“Lawyers in the Best Sense”

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Class of 1894
Ambassador Extraordinary
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Visit Cornell Law School's new Web site and see some examples of how A. D. White's founding hope that the Law School would produce “lawyers in the best sense” has become reality. The Law School's Web site spotlights the vibrancy of the intellectual environment of the school and its commitment to humanity. The Law School community takes pride, as symbolized by the laurel graphics seen throughout the Law School's communications, in its members’ many successes and accomplishments.
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Class Notes
Dear Friends and Alumni:

This summer was a busy one for the Law School. We inaugurated a summer institute in Suzhou, China, with more than a hundred students (including nine Cornellians) from China, Germany, and the United States. Meanwhile, the summer law institute at the Sorbonne met in Paris for the thirteenth year with 105 students (thirty-one from Cornell). Both sites exude intellectual excitement, rich cultural tradition, and natural beauty. Suzhou, with its picturesque canals, is often called the Venice of the East (with a history that is a thousand years longer than Venice’s) and was described by Marco Polo as a “grand” and “noble” city. In May, a group of faculty and alumni and I attended a highly successful conference on the World Trade Organization co-sponsored by Cornell Law School and Peking University Law School. We continued our visit with a tour around China. I am proud to be dean of a law school whose faculty and alumni are greeted with such respect and esteem by all whom they meet.

Another summer project was a total revamping of our communications department. This issue of the Cornell Law Forum is one example of a new look for our publications. Also, we are enhancing our Web presence and making it central to our communications efforts. After you peruse this issue of the Forum, please click on http://www.lawschool.cornell.edu, and let me know what you think. On our Web site you will see our new theme: Lawyers in the Best Sense.

“Lawyers in the best sense” is a quote from Cornell’s first president, Andrew Dickson White, taken from his 1885 report assessing the university, which he presented upon retirement. In the report, he called for the creation of law and medical departments to “round out our existing organization into full university proportions” in order to apply “the highest thought to the best action.” The Law School fondly calls President White’s observations his “antipettifogger” speech, and his vision for the Law School remains apt 120 years later.

“Our aim should be to keep instruction strong, standards high, and so to send out, not swarms of hastily prepared pettifoggers, but a fair number of well-trained, large-minded, morally based lawyers in the best sense, who as they gain experience may be classed as jurists and become a blessing to the country, at the bar, on the bench, and in various public bodies.”

Lawyers in the best sense take pride in craftsmanship, are sensitive to ethical nuance, and have a broad understanding of the role of law in society. They are leaders in the profession and in their communities. Lawyers in the best sense include each of you, as products of a law school that is unsurpassed at combining inspiring teaching with sophisticated, world-class scholarship, which together create an intellectually rich and supportive community atmosphere. Our small size, our beautiful location, the backing of the large and diverse Cornell University, our heritage, and our generous alumni all contribute to creating a magical environment that produces lawyers in the best sense out of a talented and diverse student body. As you know, our alumni go on to pursue careers in private practice, government service, business, and beyond. Wherever their paths take our alumni, they are appreciated for having been trained inside Myron Taylor Hall.

We build lawyers in the best sense on a strong historical base. The year 2007 will start our 120th year teaching law and the seventy-fifth year in Myron Taylor Hall. It is only fitting that this issue of the Forum start with the article on Mr. Taylor written by C. Evan Stewart ’77 and Professor Emeritus W. David Curtiss ’40. Mr. Taylor, Mr. Stewart, and Professor Curtiss are but three examples of lawyers in the best sense. I leave you to discover others, in this issue of the Forum, from our profiled alumni, professors, and students, to the truly amazing alumni in the class notes.

Happy reading!

Stewart J. Schwab
The Allan R. Tessler Dean and Professor of Law
TOP: The Cornell Law School alumni tour group in front of the entrance to the Imperial City at the Gate of Heavenly Peace, also known as the Tiananmen Gate, in Beijing, China

ABOVE: Suzhou, China

ABOVE RIGHT: Dean Schwab and Professor Wan Meng following their meeting to discuss how best to send China’s most competitive students for further study at Cornell Law School
Myron Charles Taylor had an amazing career. And yet when he died in 1959, The New York Times’s lengthy obituary ended with the reserved observation that “[h]is was, indeed, a useful life.” In large part this understated compliment was due to Mr. Taylor’s intense personal distaste for publicity; when he gave Cornell University $1.5 million in 1928 for the construction of a new law school complex, for example, the national media called him “the man nobody knows.”

Notwithstanding that label, Mr. Taylor was in fact one of the major figures in American life during the first half of the twentieth century. Besides his contribution (monetary and otherwise) to Cornell—in addition to the main Law School building, he gave two other buildings to Cornell, one of which is named after his wife, Anabel Taylor—he played leading roles in two distinct spheres: he was probably America’s leading industrialist, and he later was a key diplomatic figure at the hub of many of the most important geopolitical events before, during, and after World War II.
The Boy from Lyons, New York

Although Myron Taylor would later own a seventy-room mansion in New York City, a fabled villa in Tuscany, and a baronial country estate on Long Island, he was born (in 1874) and grew up in the small upstate town of Lyons, New York, just south of Lake Ontario. There, his father owned and operated a tannery business.

Myron Taylor dreamed of becoming a lawyer, and that dream brought him to Cornell Law School, where he studied as an undergraduate and ultimately earned a Bachelor of Laws degree in 1894. Instead of heading to Wall Street (as his first biographers have suggested), Mr. Taylor returned to Lyons, where for five years he struggled to establish a small-town law practice. Also never mentioned in those biographies was his early ambition for elective office. Shortly after graduating from the Law School, he twice ran for the New York State Assembly—as a Democrat; both times he was defeated.

By 1900, Mr. Taylor decided he wanted a bigger canvas on which to paint, and he left Lyons to join his brother William Taylor (Cornell A.B., class of 1891) on Wall Street. In that venue his focus turned to corporate law. But even as his legal career finally began to flourish, his focus changed again.

Textile Czar

Arising out of litigation he had handled for his father’s tannery, Myron Taylor bid for and won a U.S.-government contract for mail pouches and related products. Mr. Taylor quickly exploited this lucrative business and began not only to introduce numerous innovations (for example, the transparent “window” in envelopes through which a return address is displayed), but to buy up competitors.

He expanded beyond tannery products to cotton. After studying the cotton markets and identifying where the best opportunities were, Mr. Taylor began to acquire struggling mills, transforming their labor practices and modernizing their technology. This modus operandi later became known as the “Taylor Formula.” Applying the formula with great discipline, and demonstrating remarkable skills in what today would be called corporate finance, Mr. Taylor soon consolidated and eventually dominated the textile industry.

Not content with these successes, Mr. Taylor branched out. With remarkable foresight as to the future potential of the automobile industry, which was then in its infancy, he established a separate textile firm that became the leading supplier of combined tire fabric. During World War I, his plants became the major suppliers to the American military effort.

Throughout his business career, Mr. Taylor not only had keen insights into product and technological innovation, corporate finance, modern labor relations, and the workings of government, he also had an uncanny sense of timing—a sense of just when to take on a project and when to get out. At the peak of the textile markets industry after the Great War, Mr. Taylor foresaw a boom-bust cycle coming in the commodities markets. Thus, by 1923 he had disposed of all of his holdings in the mills.
An Early Retirement or a Second Business Career?

Mr. Taylor had built up a sizable fortune, and he contemplated a blissful retirement with Anabel, to whom he had been married for three decades. He was soon diverted, however, by other commercial opportunities, requests from virtually every major public company to serve as a director, and (most importantly) the urgings of the two leading Wall Street bankers of the day—J. P. Morgan and George F. Baker—to help turn around the finances of U.S. Steel.

Mr. Taylor was reluctant to get involved, but he was told by Mr. Morgan that he would break his own long-standing rule of not holding an office in an outside company on the condition that Mr. Taylor sign on as well. With that, Mr. Taylor’s answer was a simple one: “I’ll do it.”

Thus began Mr. Taylor’s career at U.S. Steel. On September 15, 1925, he was elected a director and a member of the all-powerful finance committee. He became chairman of the finance committee in 1929. From March 29, 1932, until April 5, 1938, he was the chairman and chief executive officer. Not until January 12, 1956, did Mr. Taylor officially retire from the board.

From 1927 to 1938, Mr. Taylor dominated the affairs of U.S. Steel (often called simply “the Corporation”), leaving an indelible mark on its history. By then, no longer “the man nobody knows,” he soon was featured on the covers of or in articles in *Time*, *Fortune*, *Business Week*, *The New Yorker*, and the *Saturday Evening Post*.

Mr. Taylor’s initial focus at U.S. Steel, however, throughout his business career, Mr. Taylor not only had keen insights into product and technological innovation, corporate finance, modern labor relations, and the workings of government, he had an uncanny sense of timing—a sense of just when to take on a project and when to get out.
An Innovative Approach to Labor: “All America Gasped”

At a time when businesses were folding and unemployment lines were long (throughout America and the world), U.S. Steel was faced with falling demand and the need to cut production costs. Rather than affect a wholesale cut in the 200,000 plus workforce, however, Mr. Taylor came up with an innovative alternative. He inaugurated a share-the-work program. Under this plan, work was divided among current employees—no one lost a job—rather, everyone continued at his or her regular rate of pay but for a shorter working day with correspondingly less total compensation. In 1932, when U.S. Steel was operating at approximately 17 percent capacity, Mr. Taylor’s share-the-work program provided jobs and incomes to at least 75,000 U.S. Steel employees who otherwise would have had neither.

Despite his private and innovative initiatives vis-à-vis his labor force, Mr. Taylor did not start out as a New Dealer or as a supporter of unions. And when the Wagner Act, which supported collective bargaining, was passed in 1935, Mr. Taylor was not (to say the least) an enthusiastic supporter.

And yet in early 1937, as “all America gasped,” Mr. Taylor struck a deal with John L. Lewis, who was then head of the Committee for Industrial Organization (CIO). Through that deal, U.S. Steel agreed to recognize a CIO subsidiary for purposes of representing and
organizing U.S. Steel workers. The Corporation thus became the first major industrial company in America to take this historic step.

A lot has been written—much of it apocryphal, including a story giving significant credit to Anabel Taylor—about how this landmark development in labor relations came to be. The basis for the deal actually derived from what later became known as the “Myron Taylor Labor Formula,” a 100-word document Mr. Taylor drafted at his Italian villa in 1936 while reflecting on how to bring about labor stability and long-term prosperity for the Corporation. The document reads:

“The Company recognizes the right of its employees to bargain collectively through representatives freely chosen by them without dictation, coercion or intimidation in any form or from any source. It will negotiate and contract with the representatives of any group of its employees so chosen and with any organization as the representative of its members, subject to the recognition of the principle that the right to work is not dependent on membership or non-membership in any organization and subject to the right of every employee freely to bargain in such manner and through such representatives, if any, as he chooses.”

Mr. Taylor’s deal with Lewis was blasted by many other captains of industry. The chief executive officer of Republic Steel, for example, publicly rebuked Mr. Taylor and led his company in the opposite direction—a path that resulted in massive and bloody labor riots.

Mr. Lewis, on the other hand and perhaps not surprisingly, praised Mr. Taylor for “one of the outstanding landmarks in the industrial history of our country.” Mr. Lewis predicted that Mr. Taylor’s “name will be remembered and revered by labor for generations.” Many other industrial and political leaders weighed in with praise or scorn, but we will give the last word to J.P. Morgan—hardly a lover of organized labor: “[Myron’s] was the finest performance I have ever known.”

Having eased the minds of workers and turned the world’s largest industrial corporation back into a thriving, highly profitable enterprise, Mr. Taylor told the Corporation that he was ready to turn the reins over to younger men. On April 5, 1938, he resigned as chairman and chief executive officer and prepared to enter a “sabbatical period of life.” His plan was that he and Anabel would spend part of the year in Tuscany and the remainder traveling around the world.

In the second installment of the series on Myron Taylor, we will see how, within weeks of his “retirement,” Mr. Taylor was called upon by the president of the United States to undertake critical diplomatic duties that would ultimately span the World War II years and involve some of the most important geopolitical issues of that era. ■

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C. Evan Stewart ’77 is a partner at Zuckerman Spaeder LLP.
A few months ago, Cornell Law Library celebrated a momentous event in its history, the acquisition of its 700,000th book. A few of you will wonder why we are celebrating books at a time when, according to some people, everything is on the Internet in digital form. You may be surprised to hear that the largest portion of the legal publishing market is still books. Books encompass 43.4 percent of all published legal information in the United States and represent $2.39 billion (2004) in sales revenue. That means that the legal-book business is still huge and accounts for most of the information that the country’s one million lawyers buy.

The large volume of book sales speaks to the fact that even though lawyers have been far ahead of most other disciplines in embracing digital information and have used Lexis and Westlaw online legal research systems since the early 70’s, online resources have not yet replaced print in providing reliability, readability, and long-term availability. The number of digital publications is growing exponentially, but book production is on the upswing as well.

Why are there more books? You can probably tell from your own practice or from reading legal news that there are many new areas of regulation, new laws, new interdisciplinary areas, and, in a global society and economy, new areas of foreign and international law. At Cornell Law School, there has been a broad increase in new programs, including foreign and international law, death penalty, feminist jurisprudence, Asian law (Japanese law, Chinese law, and Korean law), comparative law, and French law. Interest in those new areas has created a rising demand for library materials related to them. Also, demand has increased for interdisciplinary materials in law and economics, law and history, psychology, medicine, and other disciplines.

The Cornell Law Library’s acquisition strategy is to consider the Law School’s resource needs, while constantly evaluating and paring down
possible selections, canceling print publications when electronic versions are better or cheaper, and buying print and electronic publications in new areas. It is a challenge to keep a balance between the library’s electronic and print volumes. Since our collection is part of a world-class research library—the Cornell University Library system is composed of some twenty libraries on campus—we work very closely with other subject selectors to avoid duplication and create the best possible library that funding will allow. We collaborate intensely with librarians at the School of Industrial and Labor Relations (ILR), at the Johnson Graduate School of Management, and at Kroch library for Asian law. We buy only what is specifically useful for law students. Our collection complements the others on campus, and with increasing frequency we buy electronic databases, including fully-searchable databases. One such resource is The Making of Modern Law: Legal Treatises 1800–1926, an impressive PDF collection of more than 21,000 Anglo-American legal works, including treatises, casebooks, local practice manuals, and form books. The Law Library has many of the original versions of these historical books. Researchers can identify useful information online and print, or they can borrow original print copies, if they wish, which can be easier to read than online text.

The Law Library serves as a legal information and research center for the entire campus community through its collections, and particularly through the expertise of its highly specialized staff. Many members of our staff hold both law and library science degrees and belong to the American Bar Association.

Sustaining a Great Library: a Tradition of Excellence

Getting to the 700,000th book has been possible through the dedication and hard work of the wonderful law-library staff and as a result of the generosity of the university and innumerable alumni, especially Sheppard A. Guryan ’67 and his fellow classmates. Alumni like Jack G. Clarke ’52 have created endowments and funds, and they are making gifts in kind, as well as making annual contributions. Without the help of those contributors, scholarship would be impoverished.

The practice of law necessitates the use of the most up-to-date materials and data, as well as historical materials. Unlike publications in many professional fields, few law publications ever become obsolete. The study and practice of law requires access to a wide array of past statutes, cases, legislative histories, treatises, and articles. Those sources provide the basis for understanding current law, and they form the foundation for law being developed by legislative bodies, courts, and administrative agencies. A law library cannot, then, dispose of or warehouse old materials without adversely affecting those who use them. Many law firms turn to academic law libraries to provide the needed materials.

Cornell Law Library has one of the finest and most extensive print collections of any institution, yet in terms of endowments, the library is last among its peer schools. That situation notwithstanding, we hope to continue to build a collection that supports the needs of students and faculty.

The 700,000th Book Milestone and Faculty Scholarship

It was not hard to come up with the books to celebrate the 700,000th book milestone. The acquisition of a rare book was given some consideration, but soon it was decided that the best gesture would be to acquire works written by our own law school faculty. Why celebrate faculty scholarship? First, because that is what we are about. The Law Library is totally integrated into the programs of the Law School, is attuned to the research and scholarship needs of faculty and students, and is interacting and responding on a daily basis. Why celebrate book production? Because the published book is what our faculty eventually aspire to produce. Most legal treatises are published in print and cannot be purchased in electronic form.
Members of the Cornell Law faculty wrote all six publications leading up to and marking the milestone celebrated in September 2005. Those publications were selected from among the most recent law-faculty publications. They represent only a tiny portion of law scholarship that exists at the Cornell Law School today.

The volume chosen to be the 700,000th acquisition was Robert S. Summers’s *Form and Function in a Legal System: A General Study*, which was published by Cambridge University Press in 2005. The book was purchased with funds provided by the Sheppard A. Guryan ’67 Law Library Endowment established in 2000 to support the acquisition of books and related materials on the history of jurisprudence and American legal thought. Mr. Guryan, a member of the Advisory Council, was honored at the Law School celebration. He was presented with a framed bookplate for the occasion.

Professor Summers’s seminal book breaks new ground in legal theory and jurisprudence. It addresses fundamental questions of law and legal systems, including the defining and organizing forms of legal institutions, legal rules, interpretive methodologies, and other legal phenomena, in the context of rule-of-law values and fundamental political values such as democracy, liberty, and justice.

Five selections written by Cornell Law School faculty were chosen to lead up to the purchase of the 700,000th volume. The first was Kevin M. Clermont’s *Principles of Civil Procedure* (Thomson/West, 2005). Professor Clermont is a prolific scholar and his writing is always of the highest caliber. This book expounds on principles of civil procedure and is published as a new series, the Concise Hornbook Series.

The second and third selections were Robert A. Hillman’s *ALI Principles of the Law of Software Contracts, Preliminary Draft No. 2* and Stewart J. Schwab’s *ALI Restatement of Employment Law, Preliminary Draft No. 3*. Both of these works were published by the American Law Institute (ALI) in 2005.

Professor Hillman and Dean Schwab’s publications were written for the ALI. Founded in 1923, the ALI consists of an important group of prominent judges, lawyers, and law teachers. Its purpose is to clarify the law and improve the administration of justice. The works of Professor Hillman and Dean Schwab involved a considerable amount of research and synthesis of the law. Their careful and thorough examinations are likely to move the field of law forward, just as restating the law unavoidably leads toward reform of the law.

The fourth selection was Gary J. Simson’s fourth edition of *Issues and Perspectives in Conflict of Laws: Cases and Materials* published by Carolina Academic Press in 2005. Professor Simson’s work belongs to yet another classic category of legal scholarship, the casebook—the essential tool of learning for law students. The new edition reflects the increasing importance of international conflicts in this country’s courts.

The final selection was David Wippman’s *New Wars, New Laws? Applying the Laws of War in 21st Century Conflicts*, which he coedited with Matthew Evangelista. The work was published by Transnational Publishers in 2005. Vice Provost Wippman’s scholarship extends to...
Law students use the Law Library’s facilities at all hours of the day and night.

many areas of international law. In this book, he and Evangelista gathered an insightful group of timely, forward-looking essays, which in light of recent events such as Kosovo, September 11, and the wars in Afghanistan and Iraq, reconsider the application of existing principles of humanitarian law to new situations.

Looking toward the Future: Enhancing Serendipity and the Library’s Raison d’Être

Traditionally, access to the products of scholarship was primarily through card catalogs and online catalogs. Thanks to new technologies, there are now many more avenues, but searches should be conducted methodically. The library’s role is to make sure that people find the specific publications they are seeking, as well as to bring other relevant materials to the attention of researchers.

More and more, law faculty members are making their published and unpublished work available on the Internet, in order to make the information accessible to a worldwide audience. At Cornell Law School, there are at least three avenues for electronic publishing of legal scholarship:

Cornell Law School Research Paper Series: Published as part of the Legal Scholarship Network (LSN), a division of the Social Science Research Network, or SSRN, this series showcases work produced by our law faculty. LSN keeps online statistics of how many times an article has been viewed or downloaded from its Web site, so authors can see for themselves how many times their papers have been downloaded. The series is part of an online, centralized archive of legal scholarship. Faculty can contribute to LSN by submitting an abstract of their work through the LSN Web site. A full paper can be submitted along with the abstract so that any registered users can download them at no cost from the Web site. Users can receive notification of new papers via e-mail, by subscribing to any of the LSN subject matter “journals.”

New England Law Library Consortium (NELLCO) Legal Scholarship Repository: Cornell Law Library is a member of NELLCO, which sponsors a database powered by Berkeley Electronic Press (bepress). The database includes working papers, reports, lecture-series publications, workshop presentations, and other scholarship created by faculty at NELLCO member schools. The following series are available:

- Cornell Law School Berger International Speaker Series
- Cornell Law School Working Papers Series
- Cornell Law School East Asian Law and Culture Conference Series
- Cornell Law School LL.M. Papers Series

Cornell Law School Faculty Publications Database: The database provides an extensive bibliographic compilation of books, contributions to books, casebooks, articles, working papers, Web sites, and miscellaneous publications authored by faculty members. The database is searchable using the faculty
member’s name or a keyword. Links to text versions can be downloaded when available.

**The Book is the Highest Manifestation of Scholarship**

Cornell Law School faculty are among the most productive in the country for publishing legal scholarly works that are influential, innovative, and inspiring to students inside and outside of the classroom. Faculty members have written monographs exploring legal doctrine and theory, many of the casebooks that are used at law schools around the country, and articles in numerous publications on every legal topic. Many of the scholarly works cross disciplinary lines, for example, those involving empirical studies, feminist theory, legal history, law and economics, law and psychology, and other disciplines too numerous to mention.

The Law Library is fully committed to the intellectual enterprise and legal excellence of the Law School, and it supports its distinguished faculty. The library collections serve as means to attract and retain faculty and students. The Law Library has an important role in advancing the mission of the Law School and in fostering scholarship. The library sometimes plays a lead role in that effort, by providing the raw materials that will be mined by scholars. The Law Library continually strives to create synergies between collections and scholarship. Here are three examples:

- The Donovan Nuremberg Trials Collection, generously donated by Henry Korn, has led to a partnership between the Cornell Law Library and Hamline University Law School, the publisher of the Journal of Law and Religion. Through the partnership, scholars are invited to write articles for submission to the journal based on materials provided by the Cornell Law Library and digitized on demand. The digital version of the Analysis of the Personality of Adolph Hitler was mentioned on the cover of the New York Times and other media worldwide, and established Cornell as an important repository for information on the Nuremberg trials.

- The Liberia project, advanced by former Cornell Professor Milton Konvitz’s work on the writing of that country’s statutes, has resulted in the Law Library’s becoming a major repository for Liberia’s statutes and court decisions. Through the project, the library is working with the UN and the current government of Liberia in an effort to digitize materials and provide worldwide access to them.

- The ties between Cornell and the International Labor Organization (ILO) have led the Law Library to host the first mirror site for the ILO Web site. Using the Web site, researchers can access the information from anywhere in the world.

The library’s extensive services to students and faculty now include a large instructional role. Research attorneys teach a variety of credit courses on different aspects of legal research. Cornell Law Library is at the cutting edge of a new movement coming from the legal profession. The American Bar Association recognizes the importance of a high level of competency in legal research for new law graduates entering the practice of law. The National Conference of Bar Examiners is currently examining the feasibility of introducing a legal research component of the bar exam. Looking toward the future, the Law Library sees more integration with the endeavors of the Law School, through the library’s print and electronic collections and through its services. For more information about the Cornell Law Library and its collections, visit [http://www.lawschool.cornell.edu/library](http://www.lawschool.cornell.edu/library).

1. The specific percentages of the formats listed that legal publishing comprises are as follows: books, 42.9 percent; online legal services, 27.3 percent; newsletters and loose-leaf publications, 15.8 percent; and law journals, 2.6 percent. *ABA Journal*, January 2005, at 61.

Claire M. Germain is the Edward Cornell Law Librarian and Professor of Law at Cornell Law School. She is also the director of the Law School’s dual degree programs in Paris and Berlin.
Dismantling Discrimination in the World Trade System

Cornell Law School and Peking University (“Beida”) co-sponsored a major international conference in Beijing focusing on “Dismantling Discrimination in the World Trading System.” Designed to stimulate thinking about future relations between the United States and China in the context of the global trading system, the Cornell–Beida conference on the World Trade Organization (WTO) brought leading authorities together in China on May 22, 23, and 24. The conference emphasized developments in the “Doha round” of multilateral negotiations, which were scheduled to conclude by the end of 2006. “Market access should be available to all WTO members on the same terms, which is the cornerstone of a fair, efficient, and open system of global commerce,” said John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law at Cornell Law School and an expert on the WTO.

Many of the conference speakers addressed the importance of reaching a successful conclusion to the trade negotiations in Doha. Several speakers at the conference stressed that a failure of the Doha round would bring with it many negative consequences, including a likely acceleration of the trend toward discriminatory free-trade areas, as countries, frustrated by restrictions on trade, would almost certainly turn to regional trade partners for liberalization—leading to an increase in preferential (discriminatory) trade arrangements. Just such a scenario now seems in prospect since the trade talks were suspended in July due to controversy over agricultural issues.

U.S. Ambassador to China Clark J. Randt Jr. addressed the conference at its opening dinner. Among the conference speakers were a number of high-ranking trade experts from the Chinese Ministry of Commerce, notable Chinese academics specializing in the WTO, and Cornell invitees including Kim Chulsu, former WTO deputy director general and former Korean minister of trade and industry; Kym Anderson, lead economist (trade policy) in the Development Research Group at the World Bank and professor of economics, University of Adelaide, Australia; John Weekes, former Canadian ambassador to the WTO and chairman of the WTO General Council; and Kim Kihwan, international chair of the Pacific Economic Cooperation Council, chair of the Seoul Financial Forum and Korea’s former ambassador-at-large for economic affairs.

The Cornell Law School was well represented with Professor Barceló presenting “Harmonizing Preferential Rules of Origin in the WTO System,” Professor Robert A. Green delivering his paper on “WTO Rules and China’s Industrial Policies,” and Professor Douglas Kysar participating in numerous panel discussions. Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, addressed the conference, as did former Cornell President Jeffrey Lehman, who is currently a member of the Law School faculty and president of the Joint Center for China–U.S. Law and Policy Studies. Professor Barceló was a major planner and organizer of the substance of the conference, along with Hugh Corbet from the Cordell Hull Institute in Washington, D.C. (the Cordell Hull Institute is devoted to improving the world trading system) and Professor Shao from Peking University. The Cornell Law School sponsored the conference through the Clarke Program in East Asian Law and Culture.

“This highly successful conference will be an excellent platform on which to build future programs with Peking University and other leading Chinese universities,” said Dean Schwab. “We are already planning another conference with Beida for next year.” For Cornell, building research and exchange
partnerships with top Chinese universities remains a strategic priority.

**“Undoing Democracy”**

*Presented by Elaine Scarry During Stevens Lecture*

What can law students learn from a Harvard University literary critic about the moral legality of questionable detention practices at Iraq’s Abu Ghraib prison and at the detention center at Guantanamo Bay, Cuba? Quite a lot, if she’s Elaine Scarry, whose research is at the intersection of law, values, and literature. Professor Scarry is an outspoken critic of legalizing the torture of prisoners.

Speaking on “undoing Democracy: Military Honor and the Rule of Law” at Cornell Law School on April 27, Professor Scarry focused on the issue of torture and on the cost to society of defying the accepted rule of law. She began her talk by quoting an article written in 1998 by Colonel Charles Dunlap of the U.S. Air Force. The article warned readers about a new form of warfare employing unconventional weapons and procedures prohibited by the Geneva Conventions. “Using the framework of chivalry, the article urged the United States to continue to be Sir Galahad, even when confronted by Genghis Khan,” said Professor Scarry. But instead of defending the rule of law, “the United States has become neo-absolutist in violating it,” declared Professor Scarry. She sited as evidence, President George W. Bush’s statement that he has the authority to suspend the Geneva Conventions’ rules on torture, the subsequent torture of prisoners in U.S. care at Abu Ghraib prison, and the deaths by torture of detainees at the U.S. naval base in Guantanamo Bay. Those incidents are not aberrations but a “stark line of influence emanating from Washington, D.C., as Abu Ghraib documents made clear,” she said.

What does suspending the rule of law look like? According to Professor Scarry, “It’s the image of a frightened, naked man clutching his genitals to protect them from a lunging dog,” she said. Permitting such “barbarism” as stripping prisoners and intimidating them with dogs—these methods were approved by U.S. Secretary of Defense Donald Rumsfeld for Guantanamo detainees—led to such practices being exported, intentionally or unintentionally, to Abu Ghraib. “Torture can never be defended on the grounds of military necessity,” she said, rejecting arguments by her colleague at Harvard Law School Alan Dershowitz that certain circumstances might make torture necessary. “The infamous medical experiments and the murders of Jews, gypsies, and other so-called enemies of the state by the Nazis were argued to be of military necessity,” she pointed out. But the laws governing warfare view necessity “not as a license to do dastardly deeds” but as “a prohibition ruling out actions not necessary to military success.”

Although “the harm from torture cannot be lessened if all the rules were followed,” breaking them wantonly suggests a disregard for the rule of law, which leads to a complete breakdown of moral values, suggested Professor Scarry. “Can a country that breaks international rules and the rules of its own military fly our flag without flying it falsely?”

Professor Scarry’s talk was the 2006 Robert S. Stevens Lecture. This annual lecture series, which honors a former Law School dean, features speakers whose legal expertise expands students’ knowledge beyond substantive and procedural law. Professor Scarry is Harvard’s Walter M. Cabot Professor of Aesthetics and the General Theory of Value and is the author of *The Body in Pain*, a National Book Critics Circle finalist in 1986, and of *On Beauty and Being Just* (1999).

**Professors Clymer and Sannes Offer Class on Terrorism and Law**

Because the events of September 11, 2001, had profound effects not only on U.S. society, but also on the country’s legal climate, Professor Steven Clymer and Assistant U.S. Attorney and Cornell Law School Adjunct Professor Brenda Sannes decided to create a course that would examine the way in which domestic law and its enforcement have changed to address the threat that terrorism poses to the United States. “We wanted to examine the way in which our government responded at home to the September 11 attacks and the way in which the response raises concerns about separation of powers, use of executive power, civil liberties, and privacy interests,” said Professor Clymer.

It took some time for Professors Clymer and Sannes to assemble appropriate class material. “There are texts, but we decided to start from scratch. We assembled a casebook of our own that is somewhat different from a standard
As director of the Executive Office of U.S. Attorneys, a position Mr. Battle has held since June, 2005, he oversees the work of ninety-four offices across the country and is the liaison between the U.S. attorneys and other federal agencies and Department of Justice components. He deals with issues of policy development and comments on provisions such as sentencing guidelines and the USA Patriot Act. He oversees the Katrina Fraud Task Force, which investigates and prosecutes fraud related to the Gulf Coast hurricane.

Prior to his current appointment, Mr. Battle served as the U.S. attorney for the Western District of New York, during which time he was involved with the “Lackawanna Six” terrorism prosecution. During his career he has worked as a legal aid attorney, as a family court judge, and with the New York State Attorney General’s Office. He stated that he is especially proud of his role in helping to establish the Rochester and Buffalo Federal Public Defender’s offices.

U.S. District Judge Leonie Brinkema ’76 was the trial judge for the recent conviction and sentencing of Zacarias Moussaoui. Convicted as a conspirator in the September 11 attacks, Mr. Moussaoui was sentenced on May 4 to life in prison without the chance for parole.

Judge Brinkema, who ran a tightly controlled court during the trial, had the last word, refusing to let Mr. Moussaoui interrupt her. “Mr. Moussaoui, you came here to be a martyr in a great big bang of glory,” she said, “but to paraphrase the poet T.S. Eliot, instead you will die with a whimper.”

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After the sentence, Mr. Moussaoui announced that he was the victor, taunting the court by flashing a V for Victory sign. Judge Brinkema, who ran a tightly controlled court during the trial, had the last word, refusing to let Mr. Moussaoui interrupt her. “Mr. Moussaoui, you came here to be a martyr in a great big bang of glory,” she said, “but to paraphrase the poet T.S. Eliot, instead you will die with a whimper. You will never get a chance to speak again and that’s an appropriate ending,” she added. The judge was referring to Mr. Moussaoui’s being sentenced to serve the rest of his life at a super-maximum security prison in Florence, Colorado, where prisoners are kept totally isolated. “Mr. Moussaoui, when this proceeding is over, everyone else in this room will leave to see the sun … hear the birds … and they can associate with whomever they want,” Judge Brinkema said. “You will spend the rest of your life in a super-max prison. It’s absolutely clear who won.”

**Judge Pooler on the Importance of Advocacy**

On March 27, Hon. Rosemary S. Pooler ’74, U. S. Court of Appeals for the Second Circuit, came to Cornell Law School to kick off the Langfan Family First-Year Moot Court Competition. Just hours before the Law School’s largest ever moot court competition began, Judge Pooler spoke to about fifty eager students about the importance of oral advocacy and discussed how judges make their decisions.

Judge Pooler began by discussing the structure of the Second Circuit and the recently added immigration cases, which have doubled the court’s caseload. Judge Pooler explained how the Second Circuit manages its immigration caseload through a nonargument calendar and sequential decision making, and she regretted the effect additional cases have had on the circuit’s former ability to offer every litigant the chance for oral argument. The judge revealed that the Second Circuit does not preconference its cases and discussed the implications of that fact.

Judge Pooler shared several “teachable moments” that illustrated the lessons of successful (and unsuccessful) oral advocacy and gave advice to present and future advocates, which included several competition participants looking for an edge. Explaining that “error” is her life, the judge remarked that “you can’t get to talk to me unless some judge before me committed error” and compared the many different types of errors to Denmark’s twenty-nine different words used to describe snow. With that approach, she instructed the audience on how to pick their best argument, prepare to be derailed by questions, marshal the facts to breathe life into their legal argument, and strive for the best kind of oral argument, which she referred to as “a conversation between the advocate and the bench.”

Explaining that the brief should prepare the court for oral argument, Judge Pooler admitted that reading briefs is “sometimes a painful experience.” The judge then encouraged the audience to “use your three years at this wonderful law school to learn not just to write and to sound like a lawyer … but to learn something about elegance and a certain fluidity in writing that will serve you well the rest of your life.” She encouraged the audience by assuring them that they will get better at both oral and written advocacy the more they do it. “You will absolutely get better if you do it all the time. It’s natural; it’s just a muscle; bench press just a few more pounds at a time, and you will get to be better writers.”

The audience eagerly asked questions, taking advantage of Judge Pooler’s wisdom and experience. The judge willingly responded to questions about the best use of rebuttal, divulged the biggest mistake that advocates make (and how to avoid it), explained the role of the law clerk, and revealed how to spot the parts of opinions that reflect panel compromises. Judge Pooler ended by saying that she hoped to see audience members someday arguing in front of the Second Circuit.

The video of Judge Pooler’s presentation is available on the moot court Web site at http://mootcourt.lawschool.cornell.edu/asidebarconversation.html.

**Supreme Court Unanimously Backs Cornell Law Professor in Death Penalty Case**

On May 1, the U.S. Supreme Court issued a unanimous opinion in *Holmes v. South Carolina*, endorsing the arguments made by John Blume, associate professor at Cornell Law School and director of the Cornell Death Penalty Project, who argued the case before the court on February 22. Accompanying Professor Blume in February were Sheri Johnson, professor and assistant director of the Death Penalty Project at the Law School, and Trevor Morrison, assistant professor at the Law School and a former Supreme Court clerk under Associate Justice Ruth Bader Ginsburg. Both helped to write one of the briefs in the case and to prepare Professor Blume for the oral argument, “but it was really John’s show,” said Professor Morrison.

Professor Blume spoke on behalf of Bobby Lee Holmes, a South Carolina death row inmate. A South Carolina law was used to prevent Mr. Holmes, the defendant in the capital case, from presenting evidence that a third party committed the crime. At issue was whether a lower court’s application of the law violated the Constitution’s Sixth and Fourteenth amendments. “I am very gratified that the court ruled unanimously in Mr. Holmes’s favor,” said Professor Blume. “This was a team effort, and
I was fortunate to have wonderful assistance from my colleagues. The victory also belongs to trial counsel, appellate counsel, and others who fought to preserve Mr. Holmes’s rights.”

Writing for the court, Associate Justice Samuel Alito said that, “A criminal defendant’s federal constitutional rights are violated by an evidence rule under which the defendant may not introduce evidence of third-party guilt if the prosecution has introduced forensic evidence that, if believed, strongly supports a guilty verdict.”

The relevant facts were as follows: a third party claimed to have committed the crime for which Mr. Holmes had been convicted, but forensic evidence implicated Mr. Holmes. Following South Carolina law on third-party guilt, the trial court found the evidence against Mr. Holmes so compelling that naming a third party as the potential criminal in the case would have conflicted with 1941 and 2001 court precedents on third-party guilt issues. In South Carolina an individual may imply the guilt of a third party during trial. However, he or she may not implicate a particular person unless there is specific evidence linking that person to the crime. Because the three South Carolina courts in which Mr. Holmes was tried and appealed his case—county criminal court, state appellate court, and state Supreme Court—all refused to admit evidence linking the other person to the crime, Mr. Holmes’s lawyers asserted that the state’s third-party guilt rule violated Mr. Holmes’s due process rights.

Justice Alito’s opinion stated: “By evaluating the strength of only one party’s evidence, no logical conclusion can be reached regarding the strength of contrary evidence offered by the other side to rebut or cast doubt. Because the South Carolina rule applied ... did not heed this point ... it follows that the rule violates a criminal defendant’s right to have a meaningful opportunity to present a complete defense.”

“John won an excellent result for his client,” said Professor Morrison. “In his reply brief to the court, he laid out a framework for understanding the case that was extremely persuasive. Justice Alito’s opinion for the court tracks that framework quite closely.” Professor Johnson remarked: “The briefs are important in every case, including this one, and these briefs were excellent. Here, however, John’s oral argument was also extraordinarily compelling and adept, and I think it contributed to the unanimous vote.”

“We are only halfway home,” Professor Blume commented. “We firmly believe that Bobby Holmes did not commit this crime, and we will continue to try and prove his innocence.”

Are They Employees or Students? Panel Discussion on Labor Law

During the spring semester, Rosemary Pye ’74, National Labor Relations Board (NLRB), Regional Director for Region 1, and Michael Cuervas, chair of the New York Public Employment Relations Board (PERB), participated in a panel discussion at the Cornell Law School entitled “Employees or Students? Graduate Students, Research Associates, and Medical Interns Under Private and Public Sector Labor Law.”

Director Pye provided an overview of board authority in this area and discussed the 2004 decision that resulted in graduate students being excluded from coverage of the National Labor Relations Act. Mr. Cuervas distinguished public-sector labor law with regard to graduate student workers who continue to have the right to organize and bargain collectively under the Taylor Law. He addressed several other substantive distinctions between public and private sector labor law including the more narrow interpretation of concerted activity under state law and the prohibition on the right to strike. The panel was well received by students in attendance.

Inaugurating a New Tradition Honoring Newly Tenured Professors of Law

On April 19, the Law School held the inaugural lecture in a program designed to showcase the work of newly tenured faculty. Professor Douglas A. Kysar, who received tenure in the spring of 2005, presented his paper “It Might Have Been: Risk, Precaution, and Opportunity Costs” to an appreciative audience of students and faculty.

Dean Schwab introduced Professor Kysar as an inspiring teacher and prolific scholar in the areas of tort law, products liability, environmental law, and sustainable development. Two of Professor Kysar’s recent articles have been selected for presentation in the environmental law category of the Stanford–Yale Junior Faculty Forum. Students have twice elected him to be the faculty speaker at the Law School’s convocation, and in 2004, Professor Kysar received the Dean Anne Lukingbeal Award from the Women’s Law Coalition, presented to the recipient for dedication to gender issues.

Professor Kysar began his talk by thanking Dean Schwab and Professor Jeffrey Rachlinski for creating the new tradition. Explaining that the title of his paper had been drawn in part from John Greenleaf Whittey’s phrase “For all the sad words of tongue or pen, the saddest are these, it might have been,” Professor Kysar went on to analyze the two policy-making paradigms that strongly affect environmental law and policy. The risk assessment/cost-benefit analysis paradigm (CBA) tries to predict and weigh all consequences of policy proposals, while the precautionary principle focuses on robust public involvement in policy making and the development of strong collective identities to aid that approach.

Professor Kysar’s paper was both tightly reasoned and delightful, sometimes drawing
laughter and at other times intense concentration. To illustrate his arguments, he used information about the CBA used to build the levees in New Orleans. With so many law students volunteering through the Student Hurricane Network, this was an example that was particularly meaningful.

Professor Kysar ended his talk with thanks, saying “It’s an honor to be a part of this rich and rewarding academic community, and I hope we are able to preserve that identity for many years.” After some lively discussion among faculty and students of the issues raised in Professor Kysar’s paper, the group adjourned for a reception and to look forward to the next lecture of this new tradition.

**New Event Series Highlights Faculty Books**

On March 29, a symposium was held in honor of the Cambridge University Press publication of *Form and Function in a Legal System: A General Study* by Robert S. Summers, the William G. McRoberts Professor of Research in the Administration of Law. This symposium, titled “A Cornell Law Faculty Book Celebration,” inaugurates a series of events highlighting the publications of faculty members. Professor Robert Hillman of the Cornell Law School organized this year’s symposium.

During the symposium, three professors commented on Professor Summers’s book. Evaluative commentary was presented by Professor Brian Bix, the Frederick W. Thomas of Law and Philosophy at the University of Minnesota Law School; Professor Philip Soper, the James V. Campbell Professor of Law at the University of Michigan Law School; and Professor W. Bradley Wendel, the James V. Campbell Professor of Research in the Administration of Law. This symposium, titled “A Cornell Law Faculty Book Celebration,” inaugurates a series of events highlighting the publications of faculty members. Professor Robert Hillman of the Cornell Law School organized this year’s symposium.

The citation mentioned the book’s evocation of Professor Daube as an “eminently learned and original legal historian of the ancient Mediterranean world.” The citation commended Professor Carmichael for capturing “not just Daube’s intelligence and humor but also for the distinctiveness of his approach to law.”

of how Talmudic law and literature illuminate that work.” After leaving Germany, Professor Daube went on to become the Regius Professor of Civil Law at the University of Oxford and a fellow at All Souls College. Professor Carmichael studied under him there and went on to help Professor Daube publish his Collected Works and collaborate with him on U.S. National Endowment for the Humanities teachers’ seminars. Professor Daube, who eventually moved to the United States, died in 1999.

Professor Carmichael, who researches the relationship between law and narrative in early biblical material, teaches biblical and cognate (Near Eastern and Talmudic) literature at Cornell. He also teaches a seminar on biblical law at Cornell Law School.

Ambassador Lakhdar Brahimi Visits Law School

Lakhdar Brahimi, former special adviser to UN Secretary-General Kofi Annan, had lunch with a large group of students and faculty at Cornell Law School in March. His visit to the Law School coincided with an appearance on Cornell University campus as the Bartels World Affairs Fellowship Lecturer.

Ambassador Brahimi served for more than ten years as the UN’s top representative seeking to resolve conflicts around the world, including Haiti, South Africa, Afghanistan, and Iraq. For over an hour, he fielded questions from the Law School audience, candidly and entertainingly sharing his insights on matters ranging from the current situation in Iraq to the UN’s role as global peacekeeper.

Professor Muna Ndulo, who has worked with the ambassador in both South Africa and East Timor, said of Ambassador Brahimi: “[H]e has had a very distinguished career around the world negotiating peace agreements in exceedingly challenging and dangerous countries such as Iraq, Afghanistan, South Africa, Lebanon, Yemen, Haiti, and the Democratic Republic of the Congo. In times of grave peril, his sensitivity, negotiating skills, and vision have served to conceive and revitalize conciliatory dialogues. His visit to Cornell continues the university’s long tradition of being able to attract leading personalities to engage the Cornell community.”

Clarke Lecture on Innovation through Intimidation in China

Benjamin L. Liebman, Professor of Law at Columbia University delivered the third annual Clarke Lecture for the Clarke Program of Asian Law and Culture on March 14. In his speech, titled “Innovation through Intimidation: Defamation Litigation in China,” Professor Liebman argued that the media is one of the biggest actors in the Chinese legal system.

Professor Liebman addressed the large increase in defamation lawsuits against the Chinese media by ordinary persons, celebrities, and companies. Since the media is still largely controlled by the propaganda divisions of the Communist Party and therefore still largely represents the party-state, these lawsuits have become a way to challenge state authority. At the same time, some lawsuits by local government officials against media outlets that have reported on corruption demonstrate the uses of defamation litigation to stifle political reform. On the whole, Professor Liebman viewed the long-term impact of defamation litigation in a positive light.

The large increase in defamation litigation in China provides some measure of hope to many people who today have a way to protect themselves and their individual rights, said Professor Liebman. Even if an individual was proven guilty by the state, he or she can thus indirectly plead innocence by bringing the case to the authorities.

One problem with the existing law, critics say, is that it has increased the number of frivolous defamation lawsuits. The media, however, has been much more amenable to settling the suits through payment, rather than by acknowledging any verbal or written mistake on their part, in order to keep the number of lawsuits down as well as to try to prevent the propaganda party from noticing, Professor Liebman stated.

China’s Legal Reforms and Implications for Corporate Government

Natalie Lichtenstein, who began working for the World Bank in 1980 and who is now assistant general counsel in the Legal Vice Presidency, spoke in April to about thirty students and faculty at the Law School. In her talk entitled “China’s Legal Reforms: Implications for Corporate Government,” Ms. Lichtenstein looked back at where China’s
This time marked the enactment of two major and influential laws: the Joint Venture Law and Criminal Law. The Joint Venture Law was about “containing the foreigner.” Foreign investment was for the first time possible within a limited, constrained environment. During the 1980s law continued to expand as contract law, general principles of civil code, constitutional recognition of private property and state enterprise, and chambers of courts all emerged and developed. From Ms. Lichtenstein’s point of view, the intersection of economic development and law during this period reflected the precarious stage of the economy.

But the period of the mid 1980s to 1990s brought about deeper changes as China engaged in processes of “experimentation and fragmentation,” both in the legal and economic arenas. During this time, different pilot areas or experimental zones were sectioned off to test out new laws. Enacting this regional paradigm made more sense than attempting to enforce laws to govern the whole country. In Ms. Lichtenstein’s opinion, choosing what laws would be appropriate on a national level through local processes of trial and error minimized potential harm. “Provisional” laws were also popular during this time, and although these laws were binding, the title “provisional” signaled that they were most likely going to be revised and then made more permanent.

By the 1990s the economy and the law were in flux, as each realm helped the other change and expand. Moving into the present century, China’s legal system has become much broader and more professional than it ever has been. More laws are being enacted, some of which are redefinitions of earlier laws. Still, China faces many challenges as it looks toward the future of its legal system. The judicial system, moreover, though far less dependent than it was even five years ago, is still fraught with problems such as how to produce enough lawyers, law firms, and legal knowledge. Additionally, “local protection,” or the perception that one will not receive a fair legal decision in a province other than his or her own, extends beyond the courts and into many legal and economic systems throughout China. Finally, the country is now experiencing a shortage of lawyers willing to work pro bono and to work in poorer areas.

Does rule of law exist in China today? The answer according to Ms. Lichtenstein may depend on your concept of what exactly rule of law is. She optimistically notes that law matters more today in China than it ever has. Dependent on one another, economic reform and legal reform will continue to grow and develop into the future, so perhaps one day the resounding answer to the rule of law question will be yes.
Recent Reforms in Japanese Legal Education

In a Clarke Program Colloquium Series talk in March, co-sponsored by the Legal Information Institute and entitled “Recent Reform in Japanese Legal Education: Law School System and Its Troubles,” Professor Takehiro Ohya of Nagoya University led a group of law students and faculty through an analysis of both the “old” and “new” systems of legal education in Japan. Until 2004, no law schools like those in the United States existed in Japan. One could study law as part of his or her undergraduate education, and anyone could take the nationally administered bar exam. Under the new system, two- and three-year law schools were implemented. Through statistical analysis and personal accounts, Professor Ohya argued that both the “old” and “new” systems are fraught with problems.

A fundamental problem in the Japanese legal system, explained Professor Ohya, is the scarcity of lawyers. Although social theory in the 1960s blamed this scarcity on Japanese culture—people’s aversion to making quarrels and their weak sense of rights—the high economic growth and population movement of the 1980s proved otherwise, because this growth and movement did not result in an increase in lawsuits. If Japanese culture was not to blame, what were the “reasons for the Japanese riddle?” asked Professor Ohya.

Major problems with the “unfriendly” old system included a limited capacity for lawyers, with only 500 openings existing between 1966 and 1990. Professor Ohya noted that aspiring lawyers experienced both a low success rate and a long learning period, where the average age of a first-year attorney was twenty-nine, after he or she had studied for over six years. Finally, the ubiquitous use of “cram schools” to help students pass bar exams led to lawyers who knew how to pass a test better than how to practice law and tackle new problems.

Due to these issues, the Justice System Reform Council was created in 1999 to come up with a new system. Among their objectives were the establishment of law schools, moving from a focus on passing the bar exam to a focus on process, and improving the capacity and success rate of aspiring lawyers so that there would be 3000 candidates in 2010, with a 70 to 80 percent rate of success.

But did the restructuring of the law-school system, the implementation of two- and three-year law schools with a shift in apprentice training from two years to one year effectuate these goals? Professor Ohya’s analysis resounds no. Most striking were the “awful” results of the Experimental National Bar Exam, which tested knowledge of public, civil, and criminal law. In 2005, under half of those tested passed, and Professor Ohya, through his own statistical analysis, showed that when those who failed the exam and will retake it the following year are counted, the projections for 2006, 2007, and 2008 look even worse. Moreover, hopeful law students are faced with the “struck-out” J.D. problem: one’s candidacy to take the bar exam expires after three attempts. The future careers of those J.D.’s who “strike out,” seem limited to opportunities as office workers in business law or to paralegal-type work.

Where is the future of the Japanese legal education system going? Will there be a coordination process or radical change? Professor Ohya’s projections beg for the latter, and his lecture invited those in the flourishing U. S. legal education system to ponder these serious questions.

Rethinking the Private in Private International Law

How does one reinvigorate a dying field of academic inquiry? This was the main question posed by professors Annelise Riles and Karen Knop who organized “Rethinking the Private in Private International Law.” If the various presentations serve as any indication, the following steps would be advisable:

- assemble an international cast of scholars, both established and rising
- examine intersections with other academic disciplines
- investigate pressing social issues
- garnish with discussion, commentary, and questions

On April 7 and 8, roughly two dozen scholars from three continents converged in Ithaca to discuss new ways of approaching private international law, known in this country as conflict of laws. Panels were based loosely on important ideas in conflict of laws: context, private, technicality, and so on. But the real highlight was the range of presentations falling within these various rubrics. Topics more familiar to law conferences—legal history, philosophy, political science, and international law—collided and fused with subjects less frequently addressed, such as fiction, film, Internet advertising, and sculpture.

Another way the conference breathed new life into this field was by direct engagement with current social issues. While many scholars
A diverse array of academics came together in April to examine the fictions that are at play in water rights. Law students Maymangwa E. Flying Earth-Miranda ’06 and Summer L. Sylva ’07, pictured near Ithaca Falls, worked on a project for the water law clinic involving Native American water rights.

Ethnographic Fictions

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A diverse array of academics came together in April to examine the fictions that are at play in water rights. Law students Maymangwa E. Flying Earth-Miranda ’06 and Summer L. Sylva ’07, pictured near Ithaca Falls, worked on a project for the water law clinic involving Native American water rights.
easements in the watershed region, said the course has far exceeded his expectations. “Professor Porter provided contacts and initial information and really directed us, but each person has taken that and run with it.”

Other students are involved in projects that “contribute to a better legal understanding of the issues raised by New York state’s land use strategy in a way that protects the Susquehanna River watershed and other watersheds,” noted Professor Porter. “It’s a critical issue for the state.” Costs for the upper Susquehanna alone are expected to exceed $1 billion. For example, Ya-Wei “Jake” Li ’07 is working with lead agencies in the Susquehanna River Basin to explore ways to protect small wetlands called vernal pools. Anthony S. “Tony” Wisen ’07 is studying legal issues posed by Concentrated Animal Feeding Operations and legal challenges to those operations by neighboring landowners and environmentalists. Meline G. McCurdy ’07 and Susan E. Morningstern ’07 have critically assessed the contradictions in laws protecting groundwater, comparing European and U.S. experiences. Carey J. Huff ’06 is working on a comparative study of the use of river trusts in the United Kingdom and land trusts in the U.S. as instruments for watershed management. She said, “In the United States, people at the local level feel their voices aren’t heard at the top.”

Maymangwa E. Flying Earth-Miranda ’06 and Summer L. Sylva ’07 worked on a project involving Native American water rights that has led to a symposium on water law at Cornell, sponsored by the Law and Public Policy Journal and slated for fall 2006. “Maymangwa and Summer provided the impetus and knowledge for us to move forward on this critical symposium,” said Professor Jane Mt. Pleasant, director of Cornell’s American Indian Program, a co-sponsor of the symposium.

The students’ papers will be compiled and made generally available through the WRI Web site and in printed form, said Professor Porter. Several students also will submit their work to scholarly journals.

“All the student projects involve contentious issues with highly disparate competing views,” Professor Porter noted. “It’s remarkable, and a credit to the students, that they’ve managed to gain acceptance and trust from people on all sides of the various issues.”

“Injecting Diversity into U.S. Immigration Policy: The Diversity Visa Program and the Missing Discourse on its Impact on African Immigration to the United States,” was submitted by the Cornell International Law Journal on her behalf. The Robert H. Jackson Award honors student scholarship in the areas of comparative and international law. Ms. Newton’s note was chosen from submissions of published student notes from over thirty other international law journals. The award was presented to the winner along with a cash prize at the society’s annual dinner gala on June 6th in Washington, D.C. The event also honored Ambassador Richard C. Holbrooke for his contribution to international law.

Ms. Newton was very excited to receive this honor. During her brief acceptance speech she thanked the organization for their promotion of student scholarship and her firm, Hogan and Hartson, for sending her to the event and for their generous support. “And last, (but not least!) I thank the Cornell International Law Journal for all of their hard work and support,” Ms. Newton reported after the ceremony.

Harter, Secrest & Emery Establishes Diversity Scholarship for Law School

Harter, Secrest & Emery LLP has become the first law firm to establish a diversity scholarship program specifically for a student of Cornell Law School. The Harter, Secrest & Emery LLP Diversity Scholarship Program provides a first-year Cornell Law School student with a $5,000 scholarship and a paid summer associate position at the firm’s Rochester, New York, office.

According to John R. DeRosa, assistant dean for student services at Cornell Law School, “Harter Secrest has created a wonderful opportunity for one of our first-year law students. Aside from the scholarship’s obvious financial benefits, which are considerable, this program will expose the recipient to a sophisticated, multifaceted legal practice in a highly supportive environment.”
Maureen Alston, managing partner at Harter, Secrest & Emery stated, “We are very pleased to award the Harter, Secrest & Emery Diversity Scholarship to Miguel Loza of Pasadena, California. Cornell is a great fit for Harter’s diversity scholarship program. We believe the talent pool at Cornell to be among the best in the country and we hope to attract more of these students to legal careers in upstate New York.” Ms. Alston further stated, “We are convinced that our diversity scholarship program will enable us to provide better service to our clients and create a richer work environment.”

Mr. Loza entered Cornell Law School in September 2005 after receiving his Bachelor of Arts degree from Stanford University that same year. While at Stanford he received high honors for academic excellence, was a member of the Stanford Pre-Law Society, and participated in the Stanford Overseas Studies Program in Santiago, Chile.

“Miguel was selected on the basis of his academic record, previous work experience and other factors that evidence great promise for a successful career in the legal profession. In both his academic and professional life, Miguel has demonstrated a strong work ethic and an ability to work well in a collaborative environment. His intellectual fortitude, engaging personality, and enthusiastic attitude will serve him well in this profession and during this experience with us at Harter, Secrest & Emery LLP,” said Erika N.D. Stanat, chair of the firm’s recruiting committee. “We are excited about working with Miguel this summer.”

Founded in 1893, Harter, Secrest & Emery LLP entered into its second century with a diversified and dynamic law practice serving businesses, nonprofit entities, and individuals. Harter has been named number one firm in Rochester, New York, by “America’s Best,” a survey that ranks law firms by preference of public company executives. The survey is conducted by Corporate Board Member magazine.

Karen Comstock Receives 2006 Lukingbeal Award

Karen Comstock, assistant dean for public interest law at Cornell Law School since 2004, was honored April 5 in Myron Taylor Hall’s Berger Atrium as the 2006 winner of the Law School’s Anne Lukingbeal Award. The annual award was established in 1999 by the Women’s Law Coalition, a student group, to celebrate contributions to the experience of women at the Law School and to honor the school’s associate dean and dean of students, Anne Lukingbeal. The entire Law School class votes to select each year’s winner.

“Assistant Dean Comstock has illustrated an incredible commitment to gender issues throughout her career at the Law School,” said Joanna H. D’Avella ’07, an officer of the Women’s Law Coalition. “She has been a unique resource in connecting the school to prominent legal activists in fields such as civil rights, sexual orientation rights, and gender equality, and she has also been an invaluable asset to students interested in careers in the government and the public interest sector.”

In her current position, Assistant Dean Comstock works to enhance and attract support for the Law School’s public service law programs and initiatives, including a fellowship program that helps summer interns and graduates working in the low-paying field of public interest law to pay back student loans.

As former assistant dean for career services at the Law School, Assistant Dean Comstock chaired the committee that improved the school’s loan repayment program for graduates working in public interest law. In addition, she has been adviser to the Public Interest Law Union student group, which sponsors talks and discussions on such social justice issues as law and poverty. A certified New York state mediator, Assistant Dean Comstock is a volunteer with Ithaca’s Community Dispute Resolution Center. For seven years, she served on the board of directors of Tompkins County Women’s Opportunity Center, which helps women reenter the job market. She manages the school’s public interest fellowship program, a student loan and grant assistance program for summer interns and Law School graduates in low-paid public sector work.

EZRA: Cornell Job Connection

The Alumni Jobs Newsletter has been replaced with a searchable database whose current job listings can be searched according to each user’s requirements. The database, called E-Z Resource Access (or EZRA, for short), sorts job listings by practice area, location, and other parameters. EZRA frees alumni from having to sift through the old alumni jobs newsletter, a nonsearchable text document maintained by the career office. Now alumni can register as online users in less than five minutes (Go to http://www.easelaw.com/cornelllaw/index.php?script=local-login; follow a few easy steps to register.) and begin searching listed jobs immediately. In addition, once the user has set the parameters for a job search, new postings that fit those requirements can be e-mailed to the user when they are posted. “The new program is interactive; alumni can do searches themselves automatically,” says John DeRosa, assistant dean for student and career services. “They can enter the system at any time and structure searches the way they want to.”

The EZRA system accommodates alumni interested in mentoring Law School students. Alumni can specify the way in which they would like to be contacted—via letter, e-mail, or phone—and how often they can be con-
tacted. More than 250 Cornell Law School alumni from all areas of the country are currently involved with the Cornell Law Connection. Major groups have been established in Atlanta, Boston, Chicago, Dallas, Los Angeles, Miami, New York City, Philadelphia, San Francisco, Seattle, and Washington, D.C.

Law School Class of 2006

The Cornell Law School recognized its graduating students during convocation ceremonies on May 14 in Bartels Hall on the Cornell University campus. The actual degrees, conferred during the university commencement ceremony on May 28, include four students who received the Doctor of the Science of Law (J.S.D.) degree; fifty-six received Masters of Law (LL.M.) degrees; nine received Doctor of Law or Master of Law degrees in International and Comparative Law (J.D./LL.M.) degrees; two received the J.D./Master in Global Business Law degree; seven received J.D./Maîtrise en Droit degrees; and J.D. degrees were awarded to 172 students.

During the Law School convocation ceremony, which was presided over by Dean Schwab, Mark A. Kanaga ’06 was chosen by his classmates to give the J. D. student address. Fabricio S. Nunes LL.M. ’06, from Brazil, spoke on behalf of his LL.M. classmates. The students also selected Professor W. Bradley Wendel to give the faculty address. Following the speeches, John 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 the university.

A Face-lift for Myron Taylor’s Peace Tower

Since 2001, climbers hired by Cornell University’s Planning, Design and Construction (PDC) have been rappelling down the four sides of Myron Taylor Hall’s Peace Tower twice a year to inspect its stone facade. Based on their reports, engineers decided last November to go ahead with major renovations, at a cost of just over $3 million.

What is happening while the Law School endures the temporary loss of its parking space during the summers of 2006 and 2007? The stonework will be repointed, and smaller cracks in the stone will be stabilized with rods and pins. The roof on top of the tower will be taken up, and new waterproofing membrane will be installed underneath. But for some areas, that won’t be enough. They’ll need “rebuild”—in other words, they’ll be stripped completely and refaced with Llenroc, trademark Ithaca bluestone that matches the original. “We’ve done small sections of rebuild on Sibley Hall and A.D. White,” says Brenda Smith, civil engineer with Cornell’s POC office, “but I think this is the first project we’ve done on this scale.”

Most of the bluestone on campus buildings came from a single local quarry. Why has the stone on the tower deteriorated so much faster than the same bluestone used on buildings elsewhere on campus? “Different areas of a quarry yield stone of varying quality,” explains Ms. Smith. “Some areas yield poorer strains. This stone has weathered very poorly over time.” For the reconstruction, the planning office hired Lupini Construction, Inc., a New York state firm that specializes in historical masonry. “Myron Taylor Hall doesn’t technically qualify as a historical structure, but Cornell wants to treat it that way,” says Ms. Smith. Of particular concern are Myron Taylor’s carvings, the ones that represent the history and future of the law. “There’s one piece, a fleur-de-lis, I think, that you can see as you stand in the courtyard, that has to be removed and replaced. They’ll make a template, and from that a replacement. They’ll work very, very carefully,” Ms. Smith said. “And there’s an eagle’s foot that needs to be repaired.”

After the tower is finished, slate roof tiles on Myron Taylor Hall’s two lower roofs will be removed in order to replace the waterproof membrane underneath them. “That should go pretty fast,” says Ms. Smith. After that, the Law School administration should be free of worry about the building’s stonework for at least another couple of decades, and the treasured parking spaces will be restored as well.

A New Look at Communications

Martha Fitzgerald has joined the Law School staff in the newly created position of communications manager. Reporting to Associate Dean Richard Geiger, she will lead the Law School’s marketing and communications efforts. As one of her first tasks, Ms. Fitzgerald is overseeing a major review and revision of all the Law School’s internal and external publications, creating a unique look that will enhance the Law School’s image in the world. She is highly skilled in designing and developing cohesive identities for organizations through the process of creating design style guides.

Though she started only this summer, results are already apparent in this issue of the
Forum, with a redesign of the magazine. She is working to bring all school communications under one cohesive umbrella of message and visual style. Her design work is also evident on the Law School’s new Web site, which was launched in early September. It includes many new features, including 360-degree views of the campus for students unable to visit in person. With the launch of the new Web site, Ms. Fitzgerald developed a campaign to introduce the Law School’s new theme: “Lawyers in the Best Sense.” This phrase, drawn from a quote from Cornell University’s first president Andrew Dickson White, epitomizes the high-quality lawyers associated with the school.

Ms. Fitzgerald started working on the school’s Web site in her previous job with Cornell University’s Instructional and Web Services group, where she was the lead Web designer and manager. There, she designed Web sites for University units and departments, including the Web site of the College of Human Ecology. Ms. Fitzgerald has extensive design and communications experience, having previously served in positions such as art director for public affairs at the University of California in San Francisco, art director/senior designer at Gap Inc., and art director for the NAMES Project (the project uses the AIDS memorial quilt to bring an end to AIDS).

“I plan to interpret and communicate it as effectively as I can. It’s exciting to help the Law School amplify itself on a national level to give it the kudos it deserves and it is an honor to do so.” Ms. Fitzgerald and her family live in Trumansburg, New York.

“I’m passionate about working for a law school that has so much substance, integrity, and rich information that needs to be communicated to a wider audience,” says Ms. Fitzgerald.

Four Cornell Law students visited New Orleans during last semester’s winter break to assist in areas devastated by 2005’s destructive and deadly hurricanes. The students are (left to right) Ari M. Selman ‘07, Michael D. Sliger ’08, Michael D. Laycob ’07, and Kaleb M. Honsberger ’06 (not pictured). According to Mr. Laycob, “the juvenile courts were honored to have Cornell Law students as volunteers and genuinely appreciated our time and commitment.”

James V. Feinerman of the Georgetown Law Center spoke to an enthusiastic Law School audience last semester on “The Death Penalty—with Chinese Socialist Characteristics.” The editors regret that his photo was misidentified in a previous issue of the Forum.

Four Annual Exemplary Public Service Awards

Nominate a law graduate who you feel deserves special recognition for his or her outstanding public service work. This can include work with a public interest organization, a government agency, pro bono work through a private law firm, or any other situation in which public service work is done.

E-mail Assistant Dean for Public Service Karen Comstock at karen-comstock@lawschool.cornell.edu with the name, graduation year, and short narrative that describes the nature and depth of your nominee’s commitment to public service. You will receive an e-mail confirmation that your nomination was received.

Nomination deadline: Monday, November 20, 2006. Winners will be selected by the Law School’s faculty/student Public Service Committee, and the awards will be presented on Thursday, February 8, 2007, at the Exemplary Public Service awards ceremony in New York City. The time and location will be announced.
Gregory S. Alexander, the A. Robert Noll Professor of Law, participated in May in a Liberty Fund conference on “Common Interest Communities and Liberty.” In March, he gave a faculty workshop at the University of Virginia Law School on the topic “The Formalist Trap: Text and Tradition in the Interpretation of Constitutional Property Clauses.”

In February, Professor Alexander attended a conference at the University of Pennsylvania Law School and served as a commentator for papers on the general subject of “Natural Rights and Property” given by Professor Richard Helmholz (University of Chicago), Mark Tushnet (Georgetown University), and James Ely (Vanderbilt University).

Three books either written or co-authored by Professor Alexander were published this spring. They included the fourth edition of his Trusts and Estates casebook, Family Property Law: Wills, Trusts, and Future Interests (co-authored with Lawrence Waggoner, Mary Louise Fellows, and Thomas Gallanis). The book was published by Foundation Press. Aspen Press published the sixth edition of the widely used casebook, Property, a collaboration by Professor Alexander and Michael Schill of the University of California, Los Angeles. The book’s previous authors were the late Jesse Dukeminier and James Krier. In June, Professor Alexander’s book, The Global Debate Over Constitutional Property: Lessons for American Takings Jurisprudence, was published by the University of Chicago Press. Professor Alexander co-authored an article with Mary Louise Fellows (University of Minnesota) entitled “Forty Years of Codification of Estates and Trusts Law: Lessons for the Next Generation.” The article was published by the Georgia Law Review as part of a festschrift in honor of the late Richard V. Wellman.

John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law, co-chaired a major international conference on the World Trade Organization (WTO) system in Beijing in May. The conference was sponsored by the Cornell Law School and Beijing University along with others, including the Beijing Foreign Studies University, the Cordell Hull Institute, the Chinese Ministry of Commerce, and the Joint Center for China–U.S. Law and Policy Studies.

At the conference, Professor Barceló presented a paper on “Harmonizing Rules of Origin for Preferential Arrangements” and served as a discussant for papers presented by leading academics and WTO experts from China and other countries. In his own paper, Professor Barceló urged that the WTO undertake a harmonization project for rules of origin linked to regional free-trade agreements and other preferential arrangements. Rules of origin determine the country of origin of an import. In the context of a regional free-trade agreement (such as the North American Free Trade Agreement) they decide whether a given import comes from a member country and would therefore be entitled to duty-free entry. Professor Barceló argued that unless rules of origin are harmonized around non-restrictive core principles consistent with basic WTO rules, they would continue to add complexity, increased transaction costs, and distortions to the global trade system. The conference papers will be published in a volume to be edited by Professor Barceló and Hugh Corbet, president of the Cordell Hull Institute. Both English- and Chinese-language versions will be published.

In May, Professor Barceló chaired a panel on “International Dispute Settlement and Dispute Resolution in China,” which convened in Shanghai. As a panel commentator he...
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Professor Barceló lectured on WTO law at the Central European University in Budapest in June. He spoke later that month at the Intellectual Property Center in Munich on international commercial arbitration.

Through the Interuniversity Centre for the Comparative Analysis of Law and Economics, based in Turin, Italy, Professor Barceló taught a short course in June in Turin on WTO law. Cornell Law School is one of the four academic sponsors of that program. Other sponsors include the University of Turin (Fondazione Collegio Carlo Alberto), École Polytechnique (in Paris), and the University of Ghent.

As Reich Director of the Berger International Legal Studies Program, Professor Barceló hosted several programs during the spring semester at which guest speakers addressed topics in international and comparative law. Finally, he served on Cornell University’s International Studies Advisory Council chaired by Vice Provost David Wippman.

In January, John H. Blume, professor of law and director of Cornell Law School’s Death Penalty Project, published “AEDPA: The ‘Hype’ and the ‘Bite’” in the Cornell Law Review. That article reported an empirical study of the effects of the 1996 Antiterrorism and Effective Death Penalty Act of 1996. In February, Professor Blume argued for the petitioner in the U. S. Supreme Court in Holmes v. South Carolina. In May, the Supreme Court ruled unanimously in favor of Mr. Holmes, vacating his death sentence, and remanded the case for a new trial.

In April, Professor Blume presented the results of a number of different empirical studies at a conference on “Mitigating Evidence in Capital Cases” held in Washington, D.C. In May, he made a similar presentation to the Delaware Public Defenders Association in Wilmington, Delaware. Also in May, Professor Blume argued on behalf of an inmate on federal death row, Chadrick Fulks, in the U. S. Court of Appeals in Richmond, Virginia.

Thomas R. Bruce, research associate and director of the Legal Information Institute, spent much of the semester working with computer-science graduate students on projects ranging from the application of natural-language processing, sponsored by the National Science Foundation, to notice-and-comment rulemaking, to administrative systems that publish the U.S. Code as downloadable PDF files. In April, Mr. Bruce spent a week in Vietnam consulting on a project sponsored jointly by the Swedish International Development Agency and Lund University. The project, begun in 1998 and slated to last until 2010, aims to strengthen the education of lawyers in Vietnam. Mr. Bruce was invited to suggest and present methods of improving the role of law libraries in the educational process by technological and programmatic means. A second trip is being considered for April 2007.

June found Mr. Bruce in Fort Lauderdale, Florida, making presentations at the annual Computer-Assisted Legal Instruction Conference for Law School Computing on the disparate subjects of search engines and collaboratively produced legal encyclopedias. In short order, Mr. Bruce decamped and headed for the decidedly cooler climate of Oslo, Norway, where he was one of six invited speakers at the Ninth Conference on Substantive Technology in Legal Education. There, he presented the novel idea that legal education might find some profit in activities other than the production of law review articles.

Angela B. Cornell, professor of law and director of the Labor Law Clinic, was a panelist at the Canadian Association of Labour Lawyers Conference held in St. Johns, Newfoundland, in May. The plenary topic was “The Future of Labour, Employment and Labour Law,” and the subject of Professor Cornell’s presentation was “Struggle in the Ranks: Labor Law and the Labor Movement in the United States.” Professor Cornell was a discussant at the Transatlantic Social Dialogues Conference at Cornell’s School of Industrial and Labor Relations (ILR) this spring. The topic of the conference was national immigration and the response of organized labor. Attendees included academicians and trade unionists from Europe and the United States.

Also in May, Professor Cornell served as moderator for a continuing legal education program jointly sponsored by the Cornell Law School and ILR school. The program covered the Fair Labor Standards Act and State Wage and Hour Class Action Litigation and was held in New York City. Professor
Cornell attended the Association of American Law School Clinical Conference in New York City. She has agreed to serve on the Faculty Steering Committee for the Cornell Migrant Program.

In early January, Charles D. Cramton, assistant dean for graduate legal studies, attended the annual meeting of the Association of American Law Schools in Washington, D.C. At the meeting he was a panelist for the Section on Graduate Programs for Foreign Lawyers program on the topic of “LL.M. Programs for Foreign Lawyers: What Are We Teaching and How Are We Teaching It?” during which he discussed employment options following graduation for LL.M. students.

Throughout 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 in conjunction with the LL.M. Association, he continued the successful monthly LL.M. seminar series. As part of the program, Cornell LL.M. students from around the world each month presented papers on topics related to their areas of expertise or to legal developments in their home countries. The seminars were open to the entire Law School community and attendees included LL.M. and J.D. students, faculty, and administrators. Assistant Dean Cramton worked closely with the LL.M. Association in hosting the third annual LL.M. Inter-University Conference. Students from across the country participated in the conference.

In June, Assistant Dean Cramton completed his second year as chair of the New York State Bar Association’s Committee on Legal Education and Admission to the Bar. He was reappointed chair for an additional year by the committee, Assistant Dean Cramton chaired meetings and made presentations to the bar’s Executive Committee covering various topics related to legal education and admission to the state bar. The topics included admission of U.S. Army Judge Advocate General’s Corps attorneys in the state for the purpose of providing legal services to military personnel and their families, and arcane law office rules that remain part of judiciary law.

Assistant Dean Cramton serves on the state bar association’s “Special Committee on the Bar Examination,” which is charged with reviewing the state’s bar exam. The committee held several meetings throughout the year and hopes to complete its work within the next twelve months. Assistant Dean Cramton is chair of the committee’s Subcommittee on Recommendations and Conclusions, which will review the committee’s findings and make recommendations to the New York State Court of Appeals and the Board of Law Examiners.

Roger C. Cramton, the Robert S. Stevens Professor of Law Emeritus, largely completed his work as a reporter in a major revision of New York Rules of Professional Conduct for Lawyers. If, as expected, the New York State Bar Association approves the rules, they will be forwarded to a committee of the New York courts for final adoption.

Professor Cramton’s new book is Reforming the Court: Term Limits for Supreme Court Justices (co-authored with Paul D. Carrington of Duke University Law School). Professor Cramton spoke on the topic of the book to the Cornell Association of Professors Emeriti in Ithaca, New York, in May. The Carrington–Cramton proposal for reforming the Court, along with a list of the many prominent legal academics and citizens who have endorsed the proposal, can be found from the link: “Supreme Court of the United States,” on the paulcarrington.com Web site.

Glenn G. Galbreath, clinical professor of law, and his wife Sandy completed six years on Cornell University’s Faculty-in-Residence program in the undergraduate residence halls. They are now back in their home but will miss eating in the dining halls and having regular contact with undergraduates. Professor Galbreath made presentations in Syracuse and Albany to child-protective-services workers regarding trial testimony through the Center for Development of Human Services, State University of New York. He also lectured on “An Overview of Civil Law” to judges as part of the New York Unified Court System’s Advanced Certification Training Programs for Town and Village Justices. He continues to serve as 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 4,170 J.D. and 930 LL.M. applicants. Also, he assumed a new role overseeing the Law School’s reorganized communications department.

With the Cornell Law School Admission Council (LSAC), Associate Dean Geiger completed his tenth straight year on the Board of Trustees, serving as past chair. He is also the council’s official representative on the Oversight and Disclosure Board of the “After the J.D.” project, a multimillion dollar national longitudinal study (funded by the National Science Foundation, the American Bar Foundation, the National Association of Law Placement, the Access Group, and LSAC) of law school graduates who passed the bar exam in 2001. In June, Associate Dean Geiger served as a plenary speaker for the annual meeting of the Northeast Association of Pre-Law Advisors in Washington, D.C.
Claire M. Germain, the Edward Cornell Law Librarian and Professor of Law, chaired the Association of American Law Schools (AALS) Section on Law Libraries in Washington, D.C., in January. As president of the American Association of Law Libraries (AALL), she had a busy semester traveling to Arizona; Puerto Rico; Denver; Edmonton, Canada; and Ann Arbor, Michigan, to meet with regional chapters of AALL and discuss members’ concerns about law librarianship, the future of law libraries, the importance of legal research, and other professional topics.

In her role as AALL president, Professor Germain had many opportunities to represent the association and Cornell Law School. Professor Germain spoke at the U.S. Government Printing Office to celebrate the seventy-fifth anniversary of the Federal Register. Other speakers at the event were U.S. Archivist Allen Weinstein (who gave her a standing ovation), U.S. Solicitor General Paul Clement, U.S. Senator Ted Stevens (Republican-Alaska), and U.S. Public Printer Bruce James. In Puerto Rico, Professor Germain met with Hon. Fiol Matt, a member of the Supreme Court of the Commonwealth of Puerto Rico.

Professor Germain met twice this spring, in Chicago and Cleveland, with the American Bar Association (ABA) Council of the Section on Legal Education and Admission to the Bar, which presides over the accreditation of law schools. The council comprises leaders in the legal profession and in legal education. She attended two AALL Executive Board meetings in Chicago.

Professor Germain kept up with her regular job by relying on a truly excellent and dedicated Law Library staff, with whom she maintained regular e-mail contact no matter where she was. While in Paris in March, she selected new French students for the J.D./Maîtrise en Droit program. She had dinner with the new students, those currently enrolled in Université Paris 1, and a few graduates of the program. Professor Germain had breakfast with Cornell Law School’s Paris alumni, including Jean Charles Gardetto, a member of Monaco’s parliament and the Council of Europe, and James Hazard. She met with Judge Garapon (Institut des Hautes Etudes sur la Justice), Debevoise Partner Fred Davis, Associate Nicolas Michon (J.D./Maîtrise en Droit graduate), and others, to develop an expanded DVD based on a project she worked on as part of a faculty technology grant. The project involves a comparison of French and U.S. criminal trials using excerpts of movies and commentaries.

In June, Professor Germain participated in a meeting to explore the feasibility of introducing a legal research competency test on the bar exam. The meeting was organized by the National Conference of Bar Examiners in Madison, Wisconsin.

This spring, Professor Germain published a substantial (over 300 pages) update to her book, Germain’s Transnational Law Research.

Valerie P. Hans, professor of law, spent her first semester at Cornell Law School teaching a seminar on the Contemporary American Jury, researching and writing about the jury system, and giving a number of lectures on her scholarly work. Professor Hans’s research on the jury’s response to scientific evidence was the subject of a Baldy Center Faculty Workshop talk she gave at the University of Buffalo in February.

In April, Professor Hans participated in a “stabilizing” conference on “The Cultural Foundations of Tort Law” held at the Sturm College of Law at the University of Denver. Her presentation examined the claim that tort law doctrine is so open-ended and relativistic that juries (and judges too) are able to decide cases with great freedom to reflect their own ideas of justice. Professor Hans concluded that in some ways tort law has developed to facilitate and in other ways to restrict the jury’s ability to inject community sentiments into the resolution of tort cases. Stanford University Press will publish her paper, along with others from the conference.

Professor Hans attended a conference on “Civil Juries and Civil Justice” held at the University of Nebraska in Lincoln. She presented a paper on citizen perceptions of “lowly” whiplash injuries suffered in automobile accidents (often considered fraudulent, in the public’s view). Also at the conference, she spoke about a new statistical analysis of the relation between compensatory and punitive damages, a project done in conjunction with Professors Eisenberg and Wells. Although many people worry that punitive damages awards are irrational, the analysis combining data from multiple studies of compensatory and punitive damages reveals a strong positive relationship between them.
Professor Hans completed work on The Jury System: Contemporary Scholarship. The book, which was edited by Professor Hans, was published by Ashgate this year.

In addition to teaching a new undergraduate course, Competition Law and Policy, and his traditional undergraduate course, Economics and Law, George A. Hay, the Edward Cornell Professor of Law and Cornell Professor of Economics, served on two University panels: the Faculty Advisory Committee on Tenure and Appointments, which advises the Provost on all tenure decisions, and the University Hearing Board. Next year Professor Hay will serve as co-chair of the University Hearing Board.

Professor Hay’s article, “Trinko: Going All the Way,” appeared in the spring issue of the Antitrust Bulletin. The article deals with a recent U.S. Supreme Court decision regarding the duty of a monopolist to cooperate with potential competitors. In May, he went to Sydney, Australia, where he appeared as an expert witness in the largest (and most expensive) antitrust case in Australia’s history. The case involved the acquisition of broadcast rights to Australia’s premier sports.

During the spring semester, Michael Heise was a plenary presenter at the annual meeting of the Association of American Law Schools (AALS). The meeting focused on empirical legal scholarship, and Professor Heise presented a talk entitled “Exploiting Underused or Difficult to Access Data Bases.” Along with colleague Theodore Eisenberg, Professor Heise served as a paper commentator at the RAND Institute for Civil Justice-JELS Conference on Medical Malpractice held in Santa Monica, California. Professor Heise also participated in Emory Law School’s annual Randolph W. Thrower Symposium, which focused this year on federalism theory.


In early January, Robert A. Hillman, the Edwin H. Woodruff Professor of Law, presented a paper at the commercial law section of the American Association of Law Schools’ annual convention in Washington, D.C. The talk, entitled “How to Create a Commercial Calamity,” illustrated the types of strategies of lawmaking that cannot fail to create a commercial calamity. The paper will be published as part of a symposium by the Ohio State Law Review.


In March, Professor Hillman organized and presided over a symposium in honor of Professor Robert Summers’s new book, Form and Function in a Legal System: A General Study. In May, Professor Hillman began preparation of the next draft of his project for the American Law Institute, “Principles of the Law of Software Contracts.” The new subject matter will include software warranties and remedies for defective software. In June, Professor Hillman traveled to Minneapolis to participate in West Publishing Company’s event “Inside Look.”

In addition to grading final examinations, Robert C. Hockett spent most of January both completing preparations for his new seminar on International Financial Institutions and writing preliminary drafts for two more articles in his “ownership society” sequence. The latter two articles concern means of adapting both employee stock ownership plans, or ESOPs, and U.S. home-and education-spaying programs familiar since the 1940s and 1960s, respectively, to the task of spreading ownership of shares in firms. The articles are slated to appear in the Stanford Journal of Law, Business & Finance, and the Cornell Law Review.

In addition to teaching Business Organizations and his new seminar on International Financial Institutions, Professor Hockett spent most of February working on the aforementioned articles and on the first several chapters of his casebook-in-progress, “Finance, Financial Institutions and Financial Regulation.” He then spent most of March as he had spent February, save for the addition of assisting with final preparations for the Cornell International Law Journal’s annual symposium held the first weekend in April (more on that below).

In early April, Professor Hockett participated in a panel discussion on “Global Trade Liberalization: What Does Justice Require?” at the Carnegie Council in New York City. The panel and its audience featured a diverse array of academic lawyers and economists, UN and other officials, and non-governmental-organization-affiliated advocates.

Professor Hockett assisted with the administration of, and presented on a panel at, the Cornell International Law Journal’s annual symposium, devoted this year to the subject Global Justice: Poverty, Human Rights, and Responsibilities. The symposium brought together a large number of academic and
practicing lawyers, economists, and philosophers to discuss in a mutually intelligible, inter-disciplinary manner what a just world order would look like and how we can best bring such an order into being.

Professor Hockett spent most of the remainder of April at three tasks: ongoing teaching; putting final edits on his article titled “The Limits of Their World” (forthcoming in the Minnesota Law Review), which evaluates Jack Goldsmith and Eric Posner’s recent book, The Limits of International Law; and integrating his “ownership society” articles into a book—in addition to those articles mentioned above, their predecessors were recently published in the Cardozo Law Review and the Southern California Law Review. Professor Hockett began submitting manuscripts of those articles to publishers in early June. He spent most of May finalizing the aforementioned manuscript, as well as grading final examinations.

In early June, Professor Hockett presented his paper “What Kinds of Stock Ownership Plans Should There Be?: Of ESOPs, Other SOPs and ‘Ownership Societies’” at the “Jurisgenesis: New Voices in the Law” conference held at Washington University in St. Louis. He spent the remainder of June writing his solicited contribution to a forthcoming collection of essays on the economic analysis of law. Judge Richard Posner and others also contributed. Professor Hockett’s essay is titled “Mind the Gaps: Fairness, Welfare, and the Logical Structure of Distributive Assessment.”

Sheri Lynn Johnson, professor of law and assistant director of Cornell’s Death Penalty Project, published “Wishing Petitioners to Death: Fourth Circuit Factual Misrepresentations in Capital Cases” in the Cornell Law Review. Along with her co-authors, psychologists Jennifer Eberhardt, Paul Davies, and Valerie J. Purdie-Hans, Professor Johnson published “Looking Deathworthy” in Psychological Science. The article reports that in white-victim cases, the more stereotypically black a defendant is perceived to be, the more likely that person is to be sentenced to death.

After nine years, Robert B. Kent, professor emeritus, has retired from teaching at Roger Williams University School of Law. He has become a member of the Board of Directors of that school. With Robert G. Flanders Jr., B. Mitchell Simpson III, and David A. Wollin, Professor Kent has recently published Rhode Island Civil and Appellate Procedure. The work is an update of his 1969 book.

During the spring semester, Douglas A. Kysar, presented his work-in-progress “It Might Have Been: Risk, Precaution, and Opportunity Costs” at faculty workshops at the University of Pennsylvania Law School, Notre Dame Law School, and Georgetown University Law Center, and at Cornell Law School as part of a new series of lectures on the occasion of receiving tenure. The paper will be published in the Journal of Land Use and Environmental Law, as part of Professor Kysar’s role as the 2006 Distinguished Lecturer in Environmental Law at Florida State University College of Law. During his visit to Florida State, Professor Kysar presented “It Might Have Been” to the faculty, delivered a public lecture entitled “Ecologic: Complexity, Cognition, and Our Environmental Future,” and met with faculty and students involved in the school’s Environmental and Land Use Law program.

In March, Professor Kysar delivered the 2006 McGlinchey Lecture entitled, “Risk, Litigation, and Disaster: Lessons from Katrina” at Tulane University Law School. Also this spring, Professor Kysar participated in various roles at a number of meetings and conferences. He acted as a commentator in Bad Meinberg, Germany, at the Experimental Law and Economics Seminar on New Institutional Economics and, in Beijing, China, at the “Dismantling Discrimination in the World Trade Organization System” conference, which was jointly sponsored by Cornell Law School and Peking University Law School. He presented, at the annual meeting of the Association for the Study of Law, Culture, and the Humanities, a panel on Consumerism and Collectivity: Democracy, Religion and Society. Professor Kysar was a commentator at the Conference on Intergenerational Discounting held at the University of Chicago Law School and a panelist for the 2006 Frankel Symposium on Preventing and Responding to Catastrophe: The Role of Environmental Law and Policy held at the UCLA School of Law. He was a participant in the thirty-sixth annual Duke Law Journal Administrative Law Conference where he presented his article, “Did NEPA Drown New Orleans? The Levees, the Blame Game, and the Hazards of Hindsight,” co-authored with Thomas O. McGarity. NEPA is the National Environmental Policy Act, which
requirements federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions along with reasonable alternatives to those actions.


**Anne Lukingbeal**, associate dean and dean of students, attended the Student Services Section program at the American Association of Law Schools (AALS) annual meeting in Washington, D.C. in January. She and Associate Dean Barbara J. Holden-Smith and Professor Sheri Lynn Johnson attended the Black Law Students Association/Latino American Law Students Association alumni reception hosted in New York City by Sara Lulo ‘02 at her firm White and Case. Also in January, Associate Dean Lukingbeal was one of several law school lawyers who answered a call for volunteer judges for the Regional Mock Trial Tournament held at Cornell University.

In February, Associate Dean Lukingbeal was one of several members of the Public Interest Faculty/Student Committee who attended the first Public Interest Alumni Award ceremony in New York. The event was held at the Cornell Club. The committee selected award recipients—not an easy task given that more than fifty nominations were received during this inaugural year. In March, a day-long career-planning conference was held at the Law School; Associate Dean Lukingbeal introduced the panel entitled “Careers in Public International Law.” In April, she attended the annual conference of the National Association for Law Placement.

At the group’s business meeting, new bylaws were adopted by the membership, a relief to Associate Dean Lukingbeal, who chaired the Bylaws Committee that had recommended the changes in governance structure. In June, she spoke at the American Bar Association’s Associate Deans’ Conference in Englewood, Colorado. The topic of the session was “Managing the Unexpected.”

**Peter W. Martin**, the Jane M.G. Foster Professor of Law, prepared the 2006 version of the “Cornell Law School Heritage Project” DVD, incorporating new interview material shot during the prior year. In June, he participated in the invitational conference “SubTech 2006” held at the Norwegian Research Center for Computers and Law in Oslo, Norway.

In March, **Bernadette A. Meyler** saw the publication of her article “The Equal Protection of Free Exercise: Two Approaches and Their History” in the *Boston College Law Review*. The article traces the interrelration between the rhetoric of the equal protection of the laws and that of the free exercise of religion from early state constitutional jurisprudence through nineteenth- and twentieth-century federal decisions under the First and Fourteenth Amendments. The article differentiates two strands of equal-protection analysis within free-exercise cases: the first emphasizes a formal analysis focused on individuals, and the second examines substantive equality and acknowledges the religious individual’s relation to a group. The article argues for resuscitating the latter, now hidden, strand.

In addition to presenting a draft of that article at a weekly faculty workshop, Professor Meyler spoke at several other colloquia and conferences. In March, she discussed her paper “Towards a Common Law Originalism” at the New York University Legal History Colloquium and also gave a talk on “Textuality and Transparency: Wilkie Collins’ Law Books,” derived from research in the “cage” of the Cornell Law Library, at the annual meeting of the American Society for Law, Culture, and the Humanities. In April, Professor Meyler presented “Economic Emergency” at the annual Clifford Symposium at DePaul Law School and later gave a paper on Shakespeare and Quine at the “Ethnographic Fictions” conference, which Professor Riles organized at Cornell. Professor Meyler spoke at Cornell Law School on “Gay Rights after Lawrence” in an event sponsored by law student organization LAMBDA and responded to Professor Kevin M. Clermont’s paper “Reverse Erie” at the annual faculty retreat.

Also this spring, Professor Meyler ran the inaugural season of a Law and Humanities Colloquium (http://www.lawschool.cornell.edu/faculty-pages/bernadette-meyler/) designed to bring together students and faculty from the Law School and from various departments in the humanities to discuss new work. A number of outside speakers who compose at the intersections of law and literature, history, and philosophy took part in the colloquium. Participants included Professors Kenji Yoshino, James Q. Whitman, and Daniel Markovits of Yale Law School; Amalia D. Kessler of Stanford Law School, Professor Martin J. Stone from Cardozo Law School and the New School, and Professor Stuart Banner of the UCLA Law School. The colloquium brought in Professor Shirley R. Samuels and Assistant Professor Nicole A. Waligora-Davis from the English Department at Cornell.

**JoAnne M. Miner**, clinical professor of law and director of the Cornell Legal Aid Clinic, taught the spring semester of the Full Term
Externship and also taught the Law Guardian Externship. Although she did not supervise students in Public Interest 1 or 3, she did teach in the seminars in both courses.

In March, Professor Miner attended the third Externships: Learning From Practice Conference in Los Angeles. In May, she attended the annual American Association of Law Schools Conference on Clinical Legal Education.

Ms. Miner serves on the board of directors of the Advocacy Center, the local provider of services to abused adults and children. She also serves on the board of directors of Legal Aid of Western New York, which provides free legal services to residents of several counties, including Tompkins County. She also continues to serve on the Advisory Committee of the Parents Apart program and is a regular presenter for that program.

During the spring semester, Trevor W. Morrison presented a new article entitled “Constitutional Avoidance in the Executive Branch” at the Cornell Law School faculty retreat, at a faculty workshop at Southwestern Law School, and at the Yale Law School as part of the 2006 Stanford/Yale Junior Faculty Forum. The article examines statutory interpretation in the executive branch and asks whether, and when, executive actors should use interpretive rules developed by courts. The article looks specifically at an interpretive rule called the canon of constitutional avoidance, which has appeared prominently in hotly debated executive-branch legal interpretations in recent years, including ones that involved the Justice Department’s “torture memorandum” and the National Security Agency’s warrantless surveillance program. The article will appear in the October 2006 issue of the Columbia Law Review. Professor Morrison wrote a short essay on the same topic for the Spring 2006 issue of Administrative and Regulatory Law News, which is published by the American Bar Association.

Professor Morrison made a number of other public presentations during the spring semester. In April, he spoke to the Cornell Women’s Law Coalition on issues of reproductive freedom currently before the U.S. Supreme Court and on the likely impact of the confirmations of Chief Justice Roberts and Justice Alito on those issues.

In March, Muna B. Ndulo, professor of law and director of Cornell’s Institute for African Development, spoke at the Cornell Institute for Public Affairs Distinguished Faculty Conference on Understanding Community: War and Peace in the Twenty-first Century. His presentation focused on the Darfur crisis. Professor Ndulo stressed that currently Darfur is the greatest humanitarian crisis, and he commended the work done by the Africa peacekeeping force but noted that it does not have the technical and financial capacity to effectively deal with the Darfur crisis. According to Professor Ndulo, only a UN peacekeeping force would make a difference. The success of such a force would require a robust mandate and the provision of effective air attack helicopters. While Professor Ndulo commended the role the United States has played in efforts to resolve the Darfur crisis, he acknowledged that the United States has faced substantial obstacles, especially in its efforts to get sanctions against Sudan’s government passed by the UN Security Council. The opposition has been mainly from countries, such as China and Russia, that have substantial economic interests in Sudan.

Also in March, Professor Ndulo spoke at the weekly Institute for Africa Development seminar series on “Privatization: the Experience in Africa.” In his talk he explored the experience of African countries over the past two decades with the privatization of state enterprises. He emphasized the need to have regulatory frameworks in place if privatization were to achieve its intended goals. Professor Ndulo is a board member of Gender Links, a leading South African nongovernment organization (NGO) that focuses on the rights of women and the media. He attended a meeting of the board in Johannesburg, South Africa, this spring.

In April, Professor Ndulo was a keynote speaker at Syracuse University’s College of Environmental Science and Forestry international student awards banquet. He spoke on the theme of China and its expanding relations with Africa. China’s trade with Africa now
Professor Ndulo stressed that currently Darfur is the greatest humanitarian crisis.

Exceeds $37 billion and is a close second to the U.S.’s $41 billion figure. Relations between Africa and China date back to the time of Africa’s liberation struggles against colonial rule. China supported Africa then and helped to finance its efforts. China’s support for liberation movements gives it some legitimacy and an advantage over western countries that did not support liberation wars. Africa stands to gain from Chinese investments especially in the construction of infrastructure and because demand in China for African goods drives up commodities prices for African goods on the world market. China has replaced the United States as the world’s largest importer of copper and gets 6 percent of its oil from Africa. The downside to China’s role in Africa is the perception that the Chinese are prepared to ignore human-rights concerns in their pursuit of oil and other resources from Africa. For example, China is seen as protecting rogue regimes like those in Sudan and Zimbabwe. Professor Ndulo suggested engaging China on those issues as it expands its involvement in Africa.

In April, Professor Ndulo spoke at the International Law Journal annual symposium on Global Justice: Poverty, Human Rights, and Responsibility. Professor Ndulo discussed the dynamics of the human-rights approach for the attainment of global justice and noted both strengths and weakness of that approach. According to Professor Ndulo, the rights approach complemented by the work of social movements can advance the cause of social justice. He cited the work of the Treatment Action Campaign NGO in South Africa in its effort to get the South African government to provide antiretroviral drugs to pregnant women in South Africa in order to reduce the incidence of mother-to-child transmission of HIV/AIDS. The NGO combined social movement activism and a rights approach first, by bringing a case based on the right to health against the South African Government in the constitutional court and then, by using social movement activism to ensure that the court’s decision was implemented.

Also in April, Professor Ndulo spoke to the Rochester Social Studies Teachers Forum on the challenges facing Africa. He focused on poverty and the AIDS epidemic. He stated that Africa needs substantial public investment in education, health care, and infrastructure development, which are essential to building a foundation for vigorous economic development. He also stressed the need for good governance, which in his view is a precondition for sustainable development in Africa. Professor Ndulo gave a paper entitled “Application of Customary Law in African Jurisdictions and Its Implications for Women’s Rights.” at the Institute for African Development’s annual symposium on Power, Gender, and Social Change in Africa and the Diaspora. In his paper, he argued that the application of African customary law in African jurisdictions undermines women’s rights except in jurisdictions where the courts have been given the power to invalidate customary norms that conflict with human rights provisions.

Professor Ndulo attended a meeting of the Human Rights Watch Advisory Committee on Africa in May. Discussions focused on Human Rights Watch advocacy work in Darfur and on ways to increase pressure on the international community to commit to the deployment of a UN peacekeeping force in Darfur.

During the spring semester, Jeffrey J. Rachlinski presented a paper on unconscious bias and judges to faculty workshops at the University of Arizona’s James E. Rogers College of Law and at Brooklyn Law School. The paper presents research on trial judges that reveals that trial judges, like most adults, harbor unconscious invidious associations concerning women and minorities. But Professor Rachlinski’s research indicates that these implicit attitudes do not affect the decisions that those judges make.

In February, Professor Rachlinski attended a conference at Vanderbilt Law School on “Empirical Legal Research.” At the conference, he presented a paper that describes research showing that insurance and reinsurance executives avoid many of the common pitfalls in judgment that plague lay decision makers. At the same time, their expertise makes them vulnerable to a new array of mistakes. The paper will be published in the fall along with other papers from the conference in the Vanderbilt Law Review.

In April, Professor Rachlinski presented a paper on the decision-making processes of bankruptcy judges at a Boston University conference on “The Role of the Judge in the Twenty-First Century.” The paper demonstrates that despite being able to focus on a single area of law, bankruptcy judges rely on many of the same decision-making strategies that other judges use. While useful, these strategies can lead to systematic errors in judgment by bankruptcy judges. The research revealed a surprising political influence: Republican judges were much more inclined to be pro-creditor than Democratic judges.

Professor Rachlinski traveled in June to present more of his research on judicial decision making at conferences in Bad Meinberg, Germany, at Hebrew University in Jerusalem, and at the University of Haifa.
The central theme of Dean Schwab’s article is that discrimination plaintiffs are less successful than other civil plaintiffs at every stage of litigation, when using win rates at trial or reversal rates on appeal as measures of success.


Professor Riles presented chapters from her forthcoming book, Collateral Knowledge, on the nature of legal instrumentalism in the global financial markets at the UCLA Law School, the University of Texas Law School, the New York University Law School, the New York University Department of Anthropology, and at two conferences she organized in Ithaca under the auspices of the Clarke Program in East Asian Law and Culture. The conferences were titled “Rethinking the Private in Private International Law,” and “Ethnographic Fictions.” Professor Riles also presented work from another forthcoming book, Documents: Artifacts of Modern Knowledge (University of Michigan Press, 2006), on the occasion of the founding of a new Center for Ethnography at the University of California at Irvine. Finally, as president of the American Association of Law Schools Section on Comparative Law, she organized and chaired a panel at this year’s annual meeting in Washington, D.C., on the topic “The Globalization of American Law?”

E. F. Roberts, the Edwin H. Woodruff Professor of Law, Emeritus, was kept busy both with committee work and by purposeful socializing, even though he is retired, this time around, from his membership on the executive council of the local emeriti professors’ guild. He finished the proofs of the judicial notice chapter for an upcoming sixth edition of the McCormick on Evidence potboiler. Meanwhile, Professor Roberts puttered away with an “unbook,” a work about law bottomed on the notion that there is no such thing as a mind detached from the emotions that is capable of looking back at the world and positing an objective description of it.

Stewart J. Schwab, the Allan R. Tessler Dean and professor of law, presented his article, co-authored with Professor Kevin M. Clermont, on “How Employment Discrimination Plaintiffs Fare in Federal Court,” to the Proskauer, Rose Labor Law Group in New York City. Allan Weitzman ’73, Paul Salvatore ’84, and Bettina B. Plevan, current chair of the Bar Association of the City of New York, were panel commentators. The central theme of the article is that discrimination plaintiffs are less successful than other civil plaintiffs at every stage of litigation, when using win rates at trial or reversal rates on appeal as measures of success.

At the American Law Institute (ALI) Council meeting in Washington, D.C., Dean Schwab presented a discussion draft of the Restatement of Employment Law. Dean Schwab is a reporter; his draft focused on “The Tort of Wrongful Discharge in Violation of Public Policy.” With several colleagues in May, Dean Schwab participated in the Peking University Law School/Cornell Law School Conference on the World Trade Organization.

In March, Emily L. Sherwin presented a paper entitled “Three Reasons Why Even Good Property Rights Cause Moral Anxiety” at the Conference on Law and Morality at William and Mary College of Law; the paper will be published next year in the William and Mary Law Review. In April, Professor Sherwin participated in the annual Analytical Legal Philosophy Conference at the UCLA Law School.

This spring, Steven H. Shiffrin co-published two casebooks: The First Amendment (4th edition, 2006) (with Jesse Choper) and Constitutional Law (10th edition, 2006) (with Jesse Choper, Yale Kamisar, and Richard Fallon). In those casebooks, Professor Shiffrin was responsible for the sections on speech, press, and association. In April, he appeared on a panel at the American Philosophical Association meeting in Chicago, speaking on “Liberalism and Religion: Is Religion Special?” In May, Professor Shiffrin delivered a plenary address to the Conference on Philosophy and the Social Sciences held in Prague. In both
appearances, he focused on the relationship between the Ten Commandments cases and liberal practice and theory. Also in Prague, he discussed the German interdenominational school case and the German crucifix cases.

An article by Gary J. Simson, “Beyond Interstate Recognition in the Same-Sex Marriage Debate,” was accepted for publication in the December 2006 issue of the University of California at Davis Law Review. In the article, Professor Simson maintains that, as the federal Defense of Marriage Act assumes, the question of interstate recognition of same-sex marriage is simply a question of conflict of laws, then a court in a state that prohibits same-sex marriage should feel free to refuse to recognize a same-sex marriage formed by two of its residents in a jurisdiction that allows such marriages. Drawing for contrast on a famous New York conflicts case on uncle–niece marriage, however, Professor Simson goes on to argue that interstate recognition of same-sex marriage is not simply a question of conflict of laws. On the contrary, any prohibition of same-sex marriage raises fundamental questions of constitutional law and, indeed, is inconsistent with the Constitution’s due process, equal protection, and establishment clauses.

On July 1, Professor Simson concluded what he describes as twenty-seven wonderful years at Cornell Law School and moved to Cleveland to become Dean of the law school at Case Western Reserve University.

Robert S. Summers, the William G. McRoberts Professor of Research in the Administration of the Law, participated in a symposium in March at Cornell Law School. He presented his recent book, Form and Function in a Legal System: A General Study, published by Cambridge University Press in 2006. Other participants in the symposium were Professor Philip Soper of the University of Michigan School of Law, Professor Brian Bix of the University of Minnesota School of Law, and Professor W. Bradley Wendel of Cornell Law School.

In March, Professor Summers gave an address, in absentia, at the University of Lund, Sweden, in honor of the late Professor Alexander Peczenik. The address will be published in a Swedish publication along with other tributes to that distinguished scholar.

Professor Summers continued his extensive revision of volume one of the forthcoming fifth edition of J. J. White and R. S. Summers, The Uniform Commercial Code, to be published by West Group. Meanwhile, Professor Summers has three articles in progress. As faculty sponsor, he has been organizing the forthcoming fall visit to Cornell University by Professor Dr. Okko Behrends of the University of Göttingen, an Andrew D. White Professor-at-Large at Cornell.

In February, W. Bradley Wendel was a participant in a symposium at Fordham Law School entitled “The Internal Point of View in Law and Ethics.” The symposium brought together legal scholars and philosophers to present papers organized around the theme of H. L. A. Hart’s famous concept of the internal point of view in law. Hart’s idea is that theories of law are inadequate if they fail to account for the point of view of officials who participate in the practice of judging and who regard legal rules as legitimate. Professor Wendel’s paper, considering whether citizens and lawyers also must view the law from the internal perspective, will be published in a forthcoming issue of the Fordham Law Review. Professor Wendel published a review in the Georgetown Journal of Legal Ethics of Milton C. Regan’s new book, Eat What You Kill, which uses the federal criminal conviction of a Wall Street lawyer to illuminate changes in large-firm practice. Professor Wendel’s review, “Ethical Lawyering in a Morally Dangerous World,” uses some recent scholarship at the intersection of ethics and psychology to suggest reasons why lawyers practicing in large organizations might commit wrongful acts. Finally, several short articles on lawyers and legal ethics, written by Professor Wendel, appeared in the recently published Encyclopedia of American Civil Liberties (Routledge, 2006).

This spring, Professor Wendel spent a week in Turin, Italy, teaching a class on comparative perspectives on legal professions to a group of Ph.D. students in law and economics. Cornell Law School is one of four institutions, along with the University of Turin, the University of Ghent, Belgium, and École Polytechnique in Paris, which make up the Ph.D. program in Institutions, Economics, and Law. This program features students and faculty from around the world and offers a distinctive international, interdisciplinary curriculum.
Valerie P. Hans describes herself as “a pretty serious kid” who decided early on that she wanted to be a teacher. She discovered during her undergraduate years that she was “very attracted both to psychology and to law.” At the same time, she wanted to do work that would make a difference in the world. “My parents were Catholic, and they were politically active,” she says. “I think their religious views and their political sentiments gave me a sense of basic fairness and for the dignity of all people.”

“When I was in graduate school,” she continues, “someone gave me a psychological research paper about jury decision making. ‘Aha!’ I said. ‘Using knowledge about cognitive processes to assess the jury system. Wow!’ That was doing something, she remembered thinking. She had not previously seen a way to combine her academic interests with her convictions, but now, suddenly, the light went on. “The jury is the most visible face of the justice system. It is really a political institution. There is political value in the way the jury is seen to speak for the community.” Convinced that empirical research could lead to meaningful change in the U. S. court system, she pursued her career with singular focus—and, incidentally, advises students to look for “Aha moments” as they consider what to do with their lives.

According to Professor Hans, “the jury is the most visible face of the justice system. It is really a political institution. There is political value in the way the jury is seen to speak for the community.”

Professor Hans’s work has demonstrated the resilience of the jury system and the faith the American government has in the power of ordinary citizens to make informed, thoughtful, and sometimes surprisingly nuanced decisions. Professor Hans has published a sheaf of articles, and she authored or co-authored four books about the way juries actually work. Her work has been used in law classrooms, by attorneys preparing for cases, and by trial consultants.

One long-term project, carried out together with an Arizona judge, assisted that state as it updated the rules governing jury procedures. Reforms to the Arizona court system made as a result of the project have provided a blueprint for other states. Professor Hans said an unexpected result of the research was finding that allowing jurors to talk to each other, take notes, ask questions, and use other aids in understanding complex testimony did not demonstrably alter trial outcomes. When allowed to discuss the case, jurors did not, as had always been assumed, decide how they would vote the minute they had a chance to voice their thoughts to fellow jurors. “Even when they were permitted to discuss the case with each other,” Professor Hans remarked, still surprised, “they often chose not to talk to their fellow jurors at all.”
What about the growing number of cases in which juries are expected to follow explanations of complex scientific processes? In a series of mock trials, sponsored by the National Institute for Justice, that focused on questions about the biochemistry of DNA, Professor Hans and her colleagues showed that jurors demonstrated “decent comprehension,” educating themselves most effectively, as it turned out, during the deliberation process. “They taught each other,” Professor Hans said.

After many years of teaching criminal justice and psychology at the University of Delaware, taking time out for several visiting professorships at other institutions, Professor Hans was appointed professor of law at Cornell Law School in February 2006. “I’ve learned a tremendous amount from my colleagues here about areas of the law not generally known in empirical studies,” said Professor Hans. The Law School’s institutional focus on empirical research makes it a natural home for her, one of the co-authors of a paper published in the 2004 Journal of Empirical Legal Studies, that recreated, in part, the Kalven–Zeisel jury studies of fifty years ago. Those studies showed that judges were still willing to convict on less evidence than juries were. “A jury usually ends up doing what the judge would have done, but they differ just enough to show that this separate system is needed.” The value in having a check on the courts exists outside of the political value of showing that judgment has been rendered by a jury of peers.”

-ANTONIA SAXON

Jeffrey J. Rachlinski

When he was a student, Jeffrey J. Rachlinski was drawn equally to the study of psychology and the study of law. He wondered how he could make a choice between the two. At Johns Hopkins, he studied under Donald Bersoff, then director of the joint program in law and psychology at Johns Hopkins and the University of Maryland Law School. It was then Mr. Rachlinski realized that it wasn’t necessary to choose between the two areas, because they were very much relevant to one another.

When, in the late 1980s he went on to Stanford University to pursue a law degree and a Ph.D. in clinical psychology, legal scholars were still using an economics–based model to make predictions about how people make decisions. It was assumed that, given the information they needed, people would make rational choices. But pioneering work by cognitive psychologists showed that people (even highly educated people) did not always make rational choices and, in fact, made a lot of predictable errors. Among those were errors involving egocentric bias, that is, overestimating one’s own abilities; errors involving hindsight bias, estimating that events known to have taken place in the past were statistically more likely to happen than they actually were; errors involving framing, the tendency to make different decisions about the same sets of facts depending on how the data is presented; and errors involving anchoring, the tendency to make judgments about values and prices based on previously suggested numbers.

These are psychological tendencies that Professor Rachlinski examines as he looks at legal decision making. “Basically,” Professor Rachlinski says, “I am a psychologist who studies human judgment and choice.” That background has led him to study judges (who are intimately connected to judgment and choice) and “the role that paternalistic legal interventions play in protecting us from our own bad judgment”—that is, how laws have been crafted and court decisions rendered with a view toward overcoming the irrational confidence many people have that misfortune, while it might affect other people, will not affect themselves, says Professor Rachlinski.

Professor Rachlinski’s work on judges began with research for a paper, published in 2001 in the Cornell Law Review, which he co-authored with Chris Guthrie, associate dean for academic affairs and professor of law at Vanderbilt University, and Andrew J. Wistrich, magistrate judge of the U.S. District Court for the Central District of California. The paper, titled “Inside the Judicial Mind,” suggested that the decisions of U.S. judges, who are presumably among the most informed and experienced decision makers in the population, showed some of the same cognitive biases as those possessed by the general population. As is often true with other studies produced by the Law School’s scholars—studies that employ rigorous social science methodology to probe (and sometimes debunk) commonly held assumptions about the legal system—Professor Rachlinski’s study, the basis for the paper, received a fair amount of media attention. The study also received a lot of attention from judges.

Since its publication, Professor Rachlinski and his collaborators have been invited to
offer presentations to judges around the country, demonstrating that, despite their long training and wealth of legal experience, they too are vulnerable to cognitive illusions. “I never thought judges would want to hear from us again,” Professor Rachlinski said, with a look of pleased disbelief. “One judge joked to us that we had treated the judiciary ‘like white rats.’ But judges on the whole like that paper.” The paper’s constructive conclusions argued that judges should educate themselves about cognitive bias; for the legal system to refer some cases to juries rather than to judges as a way of avoiding a single decision maker’s bias; and for legislators to take current knowledge about cognitive illusions into account when crafting laws.

Professor Rachlinski’s interest in cognitive processes has ranged over a variety of other legal scholarship subfields. He has published articles about the stock market (“In Praise of Irrational Investors”), contracts (“Standard-Form Contracting in the Electronic Age”), and the environment (“The Psychology of Global Climate Change” and “On Being Regulated in Foresight Versus Being Judged in Hindsight”). Despite the wide range of topics, the papers all reflect Professor Rachlinski’s concern about the degree to which people are deceived by overconfidence, their unexamined prejudices, information they’ve learned after the fact, and other cognitive fallacies. Since legal decision makers have obvious constraints on their time—“they need to make decisions today,” Professor Rachlinski said—and because the consequences of their decisions are so important, information that increases the likelihood that those decisions will be the right ones represents a crucial contribution to society.

~ANTONIA SAXON

“I’ve always liked the travel business,” said Mr. Diener. “Although I really enjoyed my legal career, when my law school classmate Dave Litman and I talked about the growing opportunities in the airline industry, we decided to pursue them.”

ALUMNI PROFILES

Robert B. Diener ’82

Robert B. Diener ’82, cofounder of Hotels.com, is a leading travel industry expert who is a frequent source for news organizations, including the Wall Street Journal, USA Today, the New York Times, and CNN. He also is a recurrent guest on hundreds of major radio stations across the country and has been a regular guest on many television programs, including the CBS Morning News and Fox News. “I’ve always liked the travel business,” he said. “Although I really enjoyed my legal career, when my law school classmate Dave Litman and I talked about the growing opportunities in the airline industry, we decided to pursue them.”

Mr. Diener and Cornell Law School classmate, David S. Litman ’82, started their first joint business venture, a discount wholesale company, in 1984 with a modest investment. After they sold that company at a profit in 1990, they made another small investment to launch a new business of a similar nature, Hotel Reservations Network. The business evolved into Hotels.com. The ambitious, hard-working entrepreneurs nurtured and strengthened their company during the early years. Then, in 1995 they were among the first companies to leverage the power of the Internet and offer their services to a global network. After the company went public in 2000, Mr. Diener continued to serve as president until the end of 2003. At that time the company merged with InterActiveCorp in a deal valued at $5.5 billion. Mr. Diener currently is president of a new joint venture that he founded with his longtime partner, Consumerclub.com, which is an online business that offers deals to consumers while offering another way for retailers to market their products.

Prior to pursuing his successful business career, Mr. Diener was an attorney with Gibson Dunn & Crutcher in Los Angeles, where he practiced corporate and securities law. This experience proved quite beneficial to Mr. Diener. “Running a public company and having a legal background is a big advantage,” he said. “More chief executive officers and company presidents are coming into the job with some kind of legal training or experience, which is valuable. There are so many legal issues—corporate filings, Securities and Exchange Commission rules, and so on—and having the additional legal knowledge can
“When the Internet came along in 1994, it didn’t change the rules of business. It was just an incredible new distribution channel and we recognized it,” said Mr. Litman.

After earning his Bachelor of Science degree from the University of Florida, Mr. Diener was accepted at Cornell Law School. “It was a culture shock for me,” he said, “I had only seen snow once before coming to Ithaca, but I had a chance to learn how to ski. The most important and valuable thing about the small town environment was that we were not distracted by a big city atmosphere, so we tended to concentrate more on our studies. However, we did have some good times in Collegetown.” Mr. Diener said he enjoyed the smaller class size and the close interaction with the professors. “I was very impressed with the easy access to our professors and by the attention and concern that they showed in us.” His favorite and most memorable professors include Irving Younger, Faust Rossi, and Jack Barceló. “I also have been able to use a lot of material that I learned from Professor Gunn on taxes and from Professor MacNeil in contracts,” Mr. Diener added.

Mr. Diener has been a guest lecturer at the Law School, and has taught in the Business Practice class. “I would encourage alumni to visit campus and get rejuvenated whenever they can,” Mr. Diener said. “Cornell has a great alumni network, and I often see and talk with alumni across the country. It is one of the great advantages of the university. I have found top attorneys from Cornell all across the country, and it has been a great resource to have.”

In addition to teaching at Cornell, Mr. Diener speaks regularly at business forums, charities, and other events about the Hotels.com story, the travel industry, and on the topics of “Conservative Entrepreneurship” and “Ethics and Philanthropy in the Business World.” He serves on many boards, including the National Board of Directors of Israeli Bonds, where he served as the National New Leadership Chairman for two years, and on the boards of Honestreporting.com and Aish Hatorah International. He is a founder of Mount Sinai Hospital and also is chair of the Board of the Habara Fellowships, an intensive pro-Israel student advocacy program.

Mr. Diener and his wife, Michelle, have four children: Allison, Brianna, Joshua, and Noa. Together with his wife, Mr. Diener organizes training programs to educate grade school teachers on the recognition and treatment of dyslexia. “Very few teachers know how to recognize and handle dyslexia,” he said, “and it is crucial to diagnose it early because it can cause a child to lose interest in school and suffer from low self-esteem. Many dyslexic children are very bright, and many of them go undiagnosed for years because they develop their own techniques to help them learn, such as memorizing material by rote.”

The Dieners believe it is important to give back to the community, and they have supported many worthy causes. They were instrumental in the building of the Diener Family Pavilion at the Miami Children’s Museum. The couple named the Juda and Maria Diener Elementary School at the Hillel Community Day School in North Miami in honor of Mr. Diener’s grandparents, and the Diener Terrace overlooking the Western Wall in Jerusalem at the new Aish Hatorah building. The Dieners sponsor the food bank and hurricane relief programs in South Florida. “It is important and very fulfilling to find a cause for which you have a deep passion and can make a commitment to improve and change things,” said Mr. Diener. “We live in a country with great opportunities. Anyone with a good idea and sound common sense can pursue it and be successful. Then, if you get lucky and make it big, you have the ability to share your good fortune with others who may need your help.”

-CYNTHIA TKACHUCK

David S. Litman ’82

David S. Litman ’82 candidly describes himself as a serial entrepreneur, and for more than twenty years, he has been founding, building, and growing companies. “I started out as a lawyer, working for a big law firm, Johnson and Swanson, in Dallas,” he said. “After a couple of weeks of practicing law, I realized that I did not want to do this for the rest of my life. I really wanted to run my own business.”

Following his entrepreneurial spirit, Mr. Litman teamed up with Law School classmate Robert B. Diener ’82 (see previous article) and started several small businesses such as buying and selling real estate and cars. “We started these businesses on the side while we practiced law,” he said. Finally in 1984, Mr. Litman, along with Mr. Diener, cut the cord to legal practice and with a small investment, the pair created one of the largest, most profitable airfare wholesalers in the country. In 1990 they sold the company.
“At Hotels.com, we took a traditional business and moved it online. We did things faster and better than our competitors and we were innovative,” said Mr. Litman.

Using a similar business model to the airline discount venture, Mr. Litman and Mr. Diener launched Hotel Reservations Network in 1991. “Our original business model was developed because hotels nationwide were overbuilt and were having problems filling up,” said Mr. Litman. “We were hoping that people would reserve and pay for rooms in advance, if we gave them a discount for planning ahead, much like selling airline tickets,” he said. So, with a bank of used Radio Shack phones, a couple of computers, and a few staff members, Mr. Litman and Mr. Diener launched their company, earning income from commissions paid by the hotels and motels that used their service.

“When the Internet came along in 1994, it didn’t change the rules of business. It was just an incredible new distribution channel and we recognized it,” said Mr. Litman. “When we realized that the Internet was virtually free, we saw it as a great opportunity to incorporate this dynamic, new technology and grow our business,” Mr. Litman said. “So, we built our first Web site; and by early 1995 we had clients all over the world—from Australia, France, Asia, everywhere!”

Riding the Internet wave and working with their executives and employees, the savvy partners developed and grew Hotel Reservations Network into Hotels.com, the largest specialized provider of lodging in the world. Hotels.com quickly evolved into one of the Internet’s primary sources of discount accommodations. Their most important innovation, the selling on hotel rooms on the Internet, called the “hotel merchant model,” is now used by almost all online travel companies. That model takes prepayment from the customer. The company then pays the hotels a portion of the prepayment and keeps a portion as profit. The partners’ business model and the technology and design of the model have also become industry standards.

For twelve years Mr. Litman and Mr. Diener, as chief executive officer and president, respectively, of Hotels.com, oversaw all aspects of the company’s domestic and international growth. The company went public in February 2000. It performed among the top 1 percent of public companies from 2000 to 2003 and increased its value by more than 450 percent during a time when NASDAQ fell by more than 60 percent. In 2003, Misters Litman and Diener sold their portion of the company to InterActiveCorp in a deal that valued the company at over $5.5 billion. Employees who had taken stock in the early days of the company benefited from the sale. “The day after the first stock option exercise, I saw about eighty brand new cars in the parking lot,” Litman said. “Of course Bob and I were too cheap to spend money on new cars.” Mr. Litman and Mr. Diener left the company in 2004.

Looking back at his college days—he earned a B.A. in economics/history from Cornell in 1979 before earning his law degree—Mr. Litman said that his student years at Cornell University and the Cornell Law School were transformative. “It was certainly an intense education and really changed my outlook on life,” he said. His favorite teachers in law school were Professors Summers, Hogan, and Clermont. “They were outstanding lecturers, teachers, and mentors,” said Mr. Litman. “We learned where the legal land mines were buried and how to negotiate—two critical skills. For example, at Hotels.com we experienced no significant litigation until well after we became a public company.”

Surprisingly, the two law school classmates have never drawn up a partnership contract. “Everything has been done with a handshake,” said Mr. Litman. “At Hotels.com, we took a traditional business and moved it online. We did things faster and better than our competitors and we were innovative. We were very aggressive, able to grow fast, and sell at the right time. Oh yeah, and we were really lucky too.”

In November 2005, Mr. Litman and Mr. Diener began a new business venture, ConsumerClub.com. Mr. Litman also runs Wildflower Investments, a conservative investment company. He lectures at various universities, including the Cox School of Business at Southern Methodist University in Dallas, and to business groups about how to be a conservative entrepreneur—one who starts, grows, and runs a business while taking less risk and increasing profits.

A dedicated conservationist, Mr. Litman leads several projects for the Audubon Society, including the Audubon Texas Education Project. He firmly believes that conservation and protection of natural resources should be integrated as soon as possible into the science curriculum of all schools. “I believe that it’s important to get these values into the hearts and minds of our children early because in five or ten years, they will be voters,” Mr.
Litman said. He serves on the advisory boards of The Nature Conservancy and the YMCA.

Mr. Litman and his wife, Malia, live in Texas and have three children: Zach (seventeen), Anna (fifteen), and Katie (twelve). As a parent, Mr. Litman is very concerned about recent statistics that indicate that American high school students are losing ground in science and math. “As a nation, we can’t maintain our current standard of living and good quality of life without investing in our most important resource; our children. It’s up to us to ensure that they can compete with the brightest and the best in the world,” said Mr. Litman. “One of my kids may be a scientist, but one may be a lawyer, despite my view that there are too many lawyers out there, but that it is fine because my wife and I encourage all of our children to get the best education they can. For me, Cornell Law School was the best education for my career.”

-CYNTHIA TKACHUCK

STUDENT PROFILES

Sheila Lavu ’07

“I wanted to be a lawyer from a young age,” Sheila Lavu ’07 admits. “What appealed to me the most was the role of the lawyer as a counselor, adviser, and advocate.” The Cornell Law School is a perfect fit for Ms. Lavu, she says. Here, she can combine her interests in law, immigration and minority issues, and French language and culture.

Her parents immigrated to the United States from India before Ms. Lavu was born, which partially explains her interest in immigration issues. “The fact that I am a first-generation immigrant is extremely important in my life,” she says. “My parents have done a good job of keeping us close to our culture and heritage. We went back to India about every two years when I was younger.” In fact, Ms. Lavu can speak Telugu, the language spoken by her extended family in Andhra Pradesh, a state in southern India.

As an undergraduate at Columbia University, Ms. Lavu became active in the South Asian Student Organization. “I grew up in Syracuse, New York, where at the time there were not too many Indian people in my age group,” she says. At Columbia, “it was a certain self discovery, meeting and making friends with other Indian students.” She also became a peer counselor at the Rape Crisis Center at Columbia and, with the Columbia University Health Services, an HIV antibody test counselor and advocate. “These activities helped me to see why I wanted to be a lawyer, namely so that I could help people through their problems,” she explains. “I learned to help people feel comfortable and at ease and to inform them of their choices so they could make the best decisions for themselves.”

After earning high marks in French, Ms. Lavu decided to study for a semester in Paris. “It was horrendous when I arrived,” she laughs. “No one could understand a word that I was saying.” But she fell in love with the country and the culture, so upon returning to Columbia she decided to major in French in addition to majoring in history.

Law, however, continued to hold its appeal for Ms. Lavu. During college, she worked for the Onondaga Department of Law in Syracuse, and after college she became a legal assistant for Cravath, Swaine & Moore. “I wanted to learn about and observe different legal career options and settings and to make sure that studying law would be a good choice for me,” she said. But after working for a year, she returned to France to pursue a graduate degree in French cultural studies through Columbia University.

Ms. Lavu’s new dream was to attend law school, but hold on to her love for France and skills in French. The dual degree track at Cornell’s Berger International Legal Studies Program seemed a perfect option….
Robert Bruce J. Johnson

Robert Bruce J. Johnson, LL.M. ’06

From hockey, to film producer, to lawyer, Robert Bruce J. Johnson, LL.M. ’06, has a rather unusual resume. Along with his LL.M./M.B.A. from the University of Ottawa and his jobs with McMillan Binch and Canada’s Department of Justice, Mr. Johnson’s experience includes heading Valkyrie Films and serving as a personal assistant to Lynda Obst, who produced such films as The Fisher King and Sleepless in Seattle. In person, however, Mr. Johnson is quiet and humorous, not at all the flamboyant film mogul one might expect.

“The job of a film producer combines law, finance, art, and entrepreneurship,” he explains. “I put my job with Lynda Obst on my resume because it shows that I didn’t mind paying dues to learn everything I could.” Through careers in several different areas, Mr. Johnson has accumulated a lot of knowledge, all of it, he says, he now applies to the law.

With a father who worked for Canadian Pacific, Mr. Johnson spent most of his childhood in Toronto but also lived in Winnipeg and Montreal. After high school, he went to Montreal to play hockey. “I played goal, like Ken Dryden,” he smiles. After being sidelined by an injury, he enrolled at John Abbot College, where he studied theatre and film. There he had his first success as an entrepreneur. Starting with only $250, he raised money for and produced the play Rehearsal for Murder at Montreal’s noted Centaur Theatre—and made a profit.

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~JUDITH PRATT

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That experience got him hooked on producing shows. After graduating in 1994 with a bachelor’s degree in creative arts, Mr. Johnson considered law school, but instead formed Valkyrie Films, which has produced television commercials, music videos, and the independent feature Witch Hunter. He built the business for seven years. During that time, he worked for Ms. Obst and served as a program director for the renowned Maine Film and Television Workshops. “My job there was to get the coolest people in the film business to come to Maine, all expenses paid, and eat lobster in a house on the ocean,” he

laughs. “It gave me a license to call anyone and chat them up.”

Law eventually won out over the movie business. According to Mr. Johnson, “I always had the itch for law school.” In December 2004, he earned a LL.L./M.B.A. from the University of Ottawa, carrying out his studies in French. “My mother wanted us to be educated in both English and French, so although my family speaks English, I went to primary school in French,” he said. “Completing those degrees in French has been my most intellectually challenging and satisfactory accomplishment. Now I have such admiration and empathy for my fellow LL.M. students who speak Chinese, Japanese, or German, or Portuguese.”

While at Ottawa, Mr. Johnson conducted legal research and interviewed witnesses at Canada’s Department of Justice, while serving as a project manager on a management consulting project for McMillan Binch, LLP in Toronto. “Those experiences told me that I wanted to work in a law firm,” he noted. “I loved the people and the work at the Department of Justice, but McMillan Binch was more entrepreneurial. The kind of work they do felt like a better fit.”

Mr. Johnson decided to pursue an LL.M. degree because he wanted to work in the United States. “My personality and the way I do business are more akin to the way people work here,” he explained. “When someone has an experience that has not been a huge success, people here say ‘I want that guy, because he won’t make those mistakes again.’”

“The number one reason I chose Cornell was the size of our classes,” Mr. Johnson continues. “Of course it has a strong reputation, and it’s an Ivy League School. I wanted to be in New York State, because I’m interested in cross-border work with Canada—plus, Ken Dryden went here!” His LL.M. work precluded attending any hockey games at Cornell, he added, “but I’m looking forward to coming back as an alum.”

The combined LL.L./M.B.A. degree at Ottawa had limited the number of optional classes Mr. Johnson could take, so he has thoroughly enjoyed his LL.M. courses at Cornell. “Dean Schwab brought in two of the best merger/acquisition lawyers to teach that subject,” Mr. Johnson said. “One of them, Richard Hall, is the mergers and acquisitions lawyer for media. As practitioners, Professors Hall and Green had a hands-on slant, so we did what an associate would do in a law firm—the actual drafting of a merger agreement. The class was off the chart, a dream come true—a home run for me!”

Mr. Johnson enjoyed studying commercial real estate development with Professor John Blyth and federal income tax with Professor Theodore Seto. “A really good tax law professor has to be a really interesting and quite an exceptional person to make a subject like that fun and applicable to life,” said Mr. Johnson.

As he considers his next career move, Mr. Johnson is weighing his options carefully, describing them with amusement as “a trifurcated fork—investment banking, corporate law, or media law in Los Angeles.”

While at Cornell Law School, he served as president of the LL.M. student association and spearheaded the third annual graduate legal studies conference. “The conference is Assistant Dean Cramton’s brainchild,” Mr. Johnson noted. “It’s a great idea, because it’s otherwise difficult for graduate students to distinguish themselves and connect in a twelve-month program.”

As he considers his next career move, Mr. Johnson is weighing his options carefully, describing them with amusement as “a trifurcated fork—investment banking, corporate law, or media law in Los Angeles.” He has been meeting with law firms in upstate New York, where he would do transactional and cross-border work. “They are interested in attorneys with diverse backgrounds,” he explained. “The attorneys are entrepreneurs—it’s not like working in a 3,000 person law firm that spans the globe. Once you’ve paid your dues, you’re building your client base.”

“I want to live up to all the really great experiences I’ve had,” Mr. Johnson concluded. And the promising ones that are sure to come to this entrepreneurial lawyer.
Reunion 2006

The spirits of hundreds of enthusiastic alumni, friends, and family members of Cornell Law School were not dampened by unseasonably cold and rainy weather as all journeyed back to Ithaca to celebrate Reunion 2006 in June. Eager alumni began arriving Thursday afternoon, and after a warm welcome they began reacquainting themselves with the Law School through guided tours, library information sessions, and an intimate reception, which formally kicked off the weekend’s many festivities.

On Friday, the Law Library hosted alumni at an open house. That morning, alumni were offered opportunities to indulge their intellects through two continuing legal education symposia. In the first, David Furman ’86, partner in the New York office of Gibson, Dunn & Crutcher presented, along with Professor David S. Powers, a program on “How U.S. Lawyers Can Adapt to Islamic Law.” Professor Powers teaches Islamic history and law in Cornell University’s Department of Near Eastern Studies and is an adjunct faculty member at the Law School. Mr. Furman, whose law practice focuses on real estate capital markets, has developed a subspecialty in assisting clients with financial transactions that comply with Islamic law. He presented an overview of his practice and explained some creative ways he has assisted clients. Professor Powers provided a broad overview of Islamic law, its origins, and its evolution.

During the second symposium entitled “Ethical Lawyering in a Technical World,” alumni learned about the ethical issues attorneys face today, as technology continues to enhance and complicate the practice of law. Research attorneys Jean Callihan and Charles Finger worked with participants on nontraditional ethical issues involving e-mail, electronic discovery and e-records retention, voice over Internet protocol, the use of online material, and the citizen’s duty to remain current in this age of instant communication.

Two highlights of Friday afternoon included firsthand testimonials. Peter W. Martin, the Jane M. G. Foster Professor of Law and former dean of the Law School, offered a video screening of interviews from the ongoing Heritage Project. Professor Martin leads the oral-history project, which records interviews and converts archival analog material to digital format. Later that afternoon, Andrew Berger ’69, president of the Cornell Law Association and partner at the New York firm Tannebaum, Helpern, Syracuse & Hirschtritt, moderated an engaging panel discussion. The panel consisted of distinguished alumni Paul W. Lee ’76, a partner in the Boston office of Goodwin Procter; Hon. Paul A. Crotty ’67, U.S. District Judge for the Southern District of New York; and Jeffrey H. Boyd ’81, president and chief executive officer of priceline.com. The presentation, entitled “The Paths We Have Taken,” provided a broad discussion.
of the lawyer as entrepreneur, corporate executive, and civic leader. Those attending came away with a keen sense of the Law School’s role in preparing its graduates for the broadest range of career and community leadership possibilities. Friday concluded with a social event, as individual class dinners provided the perfect opportunity for friends to reunite and reminisce at venues throughout the campus and city.

Saturday morning got off to a rousing start when everyone gathered under the Purcell courtyard tent for breakfast. Jay Waks ’71, chair of the Law School Advisory Council, began the program by making the exciting announcement that this year’s reunion campaigns had generated over $1 million from 372 donors. The celebration continued with Dean Stewart J. Schwab’s acknowledgment of the generosity and hard work of our dedicated alumni, followed by his address on the state of the Law School. One of the high points of the weekend occurred shortly afterward when President Emeritus Frank H. T. Rhodes honored Russell K. Osgood for his dedicated service as dean of the Law School (1988–1998) by unveiling a stunning portrait of the former dean, which was to be added to the Law School’s commemorative collection in the Gould Reading Room.

Later, nature-loving alumni enjoyed an informative bird walk led by staff of the Laboratory of Ornithology. In the afternoon, the annual reunion barbeque provided fiery food and entertainment to rejuvenate alumni and entice their families to join in the fun. The weekend drew to a close with a wine tasting offered by some of the area’s most popular wineries and a delicious dinner, which featured a speech by Professor James A. Henderson Jr., the Frank Ingersoll Professor of Law. After dinner, many alumni enjoyed music and dancing well into the night.

Those special events and others created a memorable weekend for all in attendance. And as always, the reunion offered a unique opportunity for Cornell Law alumni to rekindle their relationships to both the school and to each other. Those alumni who were unable to attend were fondly missed.

**Alumni in China**

From May 21 to May 28, in conjunction with the Cornell–Beida conference on the World Trade Organization (see page 16), twenty alumni and friends of Cornell Law School, including Advisory Council members, traveled to China with Dean Schwab. They attended the conference’s plenary sessions and witnessed firsthand the strength of Cornell’s law faculty and evidence of the esteem in which Chinese colleagues hold the faculty. Moreover, the alumni were welcomed openly wherever they visited and were honored with a superb reception.

The travelers met with Cornell Law School graduates in Beijing and co-hosted an all-Cornell alumni reception in Shanghai. They dined with local residents of Beijing’s Huting, met with justices of the People’s Supreme Court, interacted with a talented group of Chinese secondary school students, and dined with Beida law faculty, U.S. Ambassador Clark T. Randt, and local Chinese officials.

Participants were offered continuing legal education programs in Shanghai on the topics of “International Arbitration and Dispute Settlement” and “Latest Developments in Patenting Biological Inventions.” Discussions focused on the issues’ implications for China. The biotechnology discussion, moderated by Jay Waks ’71, featured Professor Yvonne Cripps of Indiana University, who is a regular visitor to Cornell Law School, and Yingxi Fu-Tomlinson, a partner in Kaye Scholer’s Shanghai office. The arbitration discussion was organized by Professor John J. Barceló and included comments from Jing Zhao, deputy secretary general (Shanghai) of the China International Economic and Trade Arbitration Commission (CIETAC), and Shawn Li, senior counsel at Johnson & Johnson in Shanghai.

“The strengths Cornell Law School and its faculty brought to these international discussions were truly remarkable and gratifying to witness,” remarked Jay Waks, chair of the Cornell Law School Advisory Council, who was instrumental in developing the council’s participation in the trip. “The Advisory Council’s promotion of other international opportunities will allow us to engage with the worldwide community of Cornell alumni and our faculty, and will showcase the importance of global education.”

During their stay in China, the group toured major sites in Beijing and Shanghai, including the Forbidden City, the Great Wall, and the Shanghai Museum. “We valued the variety of activities in addition to our time with faculty and local alumni,” said Marcia Goldstein ’76, who participated with her husband, Mark Goldstein ’76, and son Jacob, who will be a freshman at Cornell this fall. A portion of the group remained in China for a second week to tour the Qin Museum of Terra Cotta Warriors in Xi’an, one of the most significant archeological excavations of the twentieth century, and to travel down the Yangtze River visiting the extraordinary Three Gorges area and dam.

**Annual New York Luncheon**

Over 120 alumni and friends joined featured speaker Ray J. Minella ’74 in January for the annual New York luncheon at the Cornell Club. Held in conjunction with the annual New York State Bar meeting, the luncheon is
Welcome to the Family

Throughout March and early April, admitted students from across the United States had the opportunity to meet with local alumni and members of Cornell Law School’s Alumni Affairs and Admissions offices. Events were held in Boston, Los Angeles, Philadelphia, San Francisco, and Washington, D.C. Through these informal gatherings, many incoming students were able to gain a greater sense of the depth and strength of the Cornell Law School alumni network and of the Cornell “family” that they were being invited to join.

Judge Richard Wesley ’74 Addresses Albany Alumni


The preface to his talk was received with great laughter when Judge Wesley asked the audience what he “could possibly have been thinking when he proposed this topic.” Judge Wesley went on to interweave personal experiences and observations. The speech turned serious when he began to outline the myriad of challenges judicial nominees face today at all levels from partisan bickering on “both sides of the aisle.” Later, a tone of optimism was set as Judge Wesley reviewed examples from history of judicial selections, and reaffirmed his personal belief in the abiding independence of the judiciary.

Alumni in China

UPPER LEFT: In Shanghai, the visitors from Cornell had an opportunity to learn about the cultivation of silk worms, an art with ancient Chinese roots. On a tour of a silk factory, they learned how silk fabric is manufactured and about the many products that are made from silk. UPPER RIGHT: A portion of the alumni group relax after climbing a section of the Great Wall of China near Mutianyu, north of Beijing. Clockwise from lower left: Peter Cronin, Stewart Schwab, Christiane Dressen, Norma Schwab, Lucy Barceló, Yvonne Cripps, Weatherly Schwab, Dana Cruite. ABOVE: While in Shanghai, alumni visited the Shanghai Number Three Girls School, a venerable educational institution in the heart of Shanghai dedicated to the preparation of young women for higher education. It is one of the few single-sex schools in the country. Jack Clarke ’52 and others took time to play a quick game of basketball with some of the students.

a signature event of Cornell Law School’s alumni. Mr. Minella, managing director at Jeffries & Company Inc. and the director of investment banking capital markets for the company, addressed guests on the topic “Has Globalization Really Made the World Flat?” using The New York Times columnist Thomas Friedman’s bestseller The World is Flat: A Brief History of the Twenty-First Century as a starting point. Mr. Minella interwove Friedman’s thesis—that economic globalization is occurring today across the planet, particularly in the rapidly expanding economies of China and India through the brisk expansion of technology—with his own experiences as a successful investment banker.
Michael James Leslie ‘76 and Broadway

What is it like being heard onstage in a major Broadway show tour, yet never being seen? What is it like being the only African American sixth grader wearing a shamrock tie and bowler hat, singing Irish tunes to the delight of a school audience? What is it like to be a graduate of Cornell Law School, only to find that a Gilbert and Sullivan operetta performance would change your life’s direction forever?

Michael James Leslie grew up in Brielle, New Jersey, and got his first taste of singing in church. When he was asked to perform in a grade school St. Patrick’s Day production, he feared that he would be laughed at as a black student—dressed in shamrocks and a bowler hat—singing Irish standards. He decided to “own the performance,” and found to his surprise that the audiences loved it, encouraging him with cheers and a standing ovation. He performed throughout subsequent years, but it wasn’t until much later that his epiphany occurred. Graduating from Rutgers College, he entered Cornell Law School. While there, Mr. Leslie found his way into the Cornell Savoyards, a Gilbert and Sullivan performing group. When he performed the role of Pooh-Bah in The Mikado he garnered major attention. “I felt the arms of the audience around me,” he said—and he was hooked.

“I’ve been involved with Little Shop of Horrors for a long time…. I replaced the original voice of Audrey II way back in 1983 when it opened in Los Angeles.” After conquering that city’s audiences, he went on, with Ellen Greene (the original and movie Audrey), to the London production of Little Shop of Horrors, winning audience approval, critical kudos, and industry awards. In 2003, Mr. Leslie performed in the Broadway company and recently completed a national tour.

He hasn’t forgotten his legal past, and finds in it an amusing reference to his current stardom. “I find there is no difference between a man-eating plant and a lawyer,” he says with a hearty laugh. It was the man-eating plant that was keeping him ultrabusy. “Since I have done this role approximately 1600 times, I have nicknamed myself the Carol Channing of Little Shop. My only schism is that I have achieved most of my success playing animals and inanimate objects,” he says with a sigh.

Henry Allen Mark ‘35 Bequest Endows Professorship

In February, the Law School lost its most enduring supporter when Henry Allen Mark ’35 died at his home at Duncaster Community Garden City, Long Island, from 1965 to 1967 and as a trustee of that city from 1961 until 1965. He was a lecturer at the Practicing Law Institute in Manhattan from 1955 to 1968.

It is inevitable that Mr. Mark will be remembered at Myron Taylor Hall as one of the most devoted alumni in the history of the Law School, for his support of the school over the course of eight decades. In addition to belonging to the Law School Advisory Council for more than thirty years and serving as president of the Cornell Law Association from 1971 to 1973, Mr. Mark was a proactive member of the Law School Alumni Fund’s Major Gifts Committee. As a member of the committee, he admonished with fellow alumni to contribute more generously to their alma mater. Mr. Mark’s volunteer fundraising had substance in it, for he had set an admirable example himself as far back as 1959, when he and his wife, Isobel Arnold Mark, established an annual scholarship for students of “outstanding character, personality, and intellectual achievement.”

The Henry A. Mark Scholarship, named in honor of Mr. Mark’s father, funded the full cost of tuition for meritorious Cornell Law students for twenty years. Parity in recognition of this gift, the Law School conferred its Distinguished Alumnus Award on Henry Allen Mark during academic year 1982–1983, and in 1982, he was named Foremost Benefactor. In 1993, Mr. Mark became a charter member of Planned Giving’s Cayuga Society. As noteworthy as they are, the awards he earned and gifts he bestowed represent merely the public profile of a generous man who quietly entrusted a significant portion of his wealth to the Law School’s stewardship.

In 1978, Henry Allen Mark pledged to endow a professorship at Cornell Law School, initially announced as an anonymous gift. As the professorship would be funded in part by a legacy from his estate, an uncertain number of years would pass before the Henry Allen Mark Professorship of Law became tangible. In 1997, at Mr. Mark’s request, Gift Planning officers at the Law School set up a charitable gift annuity (CGA) to provide the balance of the endowment and to ensure a reliable return to Mr. Mark on his investment. An instrument of planned giving, a CGA guarantees the philanthropist a fixed return for life on a principal sum, which he or she transfers to...
to the Law School’s management. Together with the legacy that will devolve to the Law School upon the settlement of Mr. Mark’s estate, the principal sum of his CGA—specifically, appreciated stock of Bristol Myers-Squibb—will be paid into the endowment, thereby completing its funding requirement and fulfilling Mr. Mark’s intention.

If this were all, surely it would be more than enough. And yet, Henry Allen Mark had one more gift to make: “In lieu of flowers,” said his modest obituary in the February 22, 2006, statewide edition of the Hartford Courant, “contributions may be sent to the Cornell Law School Annual Fund.”

**Raymond J. Minella ’74**  
**Gives Major Gift**

As a Law School alumnus and a member of the Cornell University’s Major Gifts Committee, Raymond J. Minella ’74 has shown himself willing to practice what he preaches. In 2002, Mr. Minella endowed a Dean’s Scholarship to honor his mother, Celeste Doyle Mercer, as his contribution to the Law School’s “A Gift Through Time” scholarship campaign. This spring, Mr. Minella created the Raymond J. Minella Endowment Fund to address the Law School’s endowment needs and to provide substantial support for its ongoing operating expenses, largely covered by the annual fund. Although he emphasizes the importance of such involvement, Mr. Minella speaks modestly of his own participation. “Cornell Law School has been important to me and to my career,” he said, “and now was the right time to make such a gift.”

Rather than earmark his major gift, Mr. Minella has made it discretionary. “I left it to the dean,” he said of its application, “although our understanding is that the fund will favor corporate law projects.” Chief among these is the Institute for the Study and Practice of Business Law, an initiative inspired by prominent Law School alumni and Dean Schwab to create at Cornell Law School a hotbed of academic inquiry and practical discussion of contemporary corporate law issues. The Institute will include endowed academic chairs, new faculty, and an array of seminars, lectures, extramural and inter-disciplinary programs. All together, the project meshes well with Mr. Minella’s professional interests and academic training, which includes an M.B.A. from Wharton as well as his law degree from Cornell. Mr. Minella’s interest in Cornell Law School extends to the whole institution, which he considers unique. “It’s a different way of getting a law school education,” he says. “Cornell is not a factory school. It isn’t urban, as many top law schools are. It’s a small school in a beautiful setting and one of the best places to go to law school.”

Today, Mr. Minella is head of the Capital Markets Origination Group at Jefferies & Company Inc. in New York, having joined the firm in 2002, after a dozen years at Berenson Minella, a highly successful boutique investment banking firm that Mr. Minella cofounded in 1990. He was head of the financing and restructuring business at Berenson Minella and became the firm’s chair in 1998. His career began in 1976 at Merrill Lynch, where, after nine years with the firm, he cofounded and then headed the high yield and strategic finance group. In 1988, Mr. Minella became cohead of the merchant banking group at Merrill. As cohead, he was involved in virtually every leveraged transaction between 1985 and 1990, including large, complicated deals for companies such as RJR Nabisco, Viacom, and Time Warner.

Mr. Minella describes himself as having been “relatively active” on the Law School’s behalf during the last several years, which includes his membership (in 1999) on the Class of ’74 Reunion Campaign Committee and his current service as a member of the Law School Advisory Council. He considers these activities and his monetary contributions as serving a just cause: “Obviously, Cornell is a well-ranked law school, but it’s still underappreciated. I’d like to help change that. I want Cornell to continue to be the unique law school it is. To adapt what Daniel Webster said of Dartmouth, ‘It is a small school but there are those who love it.’”

**David P. Mason ’88**  
**Endows Scholarship**

Cornell Law School has received a new scholarship, endowed by David P. Mason ’88, a partner of Debevoise & Plimpton in employee benefits and executive compensation law. The award, to be known in perpetuity as the David P. Mason ’88 Law Scholarship, will provide financial assistance to a first-year student beginning with the fall term of 2006. Mr. Mason has long been a supporter of the Law School, having previously contributed in honor of Thomas T. Adams ’57, a family friend and former member of the Law School Advisory Council. Franci J. Blassberg ’77, who is a partner of Debevoise & Plimpton in mergers and acquisitions, private equity, and corporate governance and who currently serves on the Law School’s Campaign Cabinet, acted as the catalyst for Mr. Mason’s present...
gift. “I know David shares my affection for the Law School,” said Ms. Blassberg, “and at the Curia Society dinner last fall we discussed the idea of a significant gift.” Mr. Mason recalls that his senior colleague spoke persuasively to the point that “the time was right” for him to step forward.

Mr. Mason has wide-ranging interests in the Law School but settled on a scholarship endowment. “It could have been used for almost anything,” said Mr. Mason of his gift. “All money is fungible. But I decided to fund a scholarship because, given the cost of tuition, that seemed the most appropriate use.” Appropriate, indeed, for nearly 50 percent of Cornell Law students receive financial assistance from the Law School. Without such funding, most of these students would never matriculate at Myron Taylor Hall. Accordingly, the financial aid office will administer the Mason Law Scholarship, which will be given primarily on the basis of demonstrated need, with other criteria yet to be defined.

In congratulating Mr. Mason on his generous gift, Dean Schwab emphasized that the scholarship will benefit the entire Law School, as well as the student who receives it: “Like all costs associated with higher education, law school tuition is on the rise, and we are always grateful for any gift that helps talented students attend Cornell. It’s crucial that we enroll highly qualified students regardless of their financial resources, as well as offer competitive faculty salaries and fund key projects, in order to keep Cornell at the forefront of legal education. A gift like David Mason’s helps ensure that we will achieve these goals and maintain this status.” Mr. Mason himself spoke modestly of his contribution when he said, “I have no agenda whatsoever, other than to help the Law School,” but Ms. Blassberg was more effusive. Of Mr. Mason, she said, “I’m very proud of my partner. He’s a great lawyer and a great and loyal supporter of the Law School.”

Arthur H. Rosenbloom ’59 Endows Library Fund

Cornell Law School students and faculty will soon have access to print and electronic media related to Israeli law, thanks to Arthur H. Rosenbloom ’59. Mr. Rosenbloom, a senior consultant at CRA International, has established the Arthur H. Rosenbloom J.D. ’59 Law Library Endowment to facilitate the acquisition of scholarly monographs, current statutes, and computer databases, thereby augmenting the library’s holdings of international law materials. In addition to his work at CRA International, Mr. Rosenbloom is the author of more than seventy articles on topics related to investment banking. His articles have appeared in numerous publications, including Forbes, Inc., Business Week, and The Harvard Business Review.

Mr. Rosenbloom reports that he was inspired to make his endowment gift during the meeting of the Law School Advisory Council last September, when fellow advisory council member Sheppard A. Guryan ’67 had the satisfaction of seeing the Cornell Law Library acquire its 700,000th volume, Form and

Nearly 50 percent of Cornell Law students receive financial assistance from the Law School. Without such funding, most of these students would never matriculate at Myron Taylor Hall.

Function in a Legal System: A General Study by Professor Robert S. Summers. The Law Library acquired the book with funds provided by the Sheppard A. Guryan Law Library Endowment on the History of Jurisprudence and American Legal Thought. The ceremony that marked that milestone, together with the intellectual ferment at the Clarke Center for International and Comparative Legal Studies and Mr. Rosenbloom’s own interest in Israeli law, made a library endowment something of a natural choice. “It’s important for Israeli law to be represented in the larger context of the Clarke Center,” says Mr. Rosenbloom, “because the Israeli legal system is not like other legal systems in that part of the world.” Indeed, the Israeli legal system, says Edward Cornell Law Librarian and Professor of Law Claire Germain, “is a hybrid built on a foundation of Ottoman law—itself a mixture of French, Swiss, and Italian influences—and includes elements of civil law and British common law, as well as religious law, the latter governing aspects of personal conduct and family matters.”

Professor Germain emphasizes that the Rosenbloom endowment is especially important because it enables the Law Library to build its collection of Israel law material in both print and electronic media—enhanced holdings that will support Law School programs in international and comparative law that are important to both J.D. and LL.M. students at Cornell and to legal scholars everywhere. “Do you realize,” asks Professor Germain, “that Cornell Law School is poised to become the premier research center for comparative law and culture? The Middle East, of course, is of particular interest, as evidenced by the Clarke Center and the Clarke Middle East Legal Studies Fund, but we are strengthening all of our international law resources. Of Israel in particular and of the Middle East in general, I will name just a few
areas of obvious interest: the legal status of Jerusalem; water rights in a region that is essentially desert; cultural rights of ethnic and religious minorities; and extradition law.”

In addition to the tangible benefits that will accrue to the library from so substantial a fund, Mr. Rosenbloom hopes his contribution will encourage others disposed to support scholarly causes to make a similar gift. “Shep Guryan’s generosity inspired me,” says Mr. Rosenbloom. “If I inspire someone else, that’s a good thing.”

Pamela Rollins ’82 and Alejandro Camacho ’84 Endow Scholarship for Latino/Minority Students

In reporting the philanthropy of alumni, generally you look to their respective experiences as law students or as practicing lawyers to show how their generosity to the Law School is a logical, even inevitable, expression of sentiment or conscience. Sometimes, the relationship between what they experienced earlier and the contribution they make is more complex and ineffable. Sometimes, the reason a person or a couple steps forward to endow a scholarship, as in the present case, has to do simply with that particular greatness of soul that inspires one human to want to help another. In such cases, there are no stories to frame, only examples of altruism at its purest.

Pamela L. Rollins ’82 and Alejandro “Alex” Camacho ’84 met at Cornell Law School more than twenty years ago. Fond memories of their time at the Law School have prompted them to establish the Pamela L. Rollins Camacho and Alejandro E. Camacho Scholarship, which will be awarded annually, based on need, to a meritorious minority student. In endowing their scholarship, Ms. Rollins and Mr. Camacho primarily intend to benefit a Latino or Latina J.D. candidate but they have established provisions for the funds to be given to an alternate student if no person of Hispanic heritage applies for the scholarship. “We defined an order of preference,” Mr. Camacho explains, “so that the scholarship would go first to a Latino/Latina student who graduated from Hobart College or from Cornell, or, if no such student applies, a Latino/Latina from any undergraduate institution.” If no Latino/Latina student from any institution applies, the scholarship would go to any minority student who needs help with tuition. “For us, it was a matter of giving another person the same opportunity we had,” says Ms. Rollins. “We feel very strongly that we want to help a group that is often under-served to set and reach the highest goals possible. We are fortunate to be in a position to make a difference in that way. Our legal careers, beginning with our joint time at Cornell Law School, have been so inspiring and rewarding to us, not just financially, that we want to share that with others who might otherwise not have the chance, or for whom the burden might be too great.”

Mr. Camacho notes that his law degree from Cornell helped him enter the legal profession as a young Cuban American. “When I was coming up and looking at firms,” he says, “let’s just say there weren’t too many, if any, Camacho-type names. It’s clear to me that the Cornell degree opened doors that probably would have stayed shut. It’s no exaggeration to say that Cornell Law School played a great part in making my life what it is.” Today, Mr. Camacho is a corporate partner at Clifford Chance in New York City, and Ms. Rollins is a trusts and estates partner at the New York law firm of Simpson Thacher & Bartlett. Each enjoys a highly successful practice, Mr. Camacho primarily in domestic capital markets transactions, international securities offerings, mergers and acquisitions, and venture capital transactions, and Ms. Rollins in estate planning, trust and estate administration, and charitable giving.

Of the Law School’s fundraising efforts, Mr. Camacho notes, “Cornell is no exception when it comes to solicitation, but the Law School does make it easy to establish the philanthropy you prefer. Basically, they ask, ‘What matters most to you?’ and for Pamela and me the answer was obvious. We have been very supportive of the Latino community in general, and now that we’re in a position to do something significant, we wanted to extend our efforts to the place that has meant so much to both of us.”

Franci Blassberg ’77 Named a “Dealmaker of the Year”

In March, The American Lawyer named twelve leading attorneys “Dealmaker of the Year” for their pivotal work in negotiating and structuring some of the largest and most important transactions of 2005. Among the twelve is Franci J. Blassberg ’77, aDebevoise & Plimpton partner, who closed in December 2005 on the buyout of Hertz Corporation from Ford Motor Company. That was the second-largest private equity deal since the buyout of RJR Nabisco in 1989.

Ms. Blassberg oversaw the creation of a complex financing package that involved hundreds of interdependent contracts involving twelve borrowers in seven currencies for asset-backed securities and loans, unsecured high-yield debt, secured bank debt, and international bridge financing. One of the stakeholders, Nate Thorne, private equity chief for Merrill Lynch, was quoted “I don’t think I’ve ever seen quite such an example of a virtuoso performance, in the sense of someone acting..."
Ms. Blassberg was featured in the April issue of *The American Lawyer* in the “Corporate Scorecard” section.

**Kristine Bergstrom ’04 Honored with Inaugural Fuller Award**

Kristine Bergstrom ’04 has received the Sarah Betsy Fuller Social Justice Award from Cornell Law School for her work as a staff attorney with the Disabilities Rights Center in Concord, New Hampshire. The award’s namesake is a former Cornell Law professor and social justice lawyer who died in April 2004. Professor Fuller was regarded as a tireless advocate for poor and underrepresented members of society. Shortly after her death, the New York State Bar Association honored Professor Fuller with the Denison Ray Award, recognizing her extraordinary contribution as a civil legal services attorney at Prisoners’ Legal Services of New York.

To further honor her legacy of service, Professor Fuller’s family made a generous gift to Cornell Law School, creating a special grant through the Public Interest Low Income Protection Plan. Recognizing that many idealistic young lawyers are prevented from pursuing public interest careers because of increasingly large student loan payments, the Sarah Betsy Fuller Social Justice Fund provides educational debt relief to selected Cornell Law School graduates whose work honors the social justice ideals that Professor Fuller’s life exemplified.

Ms. Bergstrom was a co-winner of the Stanley Gould Prize for Public Interest Law. She served as president of the National Lawyers Guild in 2002 and 2003 and as secretary in 2003 and 2004; she also served on the boards of the Women’s Law Coalition and the Public Interest Law Union. Her experience at Cornell includes internships and employment with the Cornell Juvenile Advocacy Clinic, the Cornell Death Penalty Clinic, and the Cornell Legal Aid Clinic.

In a letter to Professor Fuller’s family, Ms. Bergstrom wrote: “Without Cornell’s loan repayment program, I could probably not afford to work at a nonprofit organization right out of law school. However, your generous donation … allows me to spend my days representing clients who otherwise would have no voice in our legal system. Every day that I go to work I feel excited because I know … I’ll be working on projects and cases that affect people’s lives in a positive way. I am lucky to have a job that I love and a job that lets me help some of the people in my state who need help the most, but I am even luckier that people like you, your sister, and the rest of your family, have helped to make that possible.”

**Mintz ’88 Appointed New York City’s Commissioner of the Department of Consumer Affairs**

Jonathan B. Mintz ’88 has been appointed commissioner of the Department of Consumer Affairs (DCA). Mr. Mintz has served as the department’s acting commissioner since May 2005, and he previously served as a deputy and assistant commissioner at DCA.

“As a senior member of the Department of Consumer Affairs, Jonathan has been central to every one of the department’s successes over the last four years,” said Mayor Michael R. Bloomberg. “Jonathan has expanded New Yorkers’ access to the earned-income tax credit, helped keep cigarettes out of the hands of minors, and successfully resolved consumer complaints to 311. With his remarkable experience, I know Jonathan will excel in this new position and continue to help make New York City the best place in the world both to live and to do business.”

Before joining the DCA, Mr. Mintz worked in the fields of law and education. He was head teacher and taught second grade at the Little Red School House in Greenwich Village, New York, and he was a member of the founding faculty of the Roger Williams University School of Law in Rhode Island. He taught at the Chicago Kent College of Law and practiced at San Francisco’s McCutchen, Doyle, Brown & Enersen. Mr. Mintz earned his Juris Doctor from Cornell Law School, a master’s degree in education from the Bank Street College, and a bachelor of arts degree from Indiana University.

Commissioner Mintz lives in Manhattan with his partner, Criminal Justice Coordinator John Feinblatt, and their two daughters, Maisie and Georgia.
Julie L. Myers ’94 Appointed to Head the Immigration and Customs Enforcement Bureau

Julie L. Myers was appointed by President George W. Bush in January 2006 as assistant secretary of homeland security for U.S. Immigration and Customs Enforcement (ICE). In that role, Ms. Myers leads the largest investigative unit of the Department of Homeland Security and the second largest investigative agency in the federal government. The agency employs more than 15,000 workers, including 6,000 investigators, and has an annual budget of more than $4 billion. As head of ICE, Ms. Myers’s responsibilities include detaining and removing illegal aliens; investigating alien smuggling, illegal arms exports, and money laundering; and fining the employers of illegal aliens.

Prior to her appointment, Ms. Myers served as special assistant to the president for presidential personnel. Before that, she was nominated by President Bush and unanimously confirmed by the U. S. Senate to serve as assistant secretary for export enforcement at the Department of Commerce.

J. Robert Lunney ’54 Korean War Service Earns Distinction

J. Robert Lunney received an honorary doctorate of politics in February 2006 from Woosuk University, Korea, and the Meritorious Service Medal from the Korean Veteran Association in recognition of his service during the Hungnam evacuation operations during the Korean War. The Meritorious Service Medal was the first one ever awarded to a foreigner.

The proclamation issued from Woosuk University reads, in part: “in recognition of … his outstanding performance as the staff officer of the SS Meredith Victory in the successful rescue of 14,000 North Korean refugees.” Guinness World Records granted recognition of the evacuation efforts in 2004. An excerpt from the record description reads: “The SS Meredith Victory performed the greatest rescue operation ever by a single ship by evacuating 14,000 refugees from Hungnam, North Korea, in December 1950.”

New Assistant Director of Alumni Affairs

Kathryn A. Buckley has joined the staff of Alumni Affairs and Development as the assistant director of alumni affairs for Cornell Law School. Ms. Buckley is returning to Cornell University and to Alumni Affairs and Development, having served from 2002–2005 as an alumni officer for Class and Reunion Programs. She is a 2001 graduate of the College of Human Ecology at Cornell and received a master’s degree in higher education administration from Harvard in June 2006.

“We are fortunate that Kate has chosen to return to Cornell and for her interest in putting her skills and experience to work here at the Law School,” said Peter Cronin, associate dean of Alumni Affairs and Development at the Law School. “She is already making a positive impact on our efforts, particularly as we strive to build strength in our reunion committees and programs and to strengthen our outreach and regional programming.”

Ms. Buckley can be reached at kate-buckley@lawschool.cornell.edu or by phone at 607-254-2839. She looks forward to hearing from alumni, especially with news for future class notes.

Errata

While the alumni and Forum offices strive for complete accuracy throughout the Cornell Law Forum, errors do occur. The office staff encourages communication from Forum readers regarding inaccuracies or oversights. The following corrections are noted from the alumni section of the spring 2006 issue of the Cornell Law Forum:

• The class note outlining the work in Rwanda of Sarel M. Kromer ’63 incorrectly stated that she had traveled to Africa with her husband. Her efforts there were done in conjunction with her son, Philip, who shares his deceased father’s name.

• The recounting of the fall 2005 alumni events incorrectly listed the location of the Buffalo, New York, alumni event as the Fort Orange Club. The event was hosted by John L. Kirschner ’53 at the Buffalo Club. The Fort Orange Club was the site of a Law School alumni event featuring Hon. Anthony T. Kane ’69 in the fall of 2005. The Fort Orange Club is located in Albany, New York.

The Law School’s Alumni Affairs and Development office regrets these errors and any difficulties they might have caused.

Class Notes

Louis B. York was elected to the Supreme Court of the State of New York, New York County, and is currently ending his first year in that position after having served the previous nine years as an acting Supreme Court justice.

Thirty-one Hodgson Russ LLP attorneys were listed in the 2006 edition of The Best Lawyers in America including John B. Drenning and F. William Gray III ’69.

Johann-Andreas Rosbach is still practicing law as senior partner of Rosbach & Fischer.
Though a small firm, it is a typical Frankfurt, Germany, corporate law firm with clients and associates from all over the world. Mr. Rossbach is still married to Sheila whom he first met at Cornell at the wedding of Kevin Monaghan ’65, his partner in moot court competition. Mr. Rossbach and his wife moved to Germany, Mr. Rossbach’s native country, in 1965. Their children, out of the house now, are Christopher, who is an investment banker in London, and Signe, director of publishing at the Jewish Museum in Berlin.

In September 2005, Henry Gurshman was presented with an Equal Justice Medal by Legal Services of New Jersey recognizing more than twenty years of providing pro bono representation of low-income clients of Central Jersey Legal Services in Middlesex County, New Jersey, in the areas of bankruptcy, divorce, and tort defense. Mr. Gurshman remarked, “To put things in perspective, I should point out that I was not the only one to receive a medal on this occasion, and all in attendance had many tasty hors d’oeuvres prior to the ceremony. Should corroboration be needed, I note that among those in attendance was New Jersey Supreme Court Justice Robert Rivera-Soto ’77, who was nice enough to congratulate me after the ceremony.”

Donald J. Myers is a partner in the Washington, D.C., office of Reed Smith LLP where he practices employee benefits law with an emphasis on the fiduciary and investment aspects of the Employee Retirement Income Security Act (ERISA) regulation. He has been selected for inclusion in The Best Lawyers in America and also has been designated as one of the top benefits lawyers in the capital city by Chambers USA Guide.

David J. Muchow is president of Skybuilt Power, a mobile solar and wind power start-up company, recently funded by In-Q-Tel, the Central Intelligence Agency’s venture capital firm.

Thirty-one Hodgson Russ LLP attorneys were listed in the 2006 edition of The Best Lawyers in America including John B. Drenning ’64 and F. William Gray III.

Carl T. Hayden taught a course on “The Politics of Educational Reform” at Hamilton College in New York in spring of 2006. He graduated from Hamilton College in 1963. He continues to practice full time as a litigator and is a director of the Campaign for Fiscal Equity (CFE), the New York State Charitable Asset Foundation, and the National Board for Professional Teaching Standards.

For the third straight year, Weston Hurd LLP attorney Joseph B. Swartz has been named an Ohio Super Lawyer by Law & Politics Magazine. His name and the area of practice for which he was recognized (labor and employment) appeared in the January 2006 issues of Cincinnati Magazine and Ohio Super Lawyers. The Ohio Super Lawyers are determined through a process that includes balloting by more than 35,000 active Ohio attorneys, a review by a blue ribbon panel of lawyers from each area of practice, and a research process that includes interviews, independent research, data verification, and a good-standing review. Only five percent of the lawyers in Ohio are named super lawyers. Additional information about Weston Hurd LLP and the firm’s Ohio Super Lawyers can be found by visiting the firm’s Web site http://www.westonhurd.com.

William J. Shannon has recently become a member of the law firm of Shannon Sakamoto LLC in Portland, Maine, after an extended period of practicing law overseas. During his time overseas, Mr. Shannon was one of the first foreign attorneys to be licensed to practice law in Japan—the term for such an attorney is Gaikokuho-Jimu-Bengoshi, “foreign special member”—and was a partner with Kelley Drye and Warren in Tokyo. He also practiced law with Bryan Cave in Riyadh, Saudi Arabia, and with White & Case in Moscow. In addition, he served as a consultant to the Romanian Privatization Ministry in Bucharest pursuant to a program funded by the World Bank, was counsel in the office of the general counsel of the European Bank for Reconstruction and Development in London, and was senior legal advisor to Saudi Aramco, the Saudi Arabian state-owned oil company.

Charles C. Abut was a featured lecturer at the November 2005 annual New Jersey Judicial College, presented by the New Jersey Administrative Office of the Courts as continuing legal education for the approximately 450 members of the New Jersey judiciary, which is composed of the Supreme Court, the Appellate Division, and the various trial courts.

James Baller is the founder of The Baller Herbst Law Group, PC, a national law firm based in Washington, D.C., and Minneapolis. He represents public and private entities on a wide range of telecommunications, cable, broadband, and related matters. Over the last decade, Mr. Baller has been involved in most of the leading public broadband initiatives in the United States, and in nearly all of the federal and state legislative and court battles over barriers to public involvement in such projects. The National Association of Telecommunications Officers and Advisors named him its Member of the Year for 2001, and both the Fiber to the Home Council and MuniWireless have called him America’s most experienced
Over the last decade, Mr. Baller ’72 has been involved in most of the leading public broadband initiatives in the United States, and in nearly all of the federal and state legislative and court battles over barriers to public involvement in such projects.

Alan M. Christenfeld continues to practice law in the New York office of Clifford Chance. A senior partner in the firm’s finance group, he concentrates on all aspects of commercial loan products, making and taking loans, restructuring them, and buying and selling them. Also, Mr. Christenfeld writes a column in the New York Law Journal on secured transactions. Given the Cs and Ds that Professor William E. Hogan gave Mr. Christenfeld in contracts, commercial law, and debtor–creditor law, Professor Hogan must be looking down and shaking his head in wonderment. Mr. Christenfeld spent some time with classmate Rodney E. Walton in Miami this past spring and often sees another classmate, Thomas F. Seligson, now that Alcoa has transferred him from Pittsburgh to New York City.

Over the past two years, James E. Vieh has settled several large obstetrical malpractice cases in Arizona. Now that Mr. Vieh has finished paying for his children’s education at Georgetown University, Stanford University, and Brown University, he has acquired a vacation home on Lake Chautauqua in New York, about 150 miles west of Ithaca, in the area where he grew up. After having lived in booming Phoenix for thirty years, Mr. Vieh was shocked to see how poor upstate New York has become. “Something,” he said, “is terribly wrong.”

Benjamin H. Green has joined Dreier LLP as a partner in the litigation department, practicing in both the New York and Connecticut offices. He joins the firm from Brown Raysman Millstein Felder & Steiner LLP. He previously served as an assistant district attorney with the New York County District Attorney’s Office. Mr. Green has focused his practice on complex commercial, securities, intellectual property, and white-collar criminal litigation.

Robert Rosenberg recently joined Lubert-Adler as a principal. The firm is one of the nation’s largest real estate investment firms. Mr. Rosenberg has practiced law for twenty-six years. He spent the last twenty-one years as a partner at Schulte Roth & Zabel. At Lubert-Adler, Mr. Rosenberg is primarily involved with the structuring and execution of new investments in the United States and around the world. Since the firm’s inception in 1997, it has invested in over $10 billion in real estate assets and has $1.7 billion in equity in its Fund V, which was launched this year.

Leading securities defense attorney C. Evan Stewart has joined the New York office of Zuckerman Spaeder LLP. With the addition of Mr. Stewart, Zuckerman Spaeder—which was ranked one of the nation’s top litigation boutiques in 2005—has established a formidable presence in the areas of securities and white-collar litigation in New York. “Evan is one of the brightest stars of the financial and securities litigation bar,” said Graeme Bush, chair of Zuckerman Spaeder. “His extensive and diverse trial experience will be a proven asset to our firm’s litigation practice and to our New York office.” Mr. Stewart has nonpareil
Mr. Stewart ‘77 has represented domestic and international clients in many front-page cases, including litigation that followed the collapse of Enron and the food-for-oil program at the UN.

Stephen W. Yale-Loehr, adjunct professor of law at Cornell, briefed the Senate Judiciary staff in December 2005 on immigration reform ideas. In the spring of 2006, he also worked on various aspects of immigration reform legislation pending in Congress. Mr. Yale-Loehr chaired the Business Visa Committee of the American Immigration Lawyers Association and published an article on the increase of immigration appeals to the federal courts in the *Georgetown Immigration Law Journal*.

Eileen D. GilBride is a partner and head of the appellate department at Jones, Skelton & Hochuli, a seventy-five-lawyer firm in Phoenix, Arizona. She maintains an active appellate practice, having handled over 200 appeals and written more than forty-five opinions in the state and federal courts. After being a single parent for ten years to son, Sean, and daughter, Katie, now seventeen and fifteen, respectively, Ms. GilBride met and married Mark, her karate instructor. Ms. GilBride, now a third degree black belt, and Mark, who is testing for fifth degree this summer, own two successful karate schools. They have a daughter, Kiley, who is three. Ms. GilBride plans to visit Cornell this spring with Sean, who is college hunting.

Robert M. Fields is pleased to announce that after more than twenty-five years of practice in the employee benefits—executive compensation area, most recently as a shareholder at Greenberg Traurig, he has established his own firm in New York City, which specializes in representing senior-level executives in negotiating and drafting employment contracts, severance agreements, change-in-control agreements, and related arrangements. Since starting his own firm, Mr. Fields has appeared on CNBC business news channel several times as an expert on executive compensation matters and has been quoted repeatedly in the *Wall Street Journal, Fortune Magazine*, and other periodicals. Mr. Fields can be contacted at rmfields@rmfieldslaw.com and would be “pleased to hear from his classmates.”

Eileen D. GilBride

Robert M. Fields

Stephen W. Yale-Loehr

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experience in securities, antitrust (criminal and civil), and complex litigation issues. Mr. Stewart has represented domestic and international clients in many front-page cases, including litigation that followed the collapse of Enron and the food-for-oil program at the UN. His experience embraces state and federal courts as well as arbitration before the National Association of Securities Dealers, New York Stock Exchange, and American Arbitration Association. Mr. Stewart is collaborating with Professor W. David Curtiss on a book about the life of Myron C. Taylor. An article about Mr. Taylor written by Mr. Stewart and Professor Curtiss appears in this issue (see p. 4).

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the section Dr. Kim moderated was “Strategies for Improving Human Rights in North Korea.” Dr. Kim is the chair of the Korean Bar Association’s Committee for Human Rights in North Korea and has served as senior executive vice president of the Cornell Club of Korea since January 2005.

William J. Casazza was recently promoted to senior vice president and general counsel of Aetna, a Fortune 100 company and one of the largest insurers in the United States. Mr. Casazza writes that he is in charge of all legal operations, state and federal regulatory matters, and the company’s compliance organization. “I am also a member of the six-person office of the chairman, the senior-most management decision-making body in the company,” he said. “I have been at Aetna since 1992, coming here from Sullivan & Cromwell.”

Brian R. Smith was named chair of Robinson & Cole LLP’s land use group, which is composed of forty lawyers handling land use matters nationwide.


Edward F. Hennessey IV was recently selected as a North Carolina Super Lawyer in the area of construction/surety litigation. Law & Politics performs the polling, research, and selection of super lawyers in a process designed to identify North Carolina lawyers who have attained a high degree of peer recognition and professional achievement. In 2005, approximately 16,800 active lawyers in North Carolina received a ballot asking them to nominate the best attorneys they had personally observed in action. Law & Politics researchers then evaluated prospective candidates on indicators of peer recognition and professional achievement. Mr. Hennessey is a shareholder in the firm of Robinson, Bradshaw & Hinson, P.A.

Robert J. Munnely Jr. was named a partner by Murtha Cullina LLP and resides in the firm’s Boston office. Mr. Munnely focuses his practice on representing companies operating in regulated industries such as cable television, telecommunications, and energy companies. He lives in Wellesley, Massachusetts, with his wife, Joan, and kids, John (eight) and Mary Kate (six). Mr. Munnely can be reached by e-mail at rmunnely@murthalaw.com.

Karen Coney Coplin moved to Florida immediately after graduation and has called Naples, on Florida’s Gulf Coast, home since 1994. “We’ve seen so much tropical storm and hurricane activity in recent years,” says Ms. Coplin, whose home was battered and partially flooded by Wilma but remained intact. “But the early, sleepy years were easy!” A real estate practitioner on both coasts, Ms. Coplin most recently practiced with Cummings & Lockwood before making the move to “the other side of the table,” becoming a realtor with Premier Properties, Old Naples office, in 2000. For Ms. Coplin, the timing was perfect, as she and her husband, Steven, had welcomed daughter Tabitha just the year before. Little sister Phoebe joined the family in 2003. During her time in Naples, especially now as an agent, Ms. Coplin has seen tremendous growth and appreciation of the southwest Florida real estate market. “Although we experienced some damage in a ‘vintage 1952’ home near the beach, the City of Naples and surrounding areas fared extremely well—a tribute to stringent newer building codes and elevation requirements. In fact, visitors today marvel that a storm of this magnitude actually touched down last fall. The number of seasonal visitors is much higher than last year.” When not busy with real estate and family, Ms. Coplin is busy with civic and charitable matters. She was recently honored by the Palm Beach Media Group/Naples Illustrated magazine for her endeavors on behalf of local charities benefiting children and animals. Additionally, she writes a monthly column for the Naples Journal and the Pelican Bay Journal on matters of interest to the local community.

Michael C. Biggs joined eight other rising political figures from across the nation as delegates to Argentina and Uruguay for a fourteen-day political study program. Sponsored by the American Council of Young Political Leaders (ACYPL), the delegates met with local, municipal, and national leaders, business communities, and civic groups including Argentina’s Supreme Court Justice Juan Carlos Maqueda and former Uruguayan President Jorge Battle. ACYPL delegates are chosen from a competitive, bipartisan field of candidates who are between the ages of twenty-five and forty years old and have exhibited strong leadership during their years in public service. Former ACYPL participants include many current members of the U.S. Congress, state governors, ambassadors, cabinet secretaries, foreign legislators, and prime ministers. ACYPL programs have been endorsed as an important source of education on key foreign policy issues for rising Americans and foreign political leaders.

Pamela A. Moreau and her husband Tom Buck are busy with their son Liam Moreau Buck who turned one year old in June. Ms.
Moreau lives in Burlington, Vermont, and works at Murphy Sullivan Kronk, a firm specializing in land use and real estate development. She took her son to Boston last August and had a nice afternoon with Cornell Professor Emeritus Robert Kent. She can be reached at pmoreau@mskvt.com.

Allison Marie Alcasabas will transfer from Chadbourne & Parke’s New York City office to its London office in order to serve as partner in charge of the litigation side of European-based products liability practices.

Jacqueline Duval has recently left London, after ten years, to join as tax counsel the firm of Ziff Brothers Investments in New York. Her three children, Chelsea (fifteen), Dylan (twelve), and Rosie (ten), are all doing well and are bound to soon lose those British accents.

In July 2005, Boyd M. Johnson III was named chief of the International Narcotics Trafficking (INT) Unit of the U.S. Attorney’s Office for the Southern District of New York. The INT unit prosecutes the most powerful drug-trafficking organizations in the world, and Mr. Johnson recently secured the extradition of Afghan narco-terrorist Haji Baz Mohammad from Afghanistan, the first extradition ever from Afghanistan to the United States.

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Jeffrey S. Miller recently published an article about Native American athletes in the Virginia Sports and Entertainment Law Journal. He teaches sports law as an adjunct professor at the University of Washington and Seattle University law schools. Mr. Miller continues to work as a partner in the sports and litigation practice groups at Foster Pepper’s Seattle office.

Richard A. Bales has been appointed interim dean of Salmon P. Chase College of Law at Northern Kentucky University. Mr. Bales has been a professor at Chase since 1998, where for the last two years he also has been codirector of the Chase employment and labor law program. His scholarship and teaching focus is employment law, employment discrimination, administration dispute resolution (ADR), and civil procedure. Dean Bales has published more than forty scholarly articles, most on the subject of employment arbitration. He also has authored two books. His first, Compulsory Arbitration: The Grand Experiment in Employment, was published in 1997 by Cornell University’s International Labor Relations Press. In 2000, he co-authored, with Laura Cooper and Dennis Nolan, the West casebook ADR in the Workplace. The book’s second edition was published in 2005. Dean Bales co-authors Workplace Prof Blog (http://lawprofessors.typepad.com/laborprof_blog/), which is designed for law school professors teaching employment, discrimination, labor, and benefits law. In addition to his scholarly pursuits, Dean Bales is actively engaged in local pro bono work focusing on divorce and child custody cases. In 2005, he received the Northern Kentucky Volunteer Lawyers Distinguished New Volunteer Award. He is a single father of two, Dennis (thirteen) and Emma (nine), who live with him in northern Kentucky, just outside of Cincinnati, Ohio.

For the past eleven years Daniel J. Lowenthal has worked for the Los Angeles city attorney, initially as a criminal prosecutor and eventually as the manager of an employment litigation practice group. In 1996, Mr. Lowenthal married Dr. Suja Lowenthal, president of the Long Beach Unified School District’s Board of Education. They live in Long Beach with their preschooler Avi. Mr. Lowenthal was elected to
Ms. Yalamanchili’s practice includes multi-state leasing, purchase–sale transactions, and financing matters. She has served as the primary outside real estate counsel for national retailers, franchisees, and Fortune 500 firms and also has represented regional and national developers and financial institutions. Ms. Yalamanchili serves as vice chair of the Amherst Youth Board, which provides programs and services for nearly 3,000 families each year. She is a member of the Board of Directors of the University at Buffalo School of Management Alumni Association and currently serves as vice chair of the board’s program committee. For the past three years, she has organized the association’s Smart Business Practices seminar, which focuses on issues and topics of interest to the business community.

Wendy B. Samuelson is a partner in the Garden City, New York, matrimonial law firm of Samuelson, Hause & Samuelson LLP. She was recently selected by Newbridge Media as one of the “Ten Leaders of Matrimonial and Divorce Law of Long Island, New York,” for the forty-five-and-under division. Ms. Samuelson is the author of the column “Recent Legislation, Cases and Trends in Matrimonial Law” of the New York State Bar Association’s quarterly publication, Family Law Review. She may be contacted at 516-294-6666 or samuelsonhause@conversent.net. The firm’s website is: http://www.matrimonial-attorneys.com.

Sujata Yalamanchili, a partner in Hodgson Russ LLP’s real estate and finance practice group, was acknowledged as one of Buffalo’s young leaders by being named to Buffalo Business First’s fourteenth annual “Forty under Forty” list for 2005. The forty honorees, nominated by Business First readers and selected by an independent committee, are chosen for the purpose of recognizing their outstanding achievements as well as their commitment to the western New York community. The winners are young leaders in various segments of the Buffalo–Niagara business community including law, government, health care, and nonprofits. Ms. Yalamanchili and the other honorees received the award at a luncheon in November at the Buffalo Convention Center.

Lori Ann Bean has joined Clifford Chance as a partner in the energy and projects group in the Americas. Ms. Bean concentrates her practice on project finance, representing export credit agencies, multilateral development institutions, and other governmental and commercial lenders. She has structured, drafted, and negotiated all aspects of financing for various infrastructure projects. Ms. Bean has particular expertise in airport, energy, and petrochemical projects and has played a leading role in many projects located in the Americas, Africa, Asia, the Middle East, and Europe. Prior to joining Clifford Chance, Ms. Bean was a partner in the London office of Winston & Strawn LLP, where she led the European project finance practice. She has also taught as an adjunct professor of law at Georgetown University Law Center and at George Washington University Law School where she offered classes on international project finance and international negotiations. Her husband, Richard M. Rosenfeld, is currently a partner at Akin Gump Strauss Hauer & Feld, where he is splitting his time between Washington, D.C., and London. After eight years in the U.S. Securities and Exchange Commission Enforcement Division where he prosecuted securities cases, particularly international money-laundering and fraud cases, he is now focusing his practice on international securities issues including advising non-U.S. entities about compliance with U.S. securities laws. The couple has a son, Max Finlay Bean, who is nearly two years old. He does not practice law.

Darrel R. Davison was elected partner in the firm Thompson Hine LLP. In his practice Mr. Davison concentrates on commercial real estate transactions.

Sandra T. Parga was a candidate for the Republican nomination for circuit court judge in the Sixteenth Judicial Circuit of Illinois. Garnering 27 percent of the total votes in the three-county circuit, Ms. Parga came close to causing an upset in the election. Campaigning on a platform of making the court system more accessible to the public it represents, Ms. Parga stressed the importance of streamlining court operations to better serve the district. Ms. Parga, a first-generation American, said she believes public service is an honor and a responsibility for all Americans and intends to continue her pursuit of bringing innovation to the court system and helping people in her community.

After having spent four years in Brussels as chief financial officer of Deutsche Bank in Belgium and one year in Frankfurt as global chief operating officer of Deutsche Bank’s legal department, Karl von Rohr was recently appointed global chief operating officer of the human resources function in Deutsche Bank Group based in Frankfurt. He has relocated to Frankfurt with his wife Barbara, a former research scholar at Cornell, and their four children.
In the fall of 2005, Kimberly A. Troisi-Paton published her first book, The Right to Due Process, part of the Bill of Rights Series, from Greenhaven Press (a subsidiary of Thomson West). Ms. Troisi-Paton and her husband, Scott Paton—a former classmate—are enjoying their two children, Ashley (born October 12, 2001) and Zachary (born February 22, 2004).

Risa B. Greene has been promoted to special counsel of the litigation department of Saul Ewing’s Philadelphia office.

Mark S. Stewart has been elected partner in WolfBlock’s business litigation, energy, telecommunications, and utility regulation practice groups. He concentrates his practice in the areas of civil and administrative litigation, public utility and telecommunications law, gaming law, professional licensure, and municipal law. Prior to joining WolfBlock’s office in Harrisburg, Pennsylvania, Mr. Stewart served as deputy attorney general in the Pennsylvania Office of Attorney General, Bureau of Consumer Protection. He was responsible for enforcing a wide range of consumer-oriented laws, and he litigated in trial, bankruptcy, and appellate courts. Mr. Stewart lectures on consumer law issues, including their impact on newly deregulated industries. He is on the board of the Harrisburg Redevelopment Authority and the advisory board to the Susquehanna Area Regional Airport Authority. He also serves on the Harrisburg School District Board of Control, which is provided for under Pennsylvania’s landmark Education Empowerment Act.

Catherine Nyarady and Gabriel Riopel are busy raising their son, Harrison Tungsten Riopel, who is one year old this fall. Less than a month after his birth, while on maternity leave, Ms. Nyarady was elected to the partnership of Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York. She is a partner in the litigation department where she specializes in patent and trademark litigation.

Ronald D. Arena and his wife Helen Kim ’01 live in San Francisco with their daughters, Stella (born December 23, 2004) and Juliet (born May 4, 2006). In January, Mr. Arena was elected partner at Littler Mendelson in San Francisco, where he represents management in a range of employment matters. Ms. Kim works in-house at Franklin Templeton Investments in San Mateo, California.

Sonya Olds Som has been elected partner in the labor and employment law firm of Laner, Muchin, Dombrow, Becker, Levin and Tominberg, Ltd., in Chicago. She supervises the firm’s immigration group.

J. Benjamin King and his wife, Karolina King, are enjoying their son, Baxter King, who turns one year old this fall. Ben, Karolina, and Baxter live in Dallas, Texas. Mr. King works at Diamond McCarthy Taylor Finley & Lee LLP, a small Texas civil litigation firm. His practice focuses on claims against directors, officers, and professionals of corporations, as well as on class action lawsuits.

Christopher T. Lenhart has been elected to the partnership of Brown Raysman Millstein Felder & Steiner LLP, the largest Minneapolis-based law firm. Mr. Lenhart and his wife, Amy Novak live in downtown Minneapolis. Ms. Novak is an assistant city attorney in the City of St. Paul City Attorneys Office, Criminal Division.

Kara Copley Morell was elected to the partnership at Wiley Rein & Fielding LLP in Washington, D.C., effective January 2006. Ms. Morell has been practicing law at the firm’s insurance and litigation practices since September 1998 and is an active member of the recruiting committee.

Jonathan I. Nirenberg opened his own law firm, Resnick Nirenberg & Siegler in February 2006 in Roseland, New Jersey. The firm specializes in plaintiff’s side employment law.

David S. Widenor is a senior associate practicing in the business litigation and insolvency department at Damon & Morey in Buffalo, New York. Mr. Widenor and an associate are authors of the commercial law section of the Syracuse Law Review. They have written about the possible changes in commercial law from both a judicial and legislative perspective by looking both instructively and critically at emerging federal and state commercial cases. This is Mr. Widenor’s third year as a contributor. Mr. Widenor has a broad range of experience in domestic and international
commercial and general contract law, business and bank law, business torts, and intellectual property litigation.

In December 2005, Rachel S. Black was named a partner of Susman Godfrey LLP. The firm was recognized as one of the top litigation boutiques in the country by the American Lawyer (2005). It represents plaintiffs and defendants in a broad range of commercial areas, including antitrust, patent and intellectual property, securities and corporate governance litigation, energy, commercial and products liability, bankruptcy and financial restructuring, accounting malpractice, arbitration, and foreign and international litigation. The firm has offices in Dallas, Houston, Los Angeles, and Seattle.

Tanya M. Harding, a patent attorney, has joined Blackwell Sanders Peper Martin’s office in St. Louis as an associate. Ms. Tsai is a litigation associate at LeBoeuf, Lamb, Greene & MacRae. Mr. Fine is a litigation associate at Orrick, Herrington & Sutcliffe.

Christopher M. Griffith is currently general counsel to the Iraqi Commission on Public Integrity in sunny Baghdad, Iraq. The commission is roughly the equivalent of the U.S. Federal Bureau of Investigation.

Jennifer L. Weinfeld and husband, Andrew Weinfeld, are keeping busy with their first child, Landon Scott, who was born on October 27, 2005. He weighed 5 pounds, 14 ounces, and was 18 ¼ inches long. The family moved back home to Colorado in July 2005, just before the birth.

Wendy R. Whitt Rader was released from active duty in the U.S. Air Force in November 2005 and married Major Bryan Rader on November 12, 2005. She joined a family medical practice defense firm in January 2006 and now serves as a captain in the U.S. Air Force Reserves.

Laura Toledo has joined Blackwell Sanders Peper Martin’s office in St. Louis as an associate in the litigation department, practicing in the areas of bankruptcy, restructuring and creditors’ rights, and business and commercial litigation. Prior to joining the firm, Ms. Toledo was an attorney adviser to the Occupational Safety and Health Review Commission and a staff attorney for the U.S. Court of Appeals for the Eighth Circuit.

Malaika M. Eaton and her husband, Michael, have been enjoying their son, Macail Henry Eaton, who will be one year old in December. The family lives in Seattle, Washington. Riker Danzig Scherer Hyland & Perretti LLP, based in Morristown, New Jersey, is pleased to announce that Lauren H. Lezak has become an associate with the firm in the commercial litigation group. Prior to joining the firm, she was an associate with Dillon, Bitar & Luther LLC of Morristown. At Cornell Law School, Ms. Lezak was a general editor of the Cornell Journal of Law and Public Policy and a vice chancellor of the Cornell Law School Moot Court Board.

Sharon Raviv is delighted to announce the recent opening of his own firm, Sharon Raviv Law Offices. Based just outside Tel-Aviv, Israel, his firm focuses on the representation of international and local clients engaged in a wide range of complex transactional matters, with particular emphasis on mergers and acquisitions (M&A), corporate finance, foreign investments, information technology outsourcing, and technology transactions. Prior to opening his own firm, Mr. Raviv practiced for several years at one of Israel’s premier law firms and participated in some of the most complex cross-border M&A deals in Israel in recent years. He can be reached at sharon@ravivlaw.com.

Jenna K. Herman now works with Ohrenstein & Brown. Ms. Herman handles both insurance coverage work and litigation, focusing on professional liability. She runs into Cornell Law School graduates all the time in New York City.

Hong Le Webb has joined the corporate finance practice group as Of Counsel at the Washington, D.C., office of law firm Dykema.
Ms. Webb’s practice focuses on securities and corporate law, with an emphasis on the application of federal securities laws to investment companies, insurance companies, and investment advisers. Ms. Webb most recently served as the sole in-house securities counsel to a publicly traded, global pension and employee benefits consulting firm. She has experience advising on public company matters, including securities offerings, periodic reporting and proxy solicitation, reporting obligations and securities trading restrictions applicable to officers and directors, mergers and acquisitions, corporate governance and board of director matters, and Securities and Exchange Commission investigations. Ms. Webb also has extensive experience in commercial contracts. While in law school, she was the editor of the Cornell Journal of Law and Public Policy and treasurer of the Briggs Society of International Law. She was a member of the Board of Directors of Associated Catholic Charities of the Archdiocese of Washington, D.C., from 1997 to 2002 and served on the finance committee during her entire tenure on the board. Ms. Webb now lives in Falls Church, Virginia.

Aaron O. Lavine ‘04 has been named the Sullivan & Cromwell Pro Bono Fellow. During the course of his one-year fellowship, Mr. Lavine has pursued pro bono cases exclusively. He has used the fellowship to pursue impact litigation that is ongoing within the firm and to add an increasing focus on asylum work. Through the impact litigation—which is in summary judgment now—Shi’ite inmates in New York’s prisons are seeking the right to pray separately from Sunni inmates who currently control the Muslim prison services throughout New York. The case thus includes claims under the free exercise clause, the establishment clause, the equal protection clause, and the Religious Land Use and Institutionalized Persons Act. “It has been a difficult but fascinating experience in the short time that I have been here,” said Mr. Lavine. “I have filed a sixty-five-page brief in opposition to summary judgment and argued half of the oral argument in district court.”

Joohong Park is an attorney with the law firm of Anspach Meeks Ellenberger LLP in Buffalo, New York. He married Meghan Elizabeth Hughes on October 2, 2004. The couple lives in Williamsville, New York. Marcelline B. Mosio has joined Kaye Scholer LLP as an associate in the New York office of the firm’s wills and estates department. Ms. Mosio and two other associates joined the firm with partner David J. Stoll, who will serve as co-chair of the department.

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

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