Fields
Ward J. Mazzucco
Deborah McLean
Monica A. Otte
Reunion Social Committee
Alice G. Abreu
Honorable Marianne Furfure
Ward J. Mazzucco
Deborah McLean

Class of 1988
Campaign Committee Chair
Risa Mish
Don Watnick
Campaign Committee Members
Larry Carbone
Harry Davis
Samuel Nam
Jennifer Zimmerman
Reunion Social Committee
Carolyn Elefant
Athena Jamesson
Jessica R. Murray
Linda T. Prestegaard
Chuck Schilke

Class of 1993
Campaign Committee Chair
Joel Haims
Campaign Committee Members
James C. Dugan
Ian J. Yankwitt
Reunion Social Committee
James C. Dugan
Julie B. Friedman

Class of 1998
Campaign Committee Chair
Michelle Gill
Paramjeet Tony Sammi
Campaign Committee Members
Sandra Barbulescu
Diana M. Brummer
Kevin M. Dibble
Carolyn B. Greenwald
Harriet Habert
Ruth Ann Keene
David Kimelberg
Scott D. Litman
Maura Murphy Osborne
Mark E. Papadopoulos
Angela R. Rehm
Michael J. Smith
William H. Verhelle
Jessica C. White
Reunion Social Committee
David S. Widenor

Class of 2003
Campaign Committee Chair
John Vukelj
Campaign Committee Members
Michael Adams
Tara Bedeau
Joseph Cavanagh
Rosanna Orfield Cavanagh
Ami Cietta Duche
David Gamble
Mark Goldberg
Sara Gray
Jennifer Hogan
Ken Navaday
Peter Riesen
Lynne Soutter
Emanuel Tsourounis II
Mark Villaverde
Reunion Social Committee
Emanuel Tsourounis II
Reunion Class Honor Rolls

The Law School gratefully acknowledges the generosity of all alumni who contributed to the 2007-2008 reunion campaigns. Through their annual contributions, the following graduates provide vital support to meet the school’s most pressing needs. Recognition levels listed in the Reunion class honor rolls reflect the gifts and pledges received by the Law School between July 1, 2007 and June 30, 2008.

Class of 1948
60th Reunion

Total Gifts and Pledges Received: $27,460
Active in class: 49
Donors: 22
Participation: 45%

Dean’s Circle
($10,000 - $24,999)
K. Robert Hahn

Robert S. Stevens Associates
($1,000 - $4,999)
John H. Barber
George H. Getman
Robert D. Greenburg
Hon. Frederick B. Lacey
Elizabeth Storey Landis

Charter Society
($500 - $999)
Andrew C. Bailey
Jack F. Sinn

Donor
(Up to $499)
Will J. Schaaf Jr.
Hon. Dominick J. Viscardi

Class of 1953
55th Reunion

Total Gifts and Pledges Received: $149,485
Active in class: 120
Donors: 30
Participation: 25%

President’s Circle
($25,000 or more)
Paul W. Beltz
Robert D. Taisey

Dean’s Circle
($10,000 - $24,999)
Norman Gross

Tower Club
($5,000 - $9,999)
Arnold I. Burns
Gilbert Katz

Robert S. Stevens Associates
($1,000 to $4,999)
Rudolph De Winter
Beatrice S. Frank
John L. Kirschner
Barbara L. Paltrow
Charles J. Urstadt
Edward Weiss

Charter Society
($500 - $999)
Willard G. Eldred
Hon. Leo J. Fallon
John D. Killian III
Stuart R. Shamberg
Bernard Tannenbaum

Class of 1958
50th Reunion

Total Gifts and Pledges Received: $161,020
Active in class: 110
Donors: 29
Participation: 27%

President’s Circle
($25,000 or more)
Anonymous

Dean’s Circle
($10,000 - $24,999)
Gerald M. Kleinbaum

Tower Club
($5,000 - $9,999)
Stanley Komaroff

left to right: Members from the Class of 1948 enjoy their reunion dinner. Anne Seld, Arthur Seld ’48, John Barber ’48, Myrtle Barber, Honorable Dominick Viscardi ’48, Rose Marie Viscardi, and Dean Schwab ■ Thomas Thompson and Meryl Baurnash ■ Members from the Class of 1968 enjoy their reunion dinner at The Heights Café. ■ Alice O’Dwyer
Class of 1963
45th Reunion
Total Gifts and Pledges
Received: $74,956
Active in class: 72
Donors: 39
Participation: 54%

President’s Circle
($25,000 or more)
Allan R. Tessler

Dean’s Circle
($10,000 - $24,999)
Donald P. Sharkey†

Tower Club
($5,000 - $9,999)
David W. Feeney
Terence F. Gilheany

Robert S. Stevens Associates
($1,000 to $4,999)
Hon. Stephen G. Crane
Gerard K. Drummond
Joanne S. Faulkner
Charles J. Hecht
Charles N. Mills
Charles L. Nickerson
Duncan W. O’Dwyer
Ira N. Smith
Jerry L. Smith
Martin A. Stoll
Lawrence J. Swire

Charter Society
($500 - $999)
Gerald M. Amero
Joseph W. Haley
J. Bruce Ipe
Louis N. Nawrot Jr.

Donors
(Up to $499)
Frederick Beck Jr.
Neil M. Day
Jerold W. Dorfman
Arthur H. Downey Jr.
Lorna A. Erwin
Martin E. Greenblatt
Hon. George H. Hancler
J. Roger Hanlon
Alan F. Hifiker
Sarel M. Kromer
John F. Miller
Martin K. Miller
Richard A. Nicoletti
Donald A. Schneider
Alfred C. Tisch

Seth Towse
Frederick D. Turner
Ronald H. Usem
Bruce W. Wilkenson

Class of 1968
40th Reunion
Total Gifts and Pledges
Received: $218,668
Number in Class: 134
Number of Donors: 54
Participation: 40%

President’s Circle
($25,000 or more)
Don D. Buchwald
John E. Moye
Anthony W. Wang

Dean’s Circle
($10,000 - $24,999)
Dwight W. Ellis III
Henry P. Massey Jr.
Fred Weinstein

Tower Club
($5,000 - $9,999)
Donald J. Bird
David F. Closey
Stephen A. Hurwitz
Joseph T. McLaughlin
Ernest T. Patrikis

Robert S. Stevens Associates
($1,000 to $4,999)
Donald R. Adair
William V. Buccella
Matthew J. Dowd
Mark L. Evans
Joseph D. Garrison Jr.
Robert J. Hunt
Peter A. Marx
James R. Pickett
William B. Rozell
Walter J. Sleeth
James A. Millenberger Jr.
Class of 1973
35th Reunion

Total Gifts and Pledges Received: $492,744
Number in Class: 146
Number of Donors: 54
Participation: 37%

President’s Circle
($25,000 or more)
Charles M. Adelman
Charles A. Beach
Harry D. Day
Paula J. Mueller
Thomas M. Roche

Dean’s Circle
($10,000 - $24,999)
Susan J. Hotine

Tower Club
($5,000 - $9,999)
Robert A. DuPuy
Robert A. Sperl

Robert S. Stevens Associates
($1,000 to $4,999)
Ralph F. Abbott
Edward C. Coffey
Robert P. Corbin

Charter Society
($500 - $999)
Thomas Campbell
S. Frank D’Ercole
Robert W. Kessler
Harris D. Leinwand
Gary H. Rushmer
David A. Shults

Donors
(Up to $499)
David E. Blabey
Harold T. Commons Jr.
Irwin H. Cutler Jr.
Mark H. Dadd
Roger M. Deitz
Robert B. Dietz
Donald G. Douglass
Douglas E. Fresh
Frederick W. Gallup
Stephen R. Goldstein
David C. Grow
David B. Jacobsohn
Kenneth D. Johnson
Michael J. Kernan
Lloyd C. Lee
Bruce Maggin
Jeffrey C. Miller
Gregory M. Perry
Lawrence M. Pohly
James S. Reynolds
Paul M. Rosen
James A. Ruf Jr.
Philip S. Toohey
Constantine J. Tsonas
James H. Whitney
Michael F. Woods

Class of 1978
30th Reunion

Total Gifts and Pledges Received: $391,005
Number in Class: 170
Number of Donors: 64
Participation: 38%

President’s Circle
($25,000 or more)
Vito A. Cannavo
William O. Callaghan
Robert H. Cinabro
Bradford E. Cook
Charles S. Cotropia
Gary L. Dinner
Stewart I. Edelstein
George Eng
Thomas E. Gillespie
Herbert J. Gordon
Edward S. Hoe

Donors
(Up to $499)
Joseph B. Brown
Thomas O. Callaghan
Robert H. Cinabro
Bradford E. Cook
Charles S. Cotropia
Gary L. Dinner
Stewart I. Edelstein
George Eng
Thomas E. Gillespie
Herbert J. Gordon
Edward S. Hoe

Charter Society
($500 - $999)
Hon. Thomas A. Dickerson
Eugene N. Kaplan
James A. Smith Jr.
Robert A. Warwick

Donors
(Up to $499)
Joseph B. Brown
William O. Callaghan
Robert H. Cinabro
Bradford E. Cook
Charles S. Cotropia
Gary L. Dinner
Stewart I. Edelstein
George Eng
Thomas E. Gillespie
Herbert J. Gordon
Edward S. Hoe

President’s Circle
($25,000 or more)
Vito A. Cannavo
William O. Callaghan
Robert H. Cinabro
Bradford E. Cook
Charles S. Cotropia
Gary L. Dinner
Stewart I. Edelstein
George Eng
Thomas E. Gillespie
Herbert J. Gordon
Edward S. Hoe

John R. Kubinec
William A. Lange Jr.
Sally Anne Levine
Wayne K. Lewis
Roger W. Noble
Gerard J. Pisanielli
Leslie C. Pratt
William D. Romaine
Allen P. Rubine
William W. Shatzer
Richard J. Sinnott
Paul C. Smith
Eric Stonehill
Edwin L. Whitman
Dean's Circle
$10,000 - $24,999
Robert P. Davis
William F. Murphy II
Monica A. Otte

Tower Club
($5,000 - $9,999)
Michael J. Foster
David J. Scott

Robert S. Stevens Associates
($1,000 to $4,999)
Daniel C. Cohn
John D. Curivan
Thomas F. Dibianca
David Dunn
Stephen M. Duprey
Marianne Furfure
Dr. Kim Kanzaki
Robert A. Karin
Steven W. Korn
Marc J. Lifset
Alan S. Lockwood
Hollis F. Russell
Edward S. Sinick
Andrew A. Wittenstein

Charter Society
($500 - $999)
Patricia A. Baity
David S. Barrie
Andrew R. Berger
Christopher E. Chang
Stuart D. Chessman
Robert A. Walder
Douglas R. Wright
Joseph M. Zanetta

Donors
(Up to $499)
Robert B. Adelman
Donald A. Bailey
Joseph P. Ball
Dan T. Coenen
Karen L. Davidson
David E. Dearing
Mark A. Dingley
Martin Domb
Sharon L. Dyer
Maureen E. Fahey
Mark W. Frisbie
Michael G. Furlong
Bonnie Gale
Jeffrey B. Gaynes
John E. Greenwood
Lemuel W. Hinton
Hon. Debra A. James
Jerald W. Kerl
Leslie J. Ludtke
Robert S. Ludwig
John A. Malmberg
Jeremiah J. McCarthy
Harrison W. Oehler
David A. Olson
Andrew J. O'Rourke
Michael S. Rosten

Jean S. Stucky
Sally T. True
George H. Wang
Lynn A. Wintriss
Alan P. Young

Class of 1983
25th Reunion
Total Gifts and Pledges
Received: $209,588
Number in Class: 178
Donors to Law School: 66
Participation: 37%

President's Circle
($25,000 or more)
Martin R. Byman
Jeffrey S. Feld
Katherine P. Ward Feld
Stuart J. Hendel
Margaret E. Samson

Dean's Circle
$10,000 - $24,999
Joel A. Chernov
Denise A. Hauselt
Deborah A. Skakel
Steven R. Wall

Tower Club
($5,000 - $9,999)
Jeffrey S. Estabrook

Robert S. Stevens Associates
($1,000 to $4,999)
John L. Acerno
Kevin S. Gorman
Eric F. Greenberg
Michael E. High
W. Garth Janes
Robert C. Kirsch
Leslie L. Lowry III
Barbara Jo Lubitz
William J. McGrath Jr.
David V. Radack
Jane R. Reid
Patrick S. Reid
Susan N. Roth
Mary Ann E. Rousseau
Michael H. Schubert
Andrew J. Stamelman
Victor A. Warnement

Charter Society
($500 - $999)
Wesley P. Forystek
Karen L. Halby
Kenneth A. Lefkowitz
Myra Malkin
David K. Mulhern
Stephen H. Nimmo
Anne M. Patterson
Mark Y. Shibuya
Judith F. Stempler
John F. Stillmun
Cathleen C. Sullivan
John L. Sullivan
Daniel J. Wagner
Donors
(Up to $499)
Louis F. Avino Jr.
Charles S. Biener
Gail Smith Bradford
Kathryn Bucher
Douglas T. Burns
Paul L. Caron
Mildred A. Castner
Charles D. Cramton
Edwin W. Dennard
Martin L. Ditkof
Allan E. Floro
Kathryn Sanderson Fox
Eileen D. GilBride
Patricia C. Pummill
Elaine T. Karron
Hon. Patrick W. Kelley
John L. Kellner
John B. Levitt
Frederick C. Luther
Maureen Mussenden
Robert N. Nielson Jr.
Mara H. Rogers
Edward A. Rosic Jr.
Bruce R. Schorr
William M. Shiland Jr.
Cynthia F. Strauss
Beth G. Sullivan
Scott E. Sundby
Toni M. Sutliff
W. Wells Talmadge
Kathleen F. Tranelli
Dennis P. Walsh
Margaret E. Wetherald
Warren S. Wolfeld

Class of 1988
20th Reunion
Total Gifts and Pledges
Received: $265,650
Number in Class: 182
Donors to Law School: 44
Participation: 24%

President’s Circle
($25,000 or more)
David P. Mason
Cyrus Mehri
Samuel S. Nam
Robert S. Stevens Associates
($1,000 to $4,999)
Cindy C. Clements
Jonathan L. Hochman
Richard M. Levine
Mei Michael Liu
Nancy L. Manzer
Richard G. Price
Michele A. Whitham
Alan S. Wilmot
Charter Society
($500 - $999)
Liberato Carbone
Harry S. Davis
Risa M. Mish
David S. Raab
Omar S. Wohabe
Donors
(Up to $499)
Samuel J. Angell
Lisa M. Bain
Stephen A. Bain
Carl S. Bjerre
John K. Bradley
Jeffrey D. Clements
Lynne M. Cohee
Jeremiah P. Cosgrove
David B. Currie
Henry C. Granison
Mary E. Grant
Mary B. Griffin
Laura J. Herse
Adam A. Klausner
Joshua C. Krumholz
Patricia L. Krumholz
Konrad J. Liegel
Stuart J. McDermott
Samuel C. Milkman
Jessica R. Murray
Matthew J. Nothnagle
Benjamin A. Pushner
Debra L.G. Rosenbarg
Charles N. Schiike
Filiz A. Serbes
Keith D. Shugarman
Donald E. Watnick
Valerie J. Watnick

Class of 1993
15th Reunion
Total Gifts and Pledges
Received: $40,575
Number in Class: 179
Donors to Law School: 30
Participation: 17%

President’s Circle
($25,000 or more)
John J. Altorelli
Robert S. Stevens Associates
($1,000 to $4,999)
James C. Dugan
Pilar S. Parducci
David C. Robinson
Charter Society
($500 - $999)
Gregory G. Marshall
Richard P. McCaffrey
Neal N. Peterson
Anthony B. Radin
Daniel A. Shaknai
Robert C. Torch
Edward D. Totino
Donors
(Up to $499)
Richard A. Bales
Michael A. Barnhill
Timothy E. Bixler
Evan J. Davis
Monte E. Frank
Julie B. Friedman
Dori F. Green
Kimberly M. Hult
John S. Kim
Jared P. Kingsley
Peter W. Lee
Christian E. Mammen
Melissa B. Mequi
John Pak
C. Randolph Ross
Linda J. Slamon
Barbara A. Sutton

left to right: Patrice Currivan, John Currivan ’78, Arthur Seld ’48, Anne Seld, Dr. Richard Krauss and Alice Abreu ’78 • Members from the Class of 2003 enjoy their class dinner at The Willow.
Class of 1998
10th Reunion

Total Gifts and Pledges
Received: $6,610
Number in Class: 198
Donors to Law School: 20
Participation: 10%

Roberts S. Stevens Associates
($1,000 to $4,999)
Eugene Yih Sin Lee
William H. Verhelle

Charter Society
($500 - $999)
Audrey W. Ellis
Jason M. Hill
Ruth A. Keene
Anita J. Lee
Edward D. McCutcheon
James H. Steigerwald

Ivy Society
($250 - $499)
Nancy E. Hay
Kelly M. Mann
P. Tony Sammi

Donors
(Up to $249)
Donald P. Breese
Joshua D. Fuller
Stacey M. Gates
Tamara H. Kassabian

Class of 2003
5th Reunion

Total Gifts and Pledges
Received: $4,270
Number in Class: 197
Donors to Law School: 33
Participation: 16%

Charter Society
($500 - $999)
Jeffrey S. Siegel

Ivy Society
($250 - $499)
David G. Gamble
Robert G. Knaier
Jaimie M. Leeser
Audra M. Lewton
Kan M. Nawaday

Donors
(Up to $249)
Michael T. Adams
James A. Blanchette
Meghan M. Brosnahan
Lawrence A. Browning
Joseph V. Cavanagh III
Kamilla A. Chaudhery
Katherine S. Cheng
Andrew M. Dornbusch
William A. Evans
Andrew G. Fiorella
Mark Goldenberg
Christopher B. Harwood
Ronald D. Kohut
Jacob R. Lilly
Ruth A. McFarlane
Terence H. McGuire
Maura E. Miller
John R.B. Palmer
Aeri Pang
Alethea K. Rebman
Peter A. Riesen
Marc J. Scheiner
Jennifer Schultz
Stephanie L. Sweitzer

NOTE: We have carefully reviewed the names of donors and volunteers; however, in lists of this length and complexity, errors may occur. If we omitted your name or listed it incorrectly, we apologize and hope you will send us your correction via phone (607) 255-3373, fax (607) 255-7193, or e-mail pc253@cornell.edu.

In recognition of their generous support of the Cornell Golf Course, Michael I. Wolfson LLB’67 and his wife, Ellen, were honored with a plaque placed at the fourth hole in their names. During Reunion 2008, Mr. Wolfson (second from left) was pleased to play the course and view the new plaque with Cornell president emeritus Hunter R. Rawlings III (far left) and Peter C. Meinig, (far right) chair of Cornell’s Board of Trustees. Peter Orschiedt (second from right), former associate director of Alumni Affairs and Development for Athletics at Cornell, joined them in unveiling the plaque.
clockwise from left: Peter Cronin, Associate Dean of Alumni Affairs and Development, Felice Burns and Arnold Burns ’53
Dean’s reception in the library  ■  Professor Peter Martin and Herta Teitelbaum