Reasonable Attorney Fees? by Professor Eisenberg

In the Service of Research: The Law Library

David Wippman is New Associate Dean

Cornell Law Forum

Summer 2004
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Cover: On Cayuga Lake
A Note from the Dean

As dean, I’m often asked what is distinctive or special about the scholarly mission of Cornell Law School. Before answering, I give two related caveats. The less important caveat is that I’m reluctant to highlight one aspect for fear of minimizing others. Our faculty distinguishes itself in many areas. A reader lacking nuance (who is unlikely to be reading this column anyway, given that those connected to Cornell Law School are known for their subtlety of mind) may infer an insult to five or ten areas when the dean highlights one or two.

The more important caveat also emphasizes the range of our scholarly mission. We are a professional school, training professional lawyers for the full sweep of legal studies. Our graduates will become leaders in public as well as private law, international as well as domestic practice, and be counselors and policymakers as well as litigators. Over a career, an individual may undertake many or even all of these roles. To fulfill our professional-training mission, then, the school needs a broad range of faculty. We cannot bunch our resources in a single area or methodology of legal study. We differ in this respect from graduate academic departments, which sometimes consciously emphasize one area or methodology over others. In other words, a great law school like Cornell—as a matter of necessity as well as pride—must be diverse in its scholarly approach.

With these caveats in mind, I happily discuss some of Cornell Law School’s distinctive areas. Our international and comparative scholarship is growing ever richer, with prominent connections in Europe, East Asia, and Africa, and an increasing presence in Latin America. We have a long tradition in labor and employment law, bolstered by our ties to Cornell’s School of Industrial and Labor Relations School and a line of faculty including Professors Konvitz, Hanslowe, Oberer, Stone, and Schwab. I will leave to other occasions the mention of other areas (please remember caveat one here).

The lead article in this issue of the Cornell Law Forum exemplifies another area of Cornell’s prominence—empirical legal studies. To put it succinctly, Cornell Law School is the world’s leading center for empirical legal studies. Professor Eisenberg’s lead article is an excellent example of empirical legal scholarship. So are any of the articles in the Journal of Empirical Legal Studies.

What exactly is empirical legal studies? In a broad and bland definition, all legal scholarship is empirical in its attempt to uncover and explain realities of the legal system. Put more crassly and narrowly, empirical legal scholarship assembles and analyzes data about the legal system—i.e., it contains tables and figures. Entire symposia have debated the meaning of empirical legal scholarship, so I won’t hazard a robust definition in this column. I’ll simply say that

Cornell Law School is the world’s leading center for empirical legal studies.

Stewart J. Schwab, The Allan R. Tessler Dean and Professor of Law

Blume, Clermont, Eisenberg, Garvey, Heise, Henderson, Hillman, Johnson, Morrison, Rachlinski, and Schwab. Other scholars on our faculty complement the data-crunching approach with related interdisciplinary or humanist approaches that enrich statistical analyses with thicker stories.

What is the Journal of Empirical Legal Studies (JELS)? JELS is the newest journal of Cornell Law School, published by Blackwell Publishers, edited by Cornell faculty, and peer-refereed. The empirical scholarship published in JELS is cutting-edge in its sophisticated methodology, and yet of immediate practical importance to legal policymakers and practitioners. It thereby obliterates the tiresome complaint that contemporary legal scholarship has little policy relevance. You may peruse the contents of JELS by clicking on the link at the Cornell Law School website.

Legal education often focuses narrowly on a specific case or doctrine. Lawyers are good at examining a particular issue or proposal, but often less skilled at seeing broader trends or systems. Empirical legal studies provides sophisticated lenses for a broader vision. The insightful lawyer needs bifocal lenses.

Happy reading.
What Is a Reasonable Attorney Fee? 
An Empirical Study of Class Action Settlements

Theodore Eisenberg and Geoffrey P. Miller

Editors’ Note: This article is based on Theodore Eisenberg and Geoffrey P. Miller, “Attorney Fees in Class Action Settlements: An Empirical Study,” 1 Journal of Empirical Legal Studies 27 (2004). The abridged version printed here is used with permission.

Determining an appropriate fee is a difficult task facing trial court judges in class action litigation. But courts rarely rely on empirical research to assess a fee’s reasonableness, due, at least in part, to the relative paucity of available information. Existing empirical studies of attorney fees in class action cases are limited in scope, and generally do not control for important variables. To help fill this gap, we analyzed data from all state and federal class actions with reported fee decisions from 1993 to 2002 in which the fee and class recovery could be determined with reasonable confidence.

We find that the level of client recovery is by far the most important determinant of the attorney fee amount. A scaling effect exists, with fees constituting a lower percent of the client’s recovery as the client’s recovery increases. The relation between fees and recovery is remarkably regular, and can be observed both in cases in which no fee-shifting statute applies, and in cases in which the plaintiff had a right to seek reimbursement under a fee-shifting statute. The presence of high risk is associated with higher fees, as is the presence of the case in federal rather than state court. Contrary to popular belief, we find no solid evidence that attorney fees increased during the period studied.

I. The Legal Background

When a class action settles, class counsel is generally entitled to a fee award, either under a fee-shifting statute, or through application of the common fund doctrine. The amount paid to class counsel must be approved by the court. With respect to fee-shifting statutes and awards of fees under the common fund rule, the fees is to be paid by the defendant, which does not have the ability to control the reasonableness of class counsel’s fee demands. Without judicial supervision, counsel could make unreasonable fee requests. In the case of fees from a common fund, counsel’s request for compensation creates a direct conflict of interest with the class. Because class members are dispersed, disorganized, and typically have a relatively small stake in the outcome of the litigation, the class cannot protect itself against an unreasonable fee request. Again, court protection is required to prevent counsel from enriching themselves at the
expense of the class. Class and derivative actions also present the specter that counsel will “sell out” the class or the shareholders by agreeing to a low recovery in exchange for a generous fee.

Many courts have adopted one of two methodologies for determining fees: the lodestar method, or the percentage method. Under the lodestar method, courts multiply the reasonable number of hours expended by counsel by a reasonable hourly rate, and then adjust the product for various factors. The lodestar method has numerous flaws, however. Courts cannot easily determine either reasonable hours or a reasonable hourly rate, and there are few protections against counsel exaggerating either or both figures. The calculation thus involves the courts in time-consuming and mind-numbing bean counting, and risks transforming the fee determination into a collateral lawsuit. Standards for determining any multiplier for the lodestar are unclear and potentially arbitrary, and the method creates a perverse incentive for counsel to waste time in order to run up the bill once a victory of some sort appears reasonably certain.

The percentage method of fee calculation fares better along these dimensions. Under this method, which resembles the contingency fee in individual tort cases, the court multiplies the amount recovered on behalf of the class by a percentage factor. The percentage method is easy to calculate, does not involve the court in fee audits, and does not create incentives to waste time. Although generally preferable to the lodestar method in cases where it can be used, the percentage method is also imperfect. In some cases (for example, actions for injunctive relief, or cases involving non-pecuniary relief, such as hard-to-value coupons) the amount recovered may be difficult or impossible to quantify. Determining the proper percentage may be difficult, especially when the case is unusual in dimension (very large or very small), or especially difficult or risky. The percentage method provides an incentive for counsel to settle early in order to avoid expending low-return hours. And, unless adjusted for risk, the percentage method tends to over-compensate counsel in easy cases where the probability of recovery is high. Perhaps in recogni-

**Table 1. Fee Percent Summary by Legal Regime and Case Category**

<table>
<thead>
<tr>
<th>Category</th>
<th>Non-fee-shifting cases</th>
<th></th>
<th>Fee-shifting cases</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean</td>
<td>Median</td>
<td>Std. dev.</td>
<td>N</td>
</tr>
<tr>
<td>Antitrust</td>
<td>21.4</td>
<td>23.3</td>
<td>9.9</td>
<td>36</td>
</tr>
<tr>
<td>Civil Rights</td>
<td>37.0</td>
<td>37.0</td>
<td>1.4</td>
<td>2</td>
</tr>
<tr>
<td>Consumer</td>
<td>16.2</td>
<td>13.0</td>
<td>10.6</td>
<td>52</td>
</tr>
<tr>
<td>Corporate</td>
<td>20.4</td>
<td>20.0</td>
<td>11.5</td>
<td>15</td>
</tr>
<tr>
<td>Employment</td>
<td>25.3</td>
<td>23.4</td>
<td>9.6</td>
<td>7</td>
</tr>
<tr>
<td>ERISA/ Pension</td>
<td>22.0</td>
<td>24.0</td>
<td>7.8</td>
<td>7</td>
</tr>
<tr>
<td>Mass Tort</td>
<td>18.3</td>
<td>18.7</td>
<td>7.0</td>
<td>7</td>
</tr>
<tr>
<td>Securities</td>
<td>24.1</td>
<td>25.0</td>
<td>8.9</td>
<td>142</td>
</tr>
<tr>
<td>Tax Refund</td>
<td>13.1</td>
<td>11.5</td>
<td>9.7</td>
<td>6</td>
</tr>
<tr>
<td>Tort</td>
<td>17.9</td>
<td>19.6</td>
<td>9.2</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td>24.8</td>
<td>27.5</td>
<td>8.1</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td>21.9</td>
<td>23.2</td>
<td>9.9</td>
<td>303</td>
</tr>
</tbody>
</table>

*Source: Reported class action settlements with fee awards, 1993-2002.*
tion that both the lodestar and percentage methods imperfectly estimate a reasonable fee, some courts adopt a blended approach that checks the percentage method for reasonableness against a lodestar calculation.

Regardless of the methodology used, courts could benefit from reviewing empirical evidence on the amounts awarded in analogous cases. Courts in this setting engage in a process of appraisal, and any appraisal can properly take account of comparable transactions. In fact, courts frequently cite prior court precedents in which fees have been awarded. But courts almost never examine empirical research that could potentially provide more systematic and statistically controlled information about awards.

II. Data and Empirical Results

To assess the factors that influence fees, we assembled a comprehensive database of published cases. We searched the WESTLAW “All Cases” database. Then we checked those searches’ results against a search of the LEXIS “Mega” database using the same search terms. We also compiled lists of citations in the cases found with these search requests, and included any additional cases meeting the basic search criteria. We further checked the list against the CCH Federal Securities and Trade Regulation Reporters. We sometimes gathered additional information about case characteristics from other sources. These searches yielded an initial list of 449 cases. Two of the most important variables for our purposes were fees and client recoveries. The fee was ascertainable in 417 class action cases. The client recovery was usually available from the opinion, and a usable figure was coded in 370 cases. The coding of these and other variables is explained in more detail elsewhere.4

We discuss fee award levels separately in relation to four major influences: legal regime (fee-shifting or not), case category, client recovery level, and time. Table 1 summarizes fees as a percent of recoveries by fee-shifting status and case category. The “Total” row shows substantial differences between fee-shifting and non-fee-shifting cases, and the higher fee percents in fee-shifting cases. The table also breaks down case categories in which counsel fees are awarded in class action cases. Securities law class actions tend to dominate, comprising over 40 percent of non-fee-shifting cases. But other categories, including antitrust and consumer cases, contribute substantial numbers of cases. Securities cases also tend to have high award percentages (though not the highest), but this result is not statistically significant when one controls for other factors. In non-fee-shifting cases,
the axiomatic one-third fee is inaccurate; a fee of 20 to 25 percent of the recovery better describes reality.

Descriptive statistics about the fee percent awarded, now broken down by the court’s method of computing fees, appear in Table 2. Consistent with Table 1, Table 2 shows higher percentage awards in fee-shifting cases. It also shows that the lodestar method differs in its effect depending on the degree to which it dominates. In non-fee-shifting cases, the pure percent method and the mixed method (in which both percent and lodestar play a role) yield quite similar fee percents. The data indicate that the pure lodestar method tends to reduce the fee percent.

The pattern shifts in fee-shifting cases. Now the pure lodestar method tends to increase awards compared to the other methods which may be employed in the settlement context.

Figure 1 shows the strong correlation between the fee amount and the client recovery. Each small circle represents a case’s fee amount and client recovery in the published opinion data. As the client recovery increases, so does the fee. This is not, in itself, particularly noteworthy. The surprising feature of the pattern is how tight the relation is. To the extent cases depart from the pattern, they tend to do so by having low fee amounts. That is, the data points most distant from the central pattern tend to lie below, not above, the pattern.

In addition to the scatterplot of individual award-recovery points, Figure 1 contains two lines. Each line represents the best-fitting regression line for a set of data. The solid line represents the best-fitting regression line for non-fee-shifting cases. The line represented by dashes represents the best-fitting regression line for fee-shifting cases. These one-variable regression models explain 89 percent of the variance in non-fee-shifting reported cases, and 90 percent of the variance in fee-shifting reported cases. Also reasonably impressive is the similarity of the fee-shifting and non-fee-shifting regression lines (slopes of 0.83 for non-fee-shifting cases, and 0.74 for fee-shifting cases). No obvious theoretical reason exists to predict this close fit between the results in both the fee-shifting and non-fee-shifting regimes. The fact that fees and recovery correlate so closely across the two regimes suggests that courts may be engaging in an intuitive approach that awards fees in relation to class recovery, regardless of the formal methodology being used to calculate the fee.

The relation between the fee percent (in contrast to the fee amount) and client recovery is also of interest. Figure 2 explores this relation. Like Figure 1, the figure combines a scatterplot of individual cases with separate best-fitting regression lines for fee-shifting and non-fee-shifting cases. In addition, the figure separately identifies fee-shifting reported cases, designated with an “f,” and non-fee-shifting reported cases, designated with an “n.”

Two major points emerge from the figure. First, the data reveal a scale effect. As client recovery increases, the fee percent decreases. The regression lines share a substantially negative correlation with the size of the client’s recovery. The simple regression models explain substantially less of the fee percent than
The hypothesis that attorney fees are increasing over time finds little support in our data. Figure 3 shows the essential facts. Neither the mean nor the median level of fee awards has increased over time, either for non-fee-shifting or fee-shifting cases. In one sense, this should come as no surprise. The fee level is fundamentally linked to the client’s recovery, and client recoveries have not increased over time. In another sense, the result is intriguing. No real-dollar increase in the level of fee awards in major cases over the course of a decade is not the sort of fact we are accustomed to hearing. Impressions of fees as ever-increasing need greater empirical support than has been offered to date.

We explored the relation to fee awards of the above and other factors in regression models that account for multiple factors. The models confirm that the overwhelming determinant of fee amounts is the amount of the recovery for the class. This is not a surprising result for common fund cases, given that fees in many such cases are determined as a percent of the class recovery. In fee-shifting cases, however, gross recovery for the class is also a significant determinant, even though—in theory, at least—court-awarded fees in such cases are not necessarily a function of the amount of class recovery.

Regression analysis also confirms other key findings, and supports additional findings. Regression models show that the scaling effect suggested in Figure 2 (decrease of the fee as a percentage of class recovery as the class recovery increases) survives controlling for other factors. Risk influences fee awards in the expected manner. When courts mention risk in a way that we interpret as reflecting high risk, or when we could otherwise confidently code risk as high, there is a significant association with both the fee level and the fee percent. Cases we interpret as being low-risk, on the other hand, are associated with lower fees. We find little evidence that fees as a percent of the recovery are higher in state court class actions than in federal court actions. If anything, the opposite is true. This federal-state difference is a bit surprising in light of the business community’s support for legislation shifting more class action cases from state to federal court. Regression analysis also confirms the simple story of Figure 3. We find no robust evidence of an increase in fees over time. We
also find no evidence that the presence of soft relief, such as coupons, influences fee levels. Focusing on a subset of the data—those cases with a computable lodestar amount reported—suggests that, in comparison to the client recovery, the lodestar fares poorly as a cost-effective way of calculating the fee, especially in non-fee-shifting cases. Models using the client recovery are more efficient in explaining fee awards. Producing a client-recovery-based fee requires less effort than producing a lodestar fee, since the lodestar requires judicial scrutiny of hours and determination of hourly rates.

III. A Practical Application—
A Table to Check on Fee Awards

Our study may assist courts in evaluating requests for attorney fees in class action cases. Because our study finds an overwhelming correlation between class recovery and attorney fees, the court can initially examine these two variables in cases in which the size of class recovery can be estimated. The court can compare the fee request in a given case with average awards in cases of similar magnitude. If the request is relatively close to average awards in cases with similar characteristics, the court may feel a degree of confidence in approving the award. If the request is significantly higher than amounts awarded in past cases, the court should inquire further. The methodology is more appropriate for non-fee-shifting cases, in which, as Table 1 shows, the range of fee award percents varies less than in fee-shifting cases. Accordingly, we use only non-fee-shifting cases in the following analysis.

To provide numerical guidance, we divide the client recoveries in our published opinion data by decile, assigning approximately 10 percent of the cases to one of ten ordered groups. For each client recovery decile, we compute the mean and median fee percents as well as the standard deviation for the published opinion data set. Since the deciles contain approximately equal numbers of cases, each fee percent computation is based on similarly-sized samples. Table 3 reports the results.

<table>
<thead>
<tr>
<th>Client recovery decile</th>
<th>Recovery range in decile ($ millions)</th>
<th>Mean recovery in decile ($ millions)</th>
<th>Mean fee percent</th>
<th>Median fee percent</th>
<th>Standard dev., fee percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10%</td>
<td>&lt; 1.4</td>
<td>0.8</td>
<td>29.5</td>
<td>30.0</td>
<td>5.9</td>
</tr>
<tr>
<td>10 to 20%</td>
<td>1.4 to 3.1</td>
<td>2.3</td>
<td>26.5</td>
<td>25.0</td>
<td>10.9</td>
</tr>
<tr>
<td>20 to 30%</td>
<td>3.1 to 5.2</td>
<td>4.3</td>
<td>25.0</td>
<td>29.4</td>
<td>7.9</td>
</tr>
<tr>
<td>30 to 40%</td>
<td>5.2 to 9.7</td>
<td>7.2</td>
<td>25.6</td>
<td>26.0</td>
<td>7.0</td>
</tr>
<tr>
<td>40 to 50%</td>
<td>9.7 to 15</td>
<td>12.0</td>
<td>22.7</td>
<td>22.4</td>
<td>8.4</td>
</tr>
<tr>
<td>50 to 60%</td>
<td>15 to 22</td>
<td>18.8</td>
<td>22.0</td>
<td>24.5</td>
<td>8.6</td>
</tr>
<tr>
<td>60 to 70%</td>
<td>22 to 38</td>
<td>30.4</td>
<td>19.0</td>
<td>19.0</td>
<td>9.9</td>
</tr>
<tr>
<td>70 to 80%</td>
<td>38 to 79</td>
<td>53.7</td>
<td>16.9</td>
<td>15.5</td>
<td>10.2</td>
</tr>
<tr>
<td>80 to 90%</td>
<td>79 to 190</td>
<td>122.2</td>
<td>17.6</td>
<td>15.0</td>
<td>9.2</td>
</tr>
<tr>
<td>Greater than 90%</td>
<td>&gt; 190</td>
<td>929.1</td>
<td>12.0</td>
<td>10.1</td>
<td>8.1</td>
</tr>
</tbody>
</table>

Note: Client recovery amounts are in millions of inflation-adjusted $2002 Source: Reported class action settlements with fee awards.
million (with a range of $5.2 to $9.7 million). The next three columns show the summary statistics for the fee percent within each client recovery decile.

With respect to fee percents, Table 3 shows, for example, that the mean fee percent in the lowest client-recovery decile in the decided cases data was 29.5, the median was 30.0, and the standard deviation was 5.9. In the highest decile of recovery, the mean client recovery was $929 million. The mean fee percent was 12.0 percent, with a median of 10.1 percent, and a standard deviation of 8.1 percent. Clearly, a substantial scaling effect is at work.

Our suggestion is that fee requests which fall within one standard deviation above or below the mean should be viewed as generally reasonable, and should be approved by the court unless other reasons are presented to question the fee. Fee requests which fall within one to two standard deviations above or below the mean should be viewed as potentially reasonable, but in need of affirmative justification. Fee requests falling more than two standard deviations above or below the mean should be viewed as presumptively unreasonable; attorneys seeking fees above this amount should be required to come forward with compelling reasons to support their request.

To illustrate how a court could use this information, suppose class counsel requests a fee of $12 million, equal to 40 percent of a recovery of $30 million. Because this is more than two standard deviations above the mean fee award percent at this recovery level, the court should presumptively disapprove the request unless powerful reasons counsel in favor of approval. In evaluating the fee according to this methodology, the court could appropriately take into account factors such as case type and risk, which this study has shown tend to influence the amount of the fee.

IV. Conclusion

The single most important factor determining the fee in class action cases is the size of the client’s recovery. As a percent of client recovery, fees tend to fall noticeably below the widely-quoted one-third level, ranging from about 30 percent in the smallest cases down to about 10 percent in the largest cases. We find no robust evidence that attorney fees in common fund cases have increased over the ten-year period studied. Fees tend to be higher in federal court than in state court cases. Fees as a percentage of the recovery tend to be higher in high-risk cases than in other cases. We find no evidence that either soft relief included in the estimated benefit for the class, or soft relief that is not included in the estimated benefit, has any upward or downward effect on the fee award.

We find robust evidence of a scaling effect. The percent of the recovery that goes to attorneys decreases as the size of the recovery increases. This effect can be interpreted as supporting the underlying theory for class actions. As similar cases are aggregated, the efficiency gains yield an increased net return to clients.

1. Fee-shifting statutes provide that defendants must pay the reasonable attorneys’ fees of prevailing plaintiffs. E.g., 42 U.S.C. § 1988(b) (2000).
5. Id.
6. Id.
The Gould Reading Room, the heart of the Cornell Law School library, calls to mind the magnificent common rooms of medieval colleges and monasteries. Banks of windows provide light even on the dullest days; lofty ceilings and open spaces suggest freedom and clarity of thought. It is easy to believe that the carved woodwork and the portraits that look down from the walls have endured here for hundreds of years. But Myron Taylor Hall is less than a century old, and the library’s most recent addition—the Jane M. G. Foster ’18 expansion, which houses two more floors of stacks and carrels—was completed in 1988.

Beneath the leaded windows and oak shelves, information moves through the library at lightning speed. Library director Claire Germain and the two dozen staff members who organize and tend the Cornell Law Library collections don’t have much time for quiet contemplation. They are too busy teaching students how to sift through thousands of public and proprietary databases, and how to use complex search tools to locate contemporary scholarship in online electronic journals. Wireless connections beam case citations onto the screens of students’ laptops. Clicking keys are heard at least as often as the rustling of pages.

The law library looks like a refuge for timeless scholarly enterprise; it’s also one of the fastest-moving, forward-looking legal information centers in the country. “The Cornell Law Reading Room really is the most beautiful of the study rooms at Cornell. The wireless internet systems and plugs at each of the study tables have maintained the beauty of the room while making it an excellent place for students to study in and research from. Additionally, the new computer terminals have really enhanced the ability of students to conduct legal research while in the library,” says William Fork ’05.

The Law Library’s Rare Book Collection: A Critical Resource

Before the word “online” was coined, the library’s treasures were all in printed form. The Law School library started with the purchase of a four-thousand volume collection assembled by Merritt King, a local attorney. At that time, in 1887, the school and its library were housed in Morrill Hall; it wasn’t until 1893 that the Law School got a building of its own. Named after the Law School’s first dean, Judge Douglass Boardman, Boardman Hall cost $110,000 to build, and boasted steam heat and electric light.

After his death, Dean Boardman’s widow and daughter purchased for the Law School the enormous library of Albany attorney Nathaniel C. Moak. The twelve-thousand-volume collection doubled the law library’s holdings at a single stroke.

Many of Mr. Moak’s volumes can still be found in the Dawson Rare Book Room. Thanks to the generous gift of Donato A. Evangelista ’57 in honor of his father-in-law, the Rare Book Room is home to a collection of important early editions of landmark legal treatises, court decisions, and statutes; it ranks among the top ten such collections in the country. Cornell students can see at first hand the flowering of Anglo-Norman common law as they examine sixteenth- and seventeenth-century and court reports (year books) from England, while rarities from the Continent trace the growth of legal systems derived
from Roman law. One of the library’s treasures is a copy of the first printed edition of Bracton’s *De Legibus et Consuetudinibus Angliae*, an early attempt to lay out systematically the entire corpus of English law. Other treasures include copies of Coke’s *Institutes* and Blackstone’s *Commentaries*. The collection forms, as Cornell law library curator of law rare books Barbara Grant once described it, “a replica of the library any self-respecting barrister in seventeenth-century Britain would have owned.”

The law library has acquired more archival treasures over the years. The *Earl J. Bennett (class of 1901) Collection of Statute Law*—much of which is now held in “the Cage,” a secure wire enclosure on the old ground floor—contains session laws and compiled laws for the federal government, as well as all states and territories. Some date back to the colonial era. Many academic law libraries have old state session laws on microfiche, but few still maintain actual paper copies of superseded state codes. Although researchers need the assistance of a librarian to access volumes, information on laws pertaining to slavery, women’s rights, voting and taxation can be viewed without having to peer at documents on microform. More recent acquisitions include the hundred and fifty bound volumes of documents belonging General William J. Donovan (1883–1959), special assistant to the U.S. chief prosecutor, Supreme Court Justice Robert H. Jackson, at the Nuremberg Trials of Nazi war criminals. These documents were donated to the law library by Henry Korn, a generous benefactor of the Cornell Law School. Many of the documents in this latter collection survive in other libraries, but the Donovan volumes contain pieces of private correspondence not found elsewhere.

The Donovan collection provides a good example of the many forms in which legal information can exist today. Cornell has entered into a collaborative agreement with the *Rutgers Journal of Law and Religion* to make General Donovan’s papers more accessible to researchers. The RJLR has a special interest in those materials in the collection that document the Nazi plan to destroy systematically the structure of the Christian church in Germany. The law library

Beneath the leaded windows and oak shelves, information moves through the library at lightning speed. Clicking keys are heard at least as often as the rustling of pages.

**William P. Rogers ’37 and Adele Langston Rogers ’36 Collection** of papers and memorabilia from the former Secretary of State, generously donated to the Law School by the Rogers family, and the trial records of Samuel S. Leibowitz ’31, counsel for the defendants of the Scottsboro Trials. The Dawson room also holds nearly one hun-

**Alumni Support the Library with Generous Gifts**

- The Jack Clarke ’52 Comparative Law Book Fund, for foreign, comparative, and international law materials.
- The Sheppard A. Guryan ’67 Law Library Endowment, for the acquisition of books and related materials on the History of Jurisprudence and American Legal Thought.
- The Judge Alfred J. Loew Memorial Fund, to which the Mervis family has made generous additional contributions.
- The Earl J. Bennett (class of 1901) Collection of Statute Law.
- The Harry Bitner Research Program, to which Richard Gilden ’71 and Lorraine Bitner have made generous additional contributions. The fund honors Mr. Bitner, Ms. Bitner’s father, who served as director of the Cornell law library from 1965–1976, and who is remembered as a giant in the field of law librarianship.
- Several alumni also regularly donate books to the Rare Book collection.
has agreed to make both acid-free print copies as well as digital copies of each of the documents in the archives for the RJLR; the RJLR, in turn, promotes the documents to the scholarly community.

From Page to Screen: The Transformation of Information

Why is it so important to put documents like these online? For one thing, it brings the law library as close as one’s computer. The Cornell Law Library website is an online presence for law students, faculty, and scholars who prefer to make use of the law library’s resources from their laptops, whether they are working in their own studies, in Cornell courtyards, or in airport lounges in Berlin or Mumbai.

Through its website, the library provides a wealth of legal research information from other sources to its users. Several links on the website deserve particular mention. The law library portal features a link to the International Court of Justice (ICJ), and serves as a mirror site for the Court. In 1995, Stephen Schwebel, then president of the Court, heard about Cornell’s expertise in web-based technologies, and contacted the law library to request help establishing a website. The library introduced him to John Greco ’98, a computer-specialist-turned-law-student who was working as a library research assistant. The following summer, Mr. Greco traveled to the Hague to help design and set up a site for the Court. A couple of years later, the Court asked the law library if it would serve as its official U.S. mirror site. (When a site is heavily used, mirror sites are set up to duplicate the content of the original site on another server.) The court’s docket and decisions are just a couple of mouse clicks away from the law library’s portal.

The library also serves as the official web site for the International Labor Organization (ILO), which itself maintains a massive directory of resources dealing with labor standards in all the countries of the world. Documents pertaining to child labor law, migrant labor, occupational workplace hazards, and other special research topics are clearly indexed and instantly available from the ILO site.

Since 2001, the law library has been working with the Small Business Administration (SBA) on their e-government site. Jean M. Callihan, head of reference services, is the senior editor for New York State content portion of the site, updating it several times a year. She works with SBA staff members in Seattle and the District of Columbia. “Partnering with the SBA has been a great experience,” says Ms. Callihan. “On a practical level, my familiarity with New York government agencies, law, and regulations has increased. On a more important level, however, the enthusiasm and innovation put into the project by my SBA partners is contagious, and causes me to think about implementing our online services to faculty and students in new ways.”

The Law School has a web-based research portal of its own: the Legal Information Institute (LII), one of the most heavily consulted general-use legal websites on the net. While the law library and the LII websites link to each other, the LII is a separate entity. The site was the subject of a story in the Cornell Law Forum (“The Mushrooming Virtual Law Library on the Net,” July, 2000).

“Law librarians at Cornell are teaching students the strategies to find the law, and the judgment to determine the authoritativeness of varied print and web sources.”
Online Legal Research Sources

“Lawyers don’t know the answer to every question that walks through the door. But they must know how to research legal issues to develop the answer. In our complex, fast-paced society, the law develops on multiple fronts and is discoverable from a variety of angles. Law students are learning the skills to succeed, and that has to include legal research skills. Law librarians at Cornell are teaching students the strategies to find the law, and the judgment to determine the authoritativeness of varied print and web sources. These are research steps that no attorney can afford to skip,” reports Patricia G. Court, Assistant Director for Administration and Public Services.

Over the past two decades, legal research has seen wholesale transformation as federal and state jurisdictions put cases and codes online, and citation services have digitized their databases. When the library surveyed Cornell law students this past summer, 50 percent said they used a combination of online resources and printed material; 74 percent said they were eager to learn more about online legal research. In response to their requests, library staff members—the holders of dual degrees in law and library science—have tailored courses to produce researchers who can offer law firms superbly-honed sets of skills.

Special one-credit courses are offered in international law, business law, and other sub-specialties.

The library staff helps students cope with the “drinking from the firehose” phenomenon, the overwhelming flood of legal information available online. The staff selects, catalogs, and organizes information to assist all users of the law library, training students to integrate text and on-line resources most efficiently and effectively. They teach students how to get the most out of their proprietary database search time.

If a book lies hidden away in an attic for two hundred years, it can still be opened and read. Information in electronic form has a much shorter lifespan.

They provide beginning and upper-level research courses that supply them with tools and methods for legal research. During reunion, the law library schedules training sessions to teach alumni to use new research techniques. The law library also publishes a newsletter, both online and in print, to inform researchers of new developments. In InSITE, a separate online publication, the library staff reviews legal websites they think legal researchers might find useful, and offer brief commentary and guides. Alumni are welcome to sign up to receive the newsletter and InSITE (see box).

It’s not just the wealth of online information that poses a problem for the law library. “The main problem with digital information,” Professor Germain points out, “is that the library owns nothing. It pays for content, but does not physically or contractually own the information. Furthermore, typically, when the subscription is cancelled, the library does not have any archival rights. That is why we in the library are trying hard to negotiate better electronic licenses with the publishers, including the right to download archives of materials to a local server. Another problem posed by digital information,” she continues, “is its built-in obsolescence. It does not last as long as paper, and it needs to be refreshed, migrated, and somehow archived in a permanent way.” If a book

Website and InSITE Information

The library’s website is http://www.lawschool.cornell.edu/library/

For an e-mail subscription to InSITE, alumni may send their request to: listproc@cornell.edu: in the message put Subscribe InSITE-L [YourFirstName] [YourLastName], or visit the website at www.lawschool.cornell.edu/library/RESOURCES/insite.htm.

To be notified when the Law Library Newsletter is available online, send an e-mail to the editor, Jean Callihan at jc374@cornell.edu.
lies hidden away in an attic for two hundred years, it can still be opened and read. Information in electronic form has a much shorter lifespan; punch cards and reel-to-reel tape have already become obsolete.

What will happen in another twenty years, when companies no longer service or sell the software packages that allow users to navigate through databases? Big research libraries have begun to systematize the “migration” of data, moving it to more appropriate media to ensure its usefulness over the long term. Stored information must be migrated into new forms and technologies as they appear, and libraries have to find a way to do this quickly and economically. Professor Germain has brought the library into NELLCO (the New England Law Library Consortium) and LIPA (the Legal Information Preservation Alliance), groups formed to purchase electronic databases more efficiently, and to assist with archiving and migrating problems.

In the Service of Research: Where Cornell Law Library Excels

With all the emphasis on online sources, it can sound as if the books in the library’s collection are becoming superfluous. Nothing could be further from the truth. Books and serials in print form still constitute the heart of the library’s collection. Legal publishing hasn’t slowed at all in the past ten years. The library’s purchase of books and periodicals “continues to support new programs that have emerged in the past few years, such as the death penalty clinic, feminist jurisprudence, law and economics, and an increasingly global curriculum,” says Professor Germain.

Even authoritative online sources need print backup. Court case reports online are not always corrected or updated dependably. While cases are easy to read online, state and federal codes are sometimes easier to handle in print form. The director of the law library at the University of California at Davis, George Grossman, has said, “If legal information were available only in electronic form, someone would invent the book.”

A Sampling of the 8,550 Questions Answered by the Law Library Staff

- How can extradition from France of a U.S. citizen be handled when the citizen faces the death penalty, a punishment to which the French government is opposed?
- What is the legislative history of the original 1790 patent laws?
- How does Talmudic law vary in Jewish communities worldwide?
- How did voting statutes and poll taxes develop and change in various states?
- Are legal qualifications transferable between the member nations of the EU?
- What is the nature of the diplomatic relationship between Sierra Leone and Nigeria?
- How does the California experience of energy deregulation compare with that of Germany?

The People behind the Print

Print materials are essential; so are the specialists who can make sense of competing sources. If you ask Law School faculty members how they feel about the library, it’s the library staff members and their expertise that tend to get mentioned. “When you take into view the collection and the service, the Cornell Law Library is the best in the nation,” says Professor Kevin M. Clermont. Professor Steven Shiffrin talks with enthusiasm about the library’s faculty-staff liaison program, which assigns a researcher from the library staff to every professor. “All I have to do is give her some idea of what I’m looking for,” says Professor Shiffrin of the liaison he has worked with, “and she comes back with piles of great material. It’s not the kind of library where they don’t want you to get anywhere near the stacks,” he adds.

To say that the law library director’s job doesn’t have much turnover is something of an understatement. Only seven people have held the position since the founding of the Law School in 1887. The position of administrative assistant to the director has, if possible, even less turnover. Administrative assistant Crystal Hackett, who started at the Law School in 1964, has served four of the library’s seven directors. She has gone from taking shorthand and making car-
bon copies for her first boss, Lewis Morse, to desktop publishing for Professor Germain.

Under Professor Germain’s predecessor, Jane Hammond (1976–1993), the library catalogue was put online for the first time, and the Foster addition was completed. Now, under Professor Germain, the library’s collection has continued to grow, particularly in the areas of international and interdisciplinary law; it ranks among the top twenty of the 185 law libraries in the country. The service counter in the Gould Reading Room has been opened up to make staff members more approachable. The law library makes use of the online services of WorldCAT, a huge library catalog database; Borrow Direct, an interlibrary loan service which allows researchers to borrow books directly from another library without the help of a librarian; and Ariel, an internet-based document-scanning system.

Even in an electronic world, though, there is no substitute for human relationships. Behind the electronic links to organizations on the library’s website lie warm professional ties. The alliance with the International Court of Justice came about when Judge Schwebel himself made contact with the library. More relationships have been fostered through Professor Germain’s networks in the world of French law and in her position as director of the joint degree program between the Law School and the Université Paris 1—Panthéon Sorbonne. The official of the International Labor Organization who approached the law library about linking to its website, Jean Pierre Laviec, was a French law professor. Professor Germain is also pursuing an alliance with Montreal’s McGill University; this Canadian law school, with its superb French and English-language legal scholarship, lies closer to Cornell geographically than many such schools in the United States.

Community, after all, is what makes the library. There is even a little time for romance. William P. Rogers ’37, the former secretary of state whose collected artifacts and memorabilia are stored in the Dawson Rare Book Room, met his wife in the Gould Reading Room, an occasion he said was “the best thing that ever happened to me.” Professors Emily Sherwin and Kevin Clermont were married beneath its towering windows not too long ago. Professor Germain, who has made a private collection of such stories, cites a recent wedding piece in the New York Times in which the couple stated they’d met while studying in the law library. The clean lines and uplifting spaces of the Reading Room may inspire great scholarship of the mind; but they also give freedom to the hearts of individuals.

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The law library welcomes correspondence, and is especially interested in archiving alumni memories of Cornell Law School and the Law Library. Please write to cmg13@cornell.edu.

Additional research for this article was provided by Claire M. Germain, the Edward Cornell Law Librarian and professor of law; Crystal B. Hackett, administrative assistant; Matthew M. Morrison, reference librarian; and Elizabeth Teskey, assistant to the head of technical services.
David Wippman is New Associate Dean of Academic Affairs

David Wippman is the newly appointed Associate Dean of Academic Affairs for Cornell Law School. “I look forward to working with faculty, administrators, and students to strengthen even further the Law School’s already rich academic programs,” Dean Wippman said.

Dean Wippman received a B.A. in English literature summa cum laude from Princeton University in 1976, and an M.A. in English from Yale University two years later. After serving as editor in chief of the Yale Law Journal, he graduated from Yale Law School in 1982, and started clerking for Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit later that year. The following year, Dean Wippman joined the firm of Powell, Goldstein, Frazer and Murphy. In 1984, he joined Reichler and Appelbaum, becoming a named partner in 1987.

In 1992, Dean Wippman joined the Law School faculty as an associate professor. He took a year’s leave in 1998 to become director for Multilateral and Humanitarian Affairs with the National Security Council. After his return to Cornell, he became a full professor in 2000, specializing in international human rights, ethnic conflicts, and international criminal law. Dean Wippman is currently working with two co-authors on a book on humanitarian intervention and the rule of law, supported by grants from the Carnegie Corporation and the U.S. Institute of Peace, as well as on an edited volume on recent developments in the laws of war, also supported by a Carnegie Corporation grant.

“David Wippman is a dedicated teacher and a leading scholar in the law of war,” said Dean Schwab. “He is admired by colleagues for his thoughtful and balanced judgment.” Dean Schwab concluded by saying, “I look forward to working closely with him. I also want to thank the immense efforts of Professors John Siliciano and Gary Simson, who graciously and efficiently kept the administrative ship moving during the transition in deans.”

Changes in Alumni and Development at Cornell Law School

Early in May, Dean Schwab met with the External Relations staff to announce that the department will align more formally with Cornell’s Division of Alumni Affairs and Development, effective July 1. The University will shortly begin the initial phases of a multi-year capital campaign, a campaign in which the Law School will play a central role. The realignment will allow greater coordination between the two. The External Relations staff will continue to be housed in Myron Taylor Hall, and for the most part the change will be invisible to the Law School community.

Additionally, Harry B. Ash, associate dean for external relations, plans to retire at the end of the calendar year. In the intervening six months, he will assume a term position as special assistant to Dean Schwab. In over thirteen years of dedicated service to the Law School, Dean Ash has advised five deans and interim deans in development matters. “We are grateful for his leadership over this period, including such major initiatives as the Law School’s scholarship campaign, ‘A Gift Through Time,’ to name one of many,” said Dean Schwab. “We will begin a search for Harry’s replacement as soon as possible. I want to take this opportunity to thank the External Relations staff for the hard work and dedication they have shown during this time of transition, and to give a special thank-you to Harry for guiding the group.”

New Assistant Dean of Public Service and other Career Changes

Dean Schwab announced in March that Karen V. Comstock had been named the Law School’s first assistant dean for public service. While public interest law is not new to the Law School, the position was created to give it more prominence and create more opportunities for law students to get involved, said Dean Schwab. “Karen’s energy and expertise in this area make her an ideal administrator to take on the task of building our program,” he continued. In her new position, Dean Comstock is
working full-time to enhance the school’s public service programs and initiatives, and to attract additional support for them. The programs include enhanced career services for current students and alumni, the summer Public Interest Fellowship (PIF) program, a low-income protection plan, and a grant program for law school graduates in low-paid public sector work.

Since joining the Law School staff in 1994, Dean Comstock has been active in a number of public interest roles, including serving as advisor to the Public Interest Law Union (PILU), and as chair of the committee which revised the Law School’s Public Interest Loan Repayment Program for graduates working in public interest law. She also helped energize the PIF’s fund-raising efforts, including the PIF Cabaret. PIF sponsors talks and promotes discussions on social justice issues such as law and poverty, welfare reform, social inequities, corporate responsibility, and governmental accountability.

With Dean Comstock now focusing her attention entirely on public service, the Law School’s assistant dean for student services, John R. DeRosa, assumes oversight of all career office activities relating to private sector employment. In addition to his career services duties, Dean DeRosa serves on several Law School committees, and works very closely with Anne Lukingbeal, associate dean and dean of students, on the provision of academic and personal counseling to students. He also serves as an advisor to the Law School’s many student organizations, particularly on matters relating to budgets and university policies.

Dean DeRosa and his staff will be investing significant amounts of time in expanding relationships with the School’s private sector alumni, with an eye towards strengthening the Law School’s relationships with law firms and corporations both domestically and abroad. Graduates and friends of Cornell Law School are encouraged to contact Dean DeRosa if they wish to discuss strengthening ties with their own organizations.

Dean Lukingbeal will head a search committee for a new director of Career Services. The new director will provide career assistance for students whose interests and aspirations are focused on the private sector of law firms and corporations, and will be supervised by Dean DeRosa. The two will work together to expand the Law School’s outreach and service to private sector employers. “I am convinced that there are exciting challenges and opportunities for us to explore in the public and private areas, and this new arrangement will serve both sectors very well,” said Dean Schwab.

Human Rights During the “War on Terror”

“In The Trenches: Human Rights During the ‘War on Terror’” was the topic of this year’s Cyrus Mehri Public Interest Lecture, presented on February 25 by the deputy director of the Asia Division of Human Rights Watch, Saman Zia-Zarifi ’93. Mr. Zia-Zarifi spoke about his recent travels to Afghanistan and Iraq, where he participated in emergency missions investigating human rights abuses arising out of the conflicts in these countries. A slide show accompanied his talk.

The role of Human Rights Watch, Mr. Zia-Zarifi explained, is to monitor and promote human rights around the world. It conducts investigations and engages in advocacy campaigns to change the human rights policies of abusive governments, and to influence governments and international institutions. Mr. Deans Wippman, Ash, and Comstock

Saman Zia-Zarifi ’93 (right) talking with students about Human Rights Watch following his presentation of the Cyrus Mehri Public Interest Lecture
Zia-Zarifi spoke specifically about conditions in Iraq, where, he said, it is imperative that American and British forces provide security for mass gravesites to prevent spontaneous digging by bereaved relatives. These sites are crime scenes that will provide crucial evidence for tribunals the U.S. government has said should be established to prosecute the crimes. He has also spent time in Afghanistan, a country he says is drifting back to its former position as a haven for terrorists, drug traffickers, and criminals. This trend, he said, needs to be combated with an increased commitment of military and economic reconstruction efforts, more peacekeepers, more human-rights monitors, and more money.

Previously, Mr. Zia-Zarifi directed the Academic Freedom Program at Human Rights Watch. He has written widely on the impact of multinational corporations and economic globalization on human rights, including *Liability of Multinational Corporations for Violating International Law* (co-edited with Menno Kamminga). A reception in the Law School’s Berger Atrium followed the lecture. The Cyrus Mehri Public Interest Lecture series is made possible by a gift from Cyrus Mehri ’88.

**BROWN V. BOARD OF EDUCATION: FIFTY YEARS LATER**

On February 28, the *Cornell Law Review* hosted its annual symposium in the Harriet Stein Mancuso Amphitheater of the Cornell Law School. This year, the *Law Review* commemorated the fiftieth anniversary of the Supreme Court’s decision in *Brown v. Board of Education* with a symposium entitled “Revisiting *Brown v. Board of Education*: Fifty Years of Legal and Social Debate.” Fourteen participants from across the country came to Ithaca to share their insight and expertise. Among them were Cornell Law School Professors Michael Heise, Gary J. Simson, Theodore Eisenberg, Sheri Lynn Johnson, and Winnie F. Taylor.

The presentations offered a diverse range of views and insights into the meaning and impact of *Brown*. Marcia G. Synnott, of the University of South Carolina, discussed the Supreme Court’s recent decisions in the University of Michigan affirmative action cases, while Michael A. Olivas, of the University of Houston Law Center, addressed the desegregative ideal and racial college identity. In separate presentations, Amilcar Shabazz, of the University of Alabama, Jody D. Armour, of the University of Southern California Law School, and William J. Rich, of the Washburn University School of Law, looked at the promises *Brown* made and the hopes it inspired, providing a critique of its impact and enduring force in today’s society. Adding to the expansive perspective of the day,
Alan Wieder, of the University of South Carolina, incorporated his experience teaching in South Africa into his discussion of non-racialism and an educational worldview, while David E. Wilkins, from the University of Minnesota, compared the historical experiences of African-Americans and aboriginal peoples.

Professor Heise presented the keynote address, focusing his remarks on the role of social science in the Brown decision and its role in the equal educational opportunity doctrine. His interpretation of what he termed the “interdisciplinarity” of law sparked a lively discussion, which students, alumni, and practitioners in the audience all appreciated. Similar question-and-answer sessions throughout the panels allowed wider participation and stimulated discussion. Professor Taylor’s reflections on the impact of Brown in her own life and education ended a thought-provoking day with a powerful reminder of Brown’s possibilities.

International Law Journal Symposium

On February 20 and 21, the Cornell International Law Journal held its 2004 symposium, entitled “International Peacekeeping in Countries Utilizing Child Soldiers: Unique Problems of Security and Rebuilding.” The symposium focused on the distinct problems of peacekeeping and rebuilding in nations where the presence of prolonged warfare has resulted in the depletion of adult troops and the recruitment of children as soldiers. Currently, it is estimated that more than 300,000 children in over thirty countries continue to be exploited as soldiers.

The symposium began with a keynote address by Franklin Kargbo, who currently serves as executive secretary of the Sierra Leone Truth and Reconciliation Commission, and who suggested a regional approach to the problem. Mr. Kargbo has served in the past as chief of the Human Rights Office for the United Nations Peacekeeping Mission in Ethiopia and Eritrea (UNMEE), deputy director of public prosecutions for the government of Gambia, Attorney General for the government of Sierra Leone, and Minister of Justice for the government of Sierra Leone.

Following the keynote address, two panels explored other approaches to the problem of child soldiers. The first panel, entitled “The Problem of Re-Acclimating Child Soldiers into Society Assuming Peacekeeping is Successful: the Trauma and Long-Lasting Psychological Effects of Warfare on Children,” focused on a holistic approach of reintegration, including psychological treatment and vocational training. The panel was comprised of practitioners in the field, each of whom has extensive experience reintegrating child soldiers all over the world: Christine Knudsen, children and war specialist, Save the Children; Kathleen Kostelny, director of the Project on Children and Violence and senior research associate at the Erikson Institute for Advanced Study in Child Development; and Michael Wessells, senior child protection specialist for Christian Children’s Fund. The second panel, entitled “The International Law Barring Child Soldiers in Combat: Problems in Enforcement and Accountability,” investigated why, despite extensive and clear international law barring the use of children as soldiers, the problem remains so widespread. This panel consisted of representatives from the United Nations, American foreign service, and non-governmental entities: Ilene Cohn, United Nations Department of Peacekeeping Operations; Michael Southwick, former ambassador to Uganda, now of the...
United States Institute for Peace; and Kathy Vandergrift, policy analyst at World Vision Canada, and co-chair of the Watchlist for Children and Armed Conflict.

The symposium was a great chance for the participants to interact with each other and the students. Discussion, due to the differing approaches among the different groups, was extremely lively. Says Charles F. Dender ’04, the journal’s editor in chief, “It was one of the most successful symposiums in ILJ history.”

Radical Religious Right in U.S. Government
The religious right and its effect on policy-making was the focus of a six-day, community-wide symposium titled “Church and State: The Radical Religious Right in U.S. Government,” held from March 31 through April 5. The program included free public lectures, panel discussions, films, and a play. Events were held on the Cornell and Ithaca College campuses, at Tompkins County Public Library, and at other Ithaca locations. The symposium was coordinated through the Center for Religion, Ethics and Social Policy (CRESP) at Cornell; Cornell United Religious Work; and TheocracyWatch, a project of CRESP.

“Religious freedom is one thing,” said TheocracyWatch director Joan Bokaer. “But religious extremism is something completely different. What people aren’t aware of is just how deeply the radical religious right has penetrated all three branches of our government. We really are very close to becoming a theocracy.”

“Church and State” guest speakers included Cornell Law School professors Gary J. Simson and Steve H. Shiffrin; Rob Boston, director of Americans United for the Separation of Church and State; Larry Moore, H.A. Newman Professor of American Studies/History and director of the American Studies Program at Cornell; Isaac Kramnick, Cornell vice provost for undergraduate education and professor of government; Gary Buseck, Lambda Legal Defense director; Ellis Hanson, Cornell associate professor of English; Lisa Maurer, Ithaca College Lesbian, Gay, Bisexual and Transgendered Education, Outreach and Services; Anna Marie Smith, Cornell associate professor of government; and Jim Wallis, preacher, activist, and editor in chief of Sojourners magazine.

The symposium was co-sponsored by Cornell Cinema, Planned Parenthood of Tompkins County, the Ithaca College Interfaith Community, the Common Ground, and various Cornell University departments.

Professor Summers Lectures at Celebration of Napoleonic Code
From February 19 through 21, Robert S. Summers, the William G. McRoberts Research Professor in the Administration of the Law, lectured at the Free University of Brussels at a symposium celebrating the 200th anniversary of the Napoleonic Civil Code. Participants came from a dozen countries; Professor Summers represented the United States.

The Napoleonic Code was promulgated in 1804, and was part of a more general codification movement extending through parts of Western Europe and also to the Americas. Professor Summers is a scholar of the American Uniform Commercial Code, the largest body of private law ever enacted by the American state legislatures. He is co-author (with University of Michigan professor James J. White) of a four-volume treatise on this code; it is the most widely-cited treatise on the subject both in the American courts and in the scholarly literature.

In Brussels, Professor Summers discussed the idea of codification, and treated the differences between the Napoleonic Code and the Uniform Commercial Code, contending that the Napoleonic Code had little influence on our Code. He also demonstrated the special and continuing influence of the Napoleonic Code on the law of Louisiana.

French Law in Action
Edward Cornell Law Librarian and professor of law Claire Germain went to Paris in January and February as part of a Cornell University Faculty Teaching in Innovation Grant designed to enhance a course she teaches called “Introduction to French Law.” Assisted by project manager Claire Van Den Blink and camerawoman Joy Quiggle, both of Cornell University Information Technologies, Professor Germain worked on a video project entitled French Law in Action.
The video consists of twelve interviews conducted with legal professionals, lawyers, academics, and judges by Professor Germain. Several of those interviewed were Law School alumni, including Denis Bensaude, LL.M. '91, an arbitrator at the Bredin-Prat law firm (and former lead counsel for the Francophone team at the International Court of Arbitration of the International Chamber of Commerce); Cassandre Mariton, LL.M. '01, a lawyer with Cleary Gottlieb; Delphine Simon, a maitrise en droit '01, a litigator with Bird and Bird (a British law firm); and Mikael F. Nabati ’05, a student in the J.D.-maîtrise en droit program. The video clips will be edited and streamed over the Internet to provide additional enrichment for the course, which Professor Germain plans to teach in the fall semester.

Claire Germain to Become President of AALL

“Applause is due to our colleague Claire Germain,” announced Dean Schwab in April. Claire M. Germain, Edward Cornell Law Librarian, professor of law and director of Cornell Law School’s Joint Degree Programs in Paris and Berlin, was elected vice president/president-elect of the American Association of Law Librarians (AALL), just after her election to as vice chair and chair-elect of the American Association of Law Schools (AALS) Section on Libraries at the annual meeting in Atlanta in January. “These two positions demonstrate Claire’s high regard among her peers,” said Dean Schwab.

Professor Germain’s term of office as vice president of the AALL starts in July, 2004; she will serve as president from July, 2005 through July, 2006, a term which includes officiating at the 2006 annual meeting in St Louis, Missouri, the celebration of the centennial of AALL. The AALL fosters law librarianship and law libraries, and provides leadership and advocacy in the field of legal information and information policy. It has now grown to over 5,100 members, from academic to corporation, firm, and state, court, and county libraries.

Of her election to the AALL, Professor Germain said, “I am truly honored to be elected to this position by my fellow law librarians. I am looking forward to my terms as vice president and president, and already have a list of agenda items for our consideration, including the preservation of electronic legal information. I also hope that I can bring increased focus to the importance of legal research as a specialty of law. Law librarians are an essential element in helping practitioners of law, law offices, and legal institutions maintain their authority, competitiveness, and reliability.”

Successful Year for the Clark Program’s Colloquia

The Clarke Program in East Asian Law and Culture’s Spring 2004 Colloquium Series has been a great success. The series gives faculty and students an opportunity to hear new and innovative research on the cultures and law of East Asia. Attendance at the lectures this year was nearly double last year’s; the series represents the largest weekly gathering of students and scholars interested in East Asia at Cornell. In addition to the Law School, students and faculty come from almost every college on the Ithaca campus.


Bulgarian Ambassador Visits Law School

Her Excellency Elena Poptodorova, the Bulgarian Ambassador to the United States, visited the University on February 11 and spoke at the Law School on “The Rule of Law in Bulgaria—an Emerging Democracy: New Concepts, Legal Instruments and Practices.” Her talk, the initial event in the Spring 2003 Berger International Speaker Series, emphasized the importance of the judiciary in insuring that broader democratic and economic reforms succeed in countries now making the transition from communism to democracy.

Ambassador Poptodorova has been her country’s ambassador in Washington for the past two years. Before that, she headed the Directorate of International Organizations and Human Rights and was a spokesperson for the Bulgarian Ministry of Foreign Affairs. From 1975 until 1990, she was an official of the Bulgarian Ministry of Foreign Affairs, a period which included service as the Minister Plenipotentiary in the Bulgarian Embassy in Rome, and as Consul General of Bulgaria in San Marino. From 1990 until 2001, Ambassador Poptodorova was a member of the Bulgarian Parliament. In 2002, she was made an honorary member of the Parliamentary Assembly of the Council of Europe, in recognition of her services toward furthering the
European cause, including her work as a member or officer of the Inter-Parliamentary Union, the Parliamentary Assembly of the Council of Europe, and the International Forum of Parliamentarians on Population and Development. She has also been a member of the boards of many non-governmental organizations, including the American University in Bulgaria, and since 1997 has been the President of Action for Democratic Awareness in the Process of Transition (ADAPT Bulgaria). In Washington, she is a member of the Women’s Forum and the Executive Council of Diplomacy.

**West Point Faculty Member Lectures On the Iraqi Special Tribunal**

Michael A. Newton presented a Berger International Speaker Series lecture on February 18 entitled “The Long and Winding Road: Rebuilding Justice in Iraq.” He discussed the formation of the Special Tribunal and the challenges in implementing its objectives.

Lieutenant Colonel Newton, a member of the faculty at the United States Military Academy, has extensive experience working in support of the International Criminal Tribunals for Yugoslavia and Rwanda and the Special Tribunal in Sierra Leone, as well as in the negotiations preceding the creation of the International Criminal Court. Since November, 2000, Lieutenant Colonel Newton has joined Iraqi jurists in the effort to restore the rule of law in Iraq. He assisted with the drafting of the Statute for the Iraqi Special Tribunal. In December, 2003, he was in Baghdad during the announcement of the Statute, and taught international law to the distinguished jurists and lawyers expecting to be selected to serve on the Special Tribunal.

**Panel Addresses U.S. Foreign Oil Dependence**

On March 3, the Clarke Fund for the Middle East and the Cornell Law School Environmental Law Society co-sponsored a panel on “U.S. Foreign Oil Dependence: Is Alternative Energy the Forgotten Weapon in the War on Terrorism?” The panel discussed issues at the nexus of United States energy policy and national security.

David Dunford, U. S. Ambassador to the Sultanate of Oman from 1992–1995, and Deputy U.S. Ambassador to Saudi Arabia from 1988–92 (including fifteen months as acting ambassador), described the current Middle Eastern political environment and ways in which U.S. energy policy affects that region. Max Martina, of the Alternative Energy Institute in Tahoe City, California, outlined the current state of alternative energy possibilities and their feasibility both now and in the future. Finally, David Driesen, professor at the Syracuse University College of Law and author of The Economic Dynamics of Environmental Law (MIT Press, 2003), presented arguments in support of the view that environmentally beneficial technological innovation would be a more effective public policy goal than economic efficiency.

**The Role of Legal Advisers in United Nations Peacekeeping Missions**

On March 29, Anthony J. Miller, a retired principal legal officer in the United Nations Office of the General Counsel, and a United Nations lawyer for almost thirty years, shared his expertise with an audience at the Law School as part of the Berger International Speaker Series.

Drawing, in part, on his experience as legal advisor to the United Nation’s mission in Kosovo, he explained the role of the legal instruments that govern the three main types of United Nations peacekeeping missions (traditional, multi-dimensional, and governance), as well as the main tasks of the legal adviser and his or her staff in peacekeeping missions. He also gave the students in attendance suggestions about how they could increase their chances of getting a legal position at the United Nations.

**Using International and Comparative Law in Domestic Litigation**

On March 30, the Berger International Speaker Series and the Women’s Law Coalition co-sponsored a luncheon talk entitled “A Comparative Perspective in Lawmaking: What it Means for Reproductive Rights,” by Laura Katzive, J.D.-LL.M. ’97. Ms. Katzive is the legal adviser for global projects in the International Legal Program at the Center for Reproductive Rights, New York City. Her area of focus is advocacy at the United Nations, as well as program research on global laws and policies addressing abortion, female genital mutilation, and maternal mortality. She has published extensively in this area, and is co-author of Abortion in Nepal: Women Imprisoned (2002) and Claiming Our Rights: Surviving Pregnancy and Childbirth in Mali (2003). Before joining the Center as a legal advisor in 1999, she was a fellow in the Center’s International Legal Program. Ms. Katzive was awarded the Freeman Award for Civil and Human Rights at Cornell Law School.
Ms. Katzive discussed the current willingness of countries around the world, including the United States, to consider international and foreign law when making or interpreting domestic law. She explained that comparative perspectives have proven particularly important in resolving questions of individual rights, with courts and lawmakers turning to the international community for an indication of prevailing values and standards. While international law and national-level trends indicate increasing respect for reproductive rights, global advocacy has never been more important. According to her, these trends create both opportunities and challenges for reproductive rights lawyers around the world, as governments take divergent positions on issues with implications for women’s rights to health and autonomy.

**Semester Study Abroad Opportunities Continue To Grow**

Beginning in the fall semester of 2004, Cornell Law School students will be able to spend a semester studying at the University of Cape Town, South Africa; at Pompeu Fabra University, Barcelona, Spain; and as part of the University College London’s “Semester in London” program. These locations are in addition to existing exchange agreements with Hamburg’s Bucerius Law School, the University of Heidelberg, and Berlin’s Humboldt Universität, all in Germany; Central European University, in Budapest, Hungary; ESADE, in Barcelona, Spain; Université Paris I—Panthéon-Sorbonne, in Paris, France; the University of Sydney, Australia; and Waseda University Graduate School of Law, in Tokyo, Japan.

Approximately twenty-five members of the class of 2005 are expected to participate in the Law School’s study abroad program, in addition to those students engaged in the more extensive international joint degree programs (J.D.-maîtrise en droit; J.D.-M.LL.P., and J.D.-D.E.S.S.).

**Inaugural LL.M. Seminar Series in 2003–04**

During the 2003–04 academic year, the Graduate Legal Studies Program, in conjunction with the LL.M. Association, kicked off the inaugural LL.M. Seminar Series. LL.M. students have all completed their first degrees in law abroad, and many arrive with significant practice experience. The luncheon series is designed to give them an opportunity to present papers on areas of law in which they have expertise, and is open to the entire Law School community.


As an outgrowth of the series, the LL.M. Association initiated and sponsored a conference in April inviting LL.M. students from other top schools to join them in presenting papers covering four major areas of the law at the Law School (see accompanying article).

**Legal Systems in Asia-Pacific Countries**

On April 10, the LL.M. Association and the Asian Pacific American Law Students Association (APALSA) jointly held a conference entitled “An Overview of the Legal Systems in Asia-Pacific Countries.” The conference was attended by over fifty participants, and brought together students from all over Cornell University. The two objectives of the conference were, first, to provide participants with an overview of the legal systems of almost all of the countries in the Asia-Pacific region, and, second, to establish a forum for discussion on U.S. legal processes by way of contrast with legal processes of the Asia-Pacific countries. Participants included undergraduate students and graduate students from the Law School, the Johnson Business School, and the Real Estate School.

In the opening address, Dean Schwab noted the importance of such a forum in a world brought closer together by technology and politics. Professor Barceló further highlighted the value
in the study of different approaches to the resolution of similar legal issues in the keynote address. Most of the speakers at the conference were LL.M. students from Cornell Law School. They presented information about the legal systems of over fifteen Asia-Pacific countries, including a brief overview of recent history, a description of the political system, an explanation of how the courts are organized, and a description of law schools and the legal profession.

Presentations reviewed the legal systems of the People’s Republic of China (Shi Yu Hua and Bill Huo Zeng Guang), India (Navoneel Dayanand), Indonesia (Yosea Iskandar), Japan (Hirotoshi Osajima, Junko Gono and Koh Hinokawa), Malaysia and Singapore (Sheila Francis of Rouse & Co. International), the Philippines and the Indochina countries of the Laos PDR, Cambodia, and Vietnam (Riza B. Vera), South Korea (Oh Seung Jin), Taiwan (Peggy Wen Pei Yi) and Thailand (Ngamnet Triamanuruck, Sansanee Phongpala, and Sirikanang Chaiyasuta).

The Federalist Society at Cornell Law School

The Federalist Society for Law and Public Policy Studies is a national organization of conservative and libertarian students, lawyers, and professors interested in the current state of legal order. The society’s mission is to encourage critical thought about our legal system by providing a forum for debate among members of the legal community—primarily, but not exclusively, in law schools. This year, Cornell Law School’s student chapter was very happy with the active engagement of ideas provided by Cornell students and faculty members of all viewpoints who attended and participated in our discussions.

The local chapter’s specific goals for the past year were two-fold. First, the group tried to expand discussion of constitutional interpretation by digging further into commonly held theories and proposing alternative ideas. They were pleased to host speakers from all areas of the legal profession—public interest, private practice, government, and academia—and to present members of the Law School’s own faculty, as well as professors from other law schools. Despite the variety represented on the speaker panels, Cornell students questioned and challenged each speaker, and their contributions were a critical component of every debate.

The chapter’s second goal was to create an opportunity for law students and faculty members to debate current policy issues of the day. Thanks to the co-sponsorship of other organizations—namely the American Constitution Society and the National Lawyers Guild—they enjoyed tackling topics that have become increasingly important in recent years, topics such as affirmative action and school choice. They also discussed new developments in crucial areas such as criminal law, taxation, and corporate responsibility.

Toward the achievement of these goals, the chapter invited a wide range of outside speakers to campus, including Ward Connerly, chair of the American Civil Rights Institute; Clint Bolick of the Counsel for Strategic Litigation, Institute for Justice; Robert Levy and Roger Pilon, senior fellows in Constitutional Studies at the Cato Institute; Randy Barnett, Boston University Law School; John McGinnis, from Northwestern University Law School; Charles Steinman, Deputy Assistant Attorney General in Rochester; and Tom Terrizzi, executive director of Prisoners’ Legal Services of New York. Law School faculty members who contributed their insights to the academic discussions included Professors Michael Heise and Steven H. Shiffrin (debating on school vouchers), Professor Trevor W. Morrison (do-not-call registry debate and the debate on restoring the lost constitution), Professor Jeffrey J. Rachlinski (debate on ideology in the elite academy), and Professor Edward A. Zelinsky (double taxation lecture).

The Cornell chapter also contributed to off-campus events, and specifically spearheaded a debate on the role of criminal law in corporate responsibility in New York City. (Participants included George Terwilliger III, White & Case LLP; Eileen...
O’Connor, Assistant Attorney General, Tax Division, U.S. Department of Justice; John Baker, Louisiana State University Law Center; Mary Beth Buchanan, U.S. Attorney for the Western District of Pennsylvania; and Douglas Ginsburg, Chief Judge, U.S. Court of Appeals for the D.C. Circuit).

The student members of the local Federalist chapter hope to continue to involve other student organizations in events that share their goal of fostering debate. As members of the Cornell community, the student organizers would also like to express their sincere gratitude to members of the faculty and administration who demonstrated their commitment to increasing active legal debate at Cornell Law School by devoting their time, support, and advice to the students involved: Dean Anne Lukingbeal, and Professors Kevin M. Clermont, Michael Heise, Douglas A. Kysar, Trevor W. Morrison, and Sheri Lynn Johnson.

External Moot Court Competitions
The Moot Court Board is pleased to announce that Cornell Law School had six impressive showings at the external moot court tournaments attended by Cornell teams this year. First up was the Law School’s national team, which attended the regional competition of the National Moot Court Competition. The team, which consisted of Edward D. Altabet ’04, Ryan J. Hayward ’04, and Bradley R. Wilson ’04, argued through several preliminary rounds and made it to the semifinal round. Next, the juvenile law team traveled to the National Juvenile Law Moot Court Competition at Whittier Law School, arriving in Costa Mesa, California in mid-January (a welcome change from the cold of Ithaca). The team, composed of Heather D. Buchanan ’05 and Melissa L. Baker ’05, argued several rounds against stiff competition, and earned a respectable position in the final rankings.

Soon after, Evan S. Rothfarb ’05 and Thomas A. Carnrike ’05 participated in the National First Amendment Moot Court Tournament at Vanderbilt Law School. They made it to the quarterfinals, besting many of the thirty-two schools represented. Next up was the Mardi Gras National Sports Law Tournament, where David C. Temes ’05, Phillip L. Haspel ’05, and Russell J. Edelstein ’05 represented Cornell. The team made it to the second day of argument, and placed fourth in the brief competition. (To the chagrin of the team members, the tournament’s name proved deceptive, as Mardi Gras was over well before arguments began.)

Not to be outdone by those traveling to New Orleans, the team of Judith A. Amorosa ’05 and Francesca L. Miceli ’05 braved the tundra of the north to attend the National Civil Rights Moot Court Tournament in Minneapolis. Arguing the very timely issue of homosexual rights with regard to family planning, Ms. Amorosa and Ms. Miceli went 3–0 in the preliminary rounds, but were eliminated by one of the eventual winners. As an added bonus, Ms. Amorosa was named a finalist for the Best Oralist Award for her outstanding advocacy.

Finally, the Law School’s Prince Memorial Evidence team traveled to Brooklyn Law School in mid-March to compete in what has become a yearly tradition for Cornell, the Dean Jerome Prince Memorial Evidence Competition. Kira A. Davis ’04, Ankur H. Doshi ’04, and Kimberly L. Taylor ’05 argued selective waiver of attorney-client privilege and the confrontation clause all the way to the semifinal round. Most importantly, their brief was named Best at Competition.

The Moot Court Board is extremely proud of this year’s fifteen competitors. Unlike programs at competing law schools, moot court activities at Cornell are truly extracurricular. Teams prepare without the benefit of a dedicated faculty coach, and they earn no academic credit for their work. Nevertheless, our teams consistently distinguish themselves in many areas of specialized advocacy. The success of these teams speaks of the quality of the Cornell education, and to the dedication of students who choose to compete in external competitions.

Law School Sends Team To French International Moot Court Competition
The Law School also sent a three-student moot court team—Celine A. Burgaud ’05, Melissa L. Baker ’05, and Margaux E. Matter ’05—to the twentieth annual René Cassin European Human Rights Competition, held from April 13 through 16 at the Council of Europe in Strasbourg. The competition involves mock trials based on the European Convention on Human Rights. The trials are held in French, and are open to students of law and political sciences from universities around the world. The Cassin Competition, organized by the association Juris Ludi (“game of law”), and sponsored by the Council of Europe, is one of the world’s foremost French-speaking mock-trial events. In 2004, fifty-seven teams competed. The only U.S. law schools represented were Cornell and the University of Washington.

In addition to the Cassin Competition, Cornell Law School students participated last spring in the four international moot court competitions in which the school traditionally competes—the Philip C. Jessup International Law Moot Court Competition, the Niagara Moot Court Competition (invited U.S. and Canadian schools), the Willem C. Vis International Commercial Arbitration Moot (in Vienna, Austria), and the Fasken Moot Court Competition (for first-year students, in Toronto).
Trial Advocacy Takes the Stage

The halls of Myron Taylor are filled with students pacing, combing the Federal Rules of Evidence, and barking into cell phones such phrases as, “I will not stipulate to the admissibility of that knife—it has serious chain of custody problems!” Why are these students suddenly acting with force and purpose more appropriate to seasoned litigators? They are preparing for their very first trials.

These students are a part of Trial Advocacy, an upper-level course taught by Glenn Galbreath, assisted by experienced local practitioners of criminal and civil law from the Ithaca area, including alumni Michael R. Berg ’78, Stephen B. Flash ’85, Jevon L. Garret ’95, Scott A. Miller ’95, and Mark J. Solomon ’84. Students learn all the aspects of trial practice, such as closing arguments, direct and cross-examination of a variety of witnesses (ranging from local fifth-graders to experts), jury selection, and introducing exhibits. They work from canned case files from the National Institute for Trial Advocacy, cases that thousands of lawyers across the country have worked with over the last thirty years. Mr. Galbreath calls these timeless cases one of the “secret handshakes” of the lawyering practice. “Everyone remembers poor Charlie Shrackle and John Diamond,” he jokes about two of the case files’ fictional characters.

Students must perform in front of classmate in the John W. MacDonald Moot Court Room at least once a week, and each performance is videotaped—a daunting exercise that causes trepidation in the hearts of even the most stalwart students. Performances are critiqued by at least two different adjunct professors, and the critiques form an important part of the course. Students learn from personal experience that reasonable minds can disagree about the merits and drawbacks of style and strategy choices—an important lesson regarding the likely effect of any courtroom technique upon jurors.

The focus on hands-on, practical skills is a welcome change from reading casebooks for many of the second- and third-year students taking the course. In fact, this spring’s course held a record enrollment of over sixty students. “Exploring my courtroom alter-ego and learning how to strategize at every level of the case has been a lot of fun,” says Karen M. Phillips ’05. “It’s wonderful to learn while I’m in law school how much I love litigation.” The public nature of the learning in Trial Advocacy motivates most students to spend long hours preparing each week. “Neither grades nor faculty motivation is required in this course—all the motivation comes from the students themselves, from the realization that they’re going to be doing this for real, and the fact that the sooner they get a feel for it, the sooner they will become comfortable with advocacy,” explains Mr. Galbreath.

The final exam of the course is what really gets the law students talking like lawyers, however. Student teams of two must perform a full-day mock trial in a Tompkins County courtroom in Ithaca. The cases range from armed robbery, rape, false insurance claims, and arson, and every effort is made to recreate the real courtroom experience for these first-timers. Real jurors hand down verdicts, and real judges from all over the state volunteer to spend a weekend in Ithaca in order to preside over the mock trials. Among them are Marianne Furfure ’78, Donald J. Mark ’53, Walter J. Relihan Jr. ’59, Judith A. Rossiter ’86, and Ellen M. Yacknin ’77. State Supreme Court Justice Relihan notes, “There are many terrors any fledgling advocate must conquer. They can be mastered, but experience is the key. I’m delighted to meet and help the students who are willing to try their hand. Trial lawyers, of course, are among the most important shapers of our legal world.”

“On Mothers, Babies and Bathwater: Distributive Justice, Tort Law and Prenatal Duties”

On April 21, Tsachi Keren-Paz, College of Management Academic Studies Law School (Tel Aviv, Israel), a visiting scholar with the Gender, Sexuality & Family Project, presented his paper, “On Mothers, Babies and Bathwater: Distributive Justice, Tort Law and Prenatal Duties.”

In his research on these issues, Professor Keren-Paz applies to the context of maternal prenatal duty the general claim that tort law should promote as one of its goals a better attainment of distributive justice. Common legal belief holds that maternal prenatal duty of care places a negative burden on potential defendants. In his talk, Professor Keren-Paz argued that autonomy, although significant, is not a convincing reason in itself to oppose such a duty. Crucial to this argument is the fact that...
it is the autonomy of women that is limited. Moreover, and somewhat counter-intuitively, Professor Keren-Paz argues that a genuine distributive-egalitarian concern can in fact support the imposition of liability, within the limits of actual insurance coverage, when certain conditions are met.

**Women’s Law Coalition Hosts A Week of Events**

At the end of March, not only did Cornell Law School have women on its walls; women flooded the halls, too. Why? For Women’s Week, of course! The Women’s Law Coalition (WLC) presented a week’s worth of programming oriented toward educating the Law School community about issues facing women.

The week kicked off on Monday with a panel entitled “Understanding the Lawyer-Client Relationship in Domestic Violence Cases.” The panel included JoAnne Miner, director of the Cornell Legal Aid Clinic; Sue Robinson, resource coordinator for the Tomkins County Integrated Domestic Violence Court; and Erika Sussman ’98, of the Office of the Pennsylvania Coalition Against Domestic Violence organization. Professor Sussman is an adjunct professor at the Law School this semester. The practitioners discussed the personal, sociological and legal challenges within the lawyer-client relationship.

On Tuesday, students and faculty gathered in the Berger Atrium for lunch and a talk given by Laura Katzive, J.D.-LL.M. ’97 (see item on page 21). On Wednesday, the Saperston Lounge turned into a forum to discuss a feminist critique of tort reform. Lucinda Finley, a University of Buffalo Law School professor nationally known for her scholarship on gender issues in tort law, discussed how legislative efforts to reform tort law affect women. For instance, arbitrary caps on “non-economic” damages, which include injuries such as loss of fertility, or pain and suffering, disparately affect women who do not work outside the home, and severely limit the amount of their possible recovery, because they cannot be compensated for “economic” losses such as lost wages.

Other activities included a self-defense class for women in the Law School’s squash courts taught by a local karate instructor. On the same day, the WLC held a potluck lunch to raise money for the memorial trust of Fern Holland, a human rights lawyer and women’s advocate in Iraq who was assassinated in March. Her work led to women’s rights being included in the Iraqi Constitution, which she helped to draft.

**Cornell Flag Football Team Has Great Season**

The Cornell Flag Football Intramural Team, consisting of third-year students Richard L. Etter, Uche D. Ndumele, Mark T. Oakes, Jason H. Terrana, and Bradley R. Wilson, along with second-year students Harrison L. Denman, Jesse E. Gary, Steven Grimes, Adam D. Perrelli, Jason P. Tufo, and Nathanael B. Yale, successfully participated and qualified for the intramural playoffs in November, 2003. They had a record of 4–1 through the regular season, and won three straight playoff games before winning the championship game 14–12. As the Cornell Intramural Champions, the Law School Team qualified to attend the National Intramural and Recreational Sport Association’s (NIRSA) Northeast Regional Flag Football Championship, held here at Cornell.

The team, now consisting of Rick Etter, Uche Ndumele, Mark Oakes, Jesse Gary, Steve Grimes, and Nate Yale, along with first-year student Timothy R. Bachman, came out victorious in a field of over forty teams from colleges and universities as far away as Ohio, West Virginia, and New Hampshire. They were the only law school represented in the Flag Football Tournament.

The team emerged from pool play as the tournament’s number-one seed—a first for any Cornell team—and marched undefeated through the elimination rounds, winning the championship game 38–12. Rick Etter was named the tournament’s MVP, and joined Steve Grimes and Uche Ndumele on the All-Tournament Team.

**The Women in Law Conference panel discussing lawyer/client relationships in domestic violence cases**
Following this second championship victory, the Cornell Team was invited to participate in the NIRSA Flag Football National Championships, held in New Orleans in December, 2003. The team was one of only eight regional champions to compete in the tournament. Despite a very successful run to get to New Orleans, the Cornell Team lost to the defending National Champions, and was eliminated from the tournament. The Cornell Law School Flag Football team would like to thank all of the individuals who supported them throughout their campaign, including Deans Lukingbeal and DeRosa, BARBRI, and all the others who gave the team financial and moral support.

Admissions Office Organizes Chicago Alumni and Admitted Student Reception
On April 13, Law School alumni in the Chicago area attended a reception for local students recently admitted to the Class of 2007. Andrew R. McGaan ’86 hosted the event, which was organized by the Admissions Office and held at the University Club in downtown Chicago. It was an intimate gathering, with several alumni and admitted students in attendance.

The featured speaker was Amy J. St. Eve ’90, United States District Court Judge for the Northern District of Illinois. Judge St. Eve spoke about her experience at the Law School, and shared her “top ten” reflections about life on the bench. Admitted students gained insight from the Judge and from other alumni on the value of a Cornell Law School degree.

Alumni and admitted student interaction is particularly important as students make their final decision on which law school to attend. The admissions office appreciates alumni efforts and support in recruiting talented students to continue the Law School’s tradition of excellence and achievement.

A Banner Year for Law School Annual Fund Phonathons
Current law students made connections with Law School graduates during the fall and spring Law School Annual Fund Phonathons, and an impressive number of alumni pledged new or ongoing support for Cornell Law School. A total of fifty-six student callers achieved record-setting results for these recent phonathon efforts. The dollar totals for alumni pledges from the November 2003 and February 2004 phonathons combined are up by 88 percent, from $77,060 in the 2003 fiscal year to $144,728 in the 2004 fiscal year. The number of alumni donors is up by 73 percent, from 402 in the 2003 fiscal year to 697 in the 2004 fiscal year. During the February phonathon, fifty-six Cornell Law graduates made first-time pledges. New donors are particularly important to the future of the Law School Annual Fund and its growing honor roll of donors.

The recent success of the phonathon program can be attributed to our enthusiastic and dedicated student callers, whose numbers have doubled during the 2004 fiscal year. Phonathon chairs are recruited for each law school class; these class liaisons then recruit callers to fill a schedule, with 104 calling slots for each phonathon. The volunteer phonathon class chairs give their time to recruit callers in the foyer of Myron Taylor Hall, and to send their classmates email messages encouraging their participation in the phonathon.

Phonathons are an integral part of the Annual Fund program, and are the best way to reach new donors. Students contact alumni on sixteen evenings during the academic year (eight nights during the fall semester and eight during the spring semester) to ask for support of the Cornell Law School Annual Fund. The callers update alumni contact information, provide information on what’s happening in Myron Taylor Hall and on the Cornell campus, and answer or refer any questions alumni may have about Cornell Law School. They also thank previous donors for their past support and ask for continued generosity. The callers also contact those alumni who haven’t given in the past in an effort to start a long-lasting relationship of support. The purpose of the phonathons is not only to increase alumni participation and monetary support, but also to allow the Law School’s alumni to feel a part of their alma mater.

With sixty percent of the Law School Annual Fund earmarked for student scholarships, and other amounts going to such areas as technology enhancement, visiting lecturers, law library purchases, program support, and building maintenance, these alumni phonathon contributions will have an impact on the legal education of all current students. Thank you to all alumni who have responded so generously, and congratulations to all student callers.
Gregory S. Alexander, the A. Robert Noll Professor of Law, has been on leave during the 2003–04 academic year. He spent the year as a Fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford University. In February, he gave a faculty workshop on “Takings in Comparative Perspective: Learning from the Germans,” at Santa Clara Law School. In April, he gave a talk at Boalt Hall (University of California at Berkeley School of Law) under the auspices of the Earl Warren Legal Institute. The title of the talk was “Property in Global Constitution-Making.” He also gave a presentation to other Fellows at the Center for Advanced Study, entitled “Saving Tahoe: Why the Development Moratorium Was Not a Taking.” During the year he worked on a book, tentatively entitled *Constitutionalizing Property: A Comparative Perspective*.

Harry B. Ash, associate dean for external relations, attended the American Association of Law Schools annual meeting in Atlanta, Georgia, where he met with the 2004 executive committee of the AALS Section on Institutional Advancement. Dean Ash serves as the committee’s secretary. He also held a separate meeting with his colleagues on the ABA Law School Development Committee to plan a conference on law school development for deans and administrators. Dean Ash then staffed a reception for incoming Dean Stewart Schwab at the AALS Conference before the two of them traveled on to Jacksonville, Miami, Naples, and Boca Raton for alumni visits, receptions, and dinners.

In late January, Dean Ash traveled to New York City to attend the mid-winter Law School Advisory Council meeting and the executive committee meeting of the Cornell Law Association. He and Dean Schwab met with alumni in Los Angeles, San Diego, and San Francisco in February to begin discussions with key volunteer leadership regarding the dean’s initial priorities. In early spring, Dean Ash traveled to Washington, D.C., Boston, and New York to attend individual meetings, receptions, luncheons, and dinners, where he discussed with alumni the Law School’s needs for faculty positions and research support, facilities, increased student aid, and scholarship support.


John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law and Elizabeth and Arthur Reich Director of the Leo and Arvilla Berger International Legal Studies Program, joined with the Cordell Hull Institute in Washington, D.C., to plan twin conferences on “The Role of the WTO System in the World Economy.” The first will be held in Paris in connection with the annual Cornell-University of Paris I Summer Institute of International and Comparative Law. The second will be held in Washington, D.C., in September. Participants will include senior officials, leaders of opinion, and independent experts. The two conferences are intended to go back to first principles and clarify the purpose of the multilateral trading system in order to impart a stronger sense of direction to the current Doha Round of trade negotiations.

Professor Barceló will present a paper at each conference on the general topic “Reinforcing WTO Rules in Domestic Law and Courts.” At the Paris conference he will address this important issue from an American perspective, while Ernst-Ulrich Petersmann from the European University Institute in Florence will discuss the same topic from a European standpoint. The papers presented at the two conferences will be published in two separate volumes.

In late April and early May, Professor Barceló lectured on WTO law at the Central European University in Budapest. In late June, he lectured at the Intellectual Property Center in Munich on international commercial arbitration.

As Reich Director of the Berger International Legal Studies Program, Professor Barceló hosted several lectures and luncheons during the spring semester at which guest speakers ad-
dressed topics in international and comparative law. He also served on the International Studies Advisory Council, chaired by Vice-Provost Walter Cohen, and on the Steering Committee of the Institute for European Studies.

**John H. Blume**, associate professor of law and director of the Cornell Death Penalty Project, participated in an April symposium at William and Mary Law School, co-sponsored by the Cornell Death Penalty Project and the William and Mary Institute of Bill of Rights Law. The theme of the symposium was International Law and the Death Penalty.

In March, Professor Blume also represented the respondent Michael Alvarado in a case argued before the United States Supreme Court. The issue in the case was whether a suspect’s status as a juvenile—Mr. Alvarado was seventeen at the time he gave the statements that led to his conviction—was relevant to a determination of whether the individual was in custody for Miranda purposes.

Professors Blume and Johnson presented a paper at the *Cornell Law Review*’s symposium celebrating the fiftieth anniversary of *Brown v. Board of Education*. Their paper addressed similarities and differences between *Brown* and another of the Warren Court’s famous decisions, *Miranda v. Arizona*.

Professor Blume also discussed the findings of the Capital Jury Project at a training program for capital defense attorneys in New Orleans in April.

In January, **Charles D. Cramton**, assistant dean for graduate legal studies, spoke on a panel discussing J.S.D. programs at the annual meeting of the Association of American Law Schools in Washington, D.C. At the meeting he was also re-elected to the executive committee of the Association’s section on Graduate Programs for Foreign Lawyers.

As part of the Graduate Legal Studies Program this year, Dean Cramton initiated a monthly LL.M. seminar series in conjunction with the LL.M. Association. Each month, Cornell LL.M. students from around the world presented papers on topics related to their areas of expertise, or on 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.

Dean Cramton is now in his fourth year as a member of the New York State Continuing Legal Education Board, which has responsibility for overseeing continuing legal education in New York state. In addition to normal board duties, he also serves on the Board’s Appeals Review committee. He remained active on the NYSBA’s Committee on Legal Education and Admission to the Bar, attending several meetings throughout the spring. He was appointed chair of the committee in June. In April, Dean Cramton attended the annual meeting of the National Association of Law Placement, where he facilitated a roundtable discussion on placement for international lawyers in U.S. LL.M. programs. He also continues as a member of NALP’s International LL.M. Task Force.

**Glenn G. Galbreath**, senior lecturer and staff attorney in the Legal Aid Clinic, while fully occupied with teaching four courses each semester (including a Trial Advocacy class with almost twice the normal number of students), found time to participate in a variety of activities outside the Law School. He was re-elected to a fourth four-year term as the Village of Cayuga Heights Justice, and attended the New York Unified Court System’s Advanced Certification Training Programs for Town and Village Justices. Through the Center for Development of Human Services, S.U.N.Y. Buffalo, he continues to lecture and do demonstrations for child abuse investigators around the state regarding their presentation of courtroom testimony.

Mr. Galbreath and his wife, Sandy, also finished their fourth year as the Faculty-in-Residence in the Gothics residence halls on West Campus, and will remain for a fifth year. They are especially pleased to welcome their daughters back to the Ithaca area. Megan has just finished a two-year tour in Togo, West Africa, with the Peace Corps, and Sarah has started her career as an architect in Ithaca after completing a master’s degree at the University of Pennsylvania.

In January, **Claire M. Germain**, Edward Cornell Law Librarian and professor of law and director of Cornell Law School’s Joint Degree Programs in Paris and Berlin, was elected vice chair/chair-elect of the American Association of Law Schools (AALS) Section on Law Libraries at the annual meeting in Atlanta. In April, she was elected vice president/president-elect of the American Association of Law Libraries (AALL). Her term as vice-president of the AALL starts in July, 2004. She will serve as president from July, 2005 through July, 2006, presiding over the 2006 annual meeting in St. Louis, Missouri, which will celebrate the centennial of AALL. The association fosters law librarianship and law libraries, and provides leadership and advocacy in the field of legal information and information policy. Its more than 5,100 members comprise academic libraries, corporation and firm libraries, and state, court, and county libraries.

In January and February, Professor Germain traveled to Paris to implement part of a Cornell University Faculty Teaching in Innovation Grant, designed to enhance the course she teaches, “Introduction to French Law.” She worked on a video
project, “French Law in Action,” with the help of two Cornell Information Technologies staff members (see more about this project on page 19).

Professor Germain also published a substantial supplement to her book, Germain’s Transnational Law Research: A Guide for Attorneys.

George A. Hay, Edward Cornell Professor of Law and professor of economics, served as chair of both the Senior Faculty Appointments Committee and the Entry-Level Faculty Appointments Committee. He also served on the University Hearing Board.

Professor Hay completed work on a chapter called “The Cigarette Industry” for the book The Structure of American Industry, edited by James Brock. He is currently working on a review of the work of the famous Australian economist, Maureen Brunt.


During March and April, Professor Heise presented papers at faculty workshops and conferences at Vanderbilt Law School, Florida State University College of Law, Indiana University, the University of Alabama, and the University of California at Berkeley. The presented papers included “Are Single-Sex Schools Inherently Unequal?,” “Criminal Case Complexity: An Empirical Perspective,” and “Litigated Learning and the Limits of Law.” The papers are due to appear, respectively, in the Michigan Law Review, Journal of Empirical Legal Studies, and the Vanderbilt Law Review.

In May, Professor Heise presented “Searching for the Soul of Judicial Decisionmaking” (co-authored with Gregory C. Sisk, of the University of St. Thomas School of Law, and Andrew Morriss, of the Case Western Reserve University School of Law) at the Law and Society annual meeting. The paper, forthcoming in the Ohio State Law Journal, explores from an empirical perspective the potential influence of a judge’s religiosity on religion decisions.

In May, West Publishing released Principles of Contract Law, by Robert A. Hillman, the Edwin H. Woodruff Professor of Law. The title is part of West’s Concise Hornbook series. Professor Hillman also published “Enriching the Contracts Course” in the Hawaii Law Review as part of a symposium. Professor Hillman presented the paper at the American Association of Law School’s (AALS) annual convention in Atlanta in January.

Also in January, the director of the American Law Institute asked Professor Hillman to prepare a report on the scope, timeliness, and form of an ALI Project on the law of digital-information transactions, which Professor Hillman submitted in April. In March, Professor Hillman traveled to Washington, D.C., to plan the AALS’s 2005 mid-year contract law workshop. He is chair of the planning committee.

On May 19, the American Law Institute appointed Professor Hillman to be the Reporter for a project on digital-information contracts.

In April, Professor Johnson moderated a panel on “Extradition and Diplomacy” at the Death Penalty and International Law Conference, jointly sponsored by the Cornell Death Penalty Project and the William and Mary Institute of Bill of Rights Law.

Douglas A. Kysar presented his work in progress, “Preferences for Processes: The Process/Product Distinction and the Regulation of Consumer Choice,” at several forums during the spring semester, including faculty workshops at the Cornell Law School, the University of Connecticut School of Law, the University of Indiana-Bloomington School of Law, the S.J. Quinney College of Law at the University of Utah, and the Stanford Law School Environmental Workshop Seminar. The article, which will be published in volume 118 of the Harvard Law Review later this year, also was chosen by Professors Vicki Been and Barton Thompson Jr. for presentation in the environmental law category of the 2004 Stanford/Yale Junior Faculty Forum.

In May, Professor Kysar delivered three public lectures on tort law and products liability as a visiting scholar at the Universitat Pompeu Fabra in Barcelona. In addition, Professor Kysar served as rapporteur for a weeklong panel discussion held as part of the Freie Universität Berlin–Dahlem Workshop on Heuristics and the Law, a major conference concerning the intersection of law and psychology that was organized in part by Professor Rachlinski.

Also during the spring semester, Professor Kysar’s article, “Climate Change, Cultural Transformation, and Comprehensive Rationality,” was published as part of a symposium issue of the Boston College Environmental Affairs Law Review. His article, “Law, Environment, and Vision,” was selected for publication in the 2004 Land Use and Environmental Law Review, an annual peer-reviewed collection of environmental law scholarship from the previous year. In addition, Professor Kysar was selected by the student body to receive the 2004 Dean Anne Lukingbeal Award, and by graduating students to deliver the faculty address at the Law School’s 2004 convocation ceremony.

In January, Anne Lukingbeal, associate dean and dean of students, attended the American Association of Law School’s (AALS) annual meeting in Atlanta, Georgia. In February, Dean Lukingbeal attended a dean of students’ meeting with peer school deans, held this year at Stanford. In March, she spoke in New Orleans at the National Conference of Bar Examiners meeting. Her topic was “Lack of Candor Among Law Students in the Bar Application Process.” As a member of the NCBE’s Task Force on Conditional Bar Admissions, Dean Lukingbeal attended a meeting in Washington, D.C., on June 26.

Dean Lukingbeal completed the first year of her two-year term on the Board of Directors of the National Association of Law Placement. In that capacity, she attended board meetings in February on Jekyll Island, Georgia, in April in Salt Lake City, Utah, in May in Washington, D.C., and in July in Vancouver, Canada.

Peter W. Martin, Jane M. G. Foster Professor of Law, helped organize a workshop on technology and pedagogy, held in conjunction with the annual meeting of the Association of American Law Schools in January. In February, he addressed a conference on distance education in law, convened at the University of Louisville, at which a new initiative in this area was launched by the Center for Computer-Assisted Legal Instruction (CALI). At that conference, Professor Martin released his “LII Playbook on Marketing, Conducting, and Administering an Inter-School, Internet-Based Course.” Subsequently, in March, Professor Martin and Tom Bruce, director of the Legal Information Institute, entered into an agreement under which the institute will provide assistance to CALI’s distance education effort through technical consulting, workshops, and occasional publications.
In February, Professor Martin conducted a workshop on teaching with technology at the Albany Law School. During January, February, and March, he conducted a series of recorded videoconference interviews that he subsequently compiled into a “virtual panel presentation” on DVD for an ABA conference entitled “Educating the Next Generation of Lawyers.” In April, he participated in a panel discussion on the costs of legal education at the Association of the Bar of the City of New York. And at the 2004 CALI meeting in Seattle in June, Professor Martin led a session on distance learning course creation.

In March, JoAnne Miner, senior lecturer and director of the Cornell Legal Aid Clinic, participated as a panelist in a discussion hosted by the Women’s Law Coalition on “Understanding the Lawyer-Client Relationship in Domestic Violence Cases.”

Ms. Miner continued her service on the attorney advisory committee of the Tompkins County Integrated Domestic Violence Court, and the advisory committee of the Parents Apart Program, in which she also serves as a program presenter. Her Women and the Law Clinic continued its collaboration with the Advocacy Center, the local not-for-profit that serves survivors of domestic violence. The students in the clinic underwent training provided by the Center, met with several women who are clients of the Center in order to provide information and advice, and represented a number of those women in a variety of legal matters.

In January, Ms. Miner was appointed to the board of directors of the new legal services provider for low-income residents of western New York state, Legal Aid of Western New York. LAWNY was created from the merger of four previous legal aid programs, including Chemung County Neighborhood Legal Services, on whose board of directors Ms. Miner had served for six years.

In May, Ms. Miner attended the annual AALS Clinical Teacher’s Workshop.

Andrea J. Mooney, lecturer with The Lawyering Program, spoke at the annual meeting of Prevent Child Abuse New York about representing children committed by the court to residential facilities. She also spoke at the annual meeting of New York State Citizens’ Coalition for Children.

Trevor W. Morrison’s scholarly work during the spring semester focused principally on researching and writing an article entitled “Private Attorneys General and the First Amendment,” which examines new First Amendment challenges to private enforcement of false advertising and other speech-related regulations. The article will appear in the upcoming volume of the Michigan Law Review.

In April, he participated in a conference on the future of affirmative action in higher education, hosted by the Cornell Center for the Study of Inequality. The following month, at the annual meeting of the Law and Society Association in Chicago, he presented a paper entitled “Fleeing the State Court Jury: The Growth of Wrongful Removal to Federal Court.” The paper reported the preliminary findings of a project he is working on with Professor Eisenberg, which provides the first large-scale empirical study of patterns of removal and remand.

In January, Muna B. Ndulo, professor of law and director of Cornell’s Institute for African Development, chaired a United Nations Expert Group meeting charged with the task of looking at the specific topic of enhancing women’s participation in the electoral processes in post-conflict societies. The group adopted recommendations submitted to the United Nations Commission on the Status of Women.

Professor Ndulo participated as panelist in the fifth annual Global Development Conference, held in Delhi at the end of January. The theme of the conference was “Understanding Reform.” His speech was entitled “Understanding Reform: A Developing Country Perspective.” He examined the challenges facing policy reformers, and argued that policy reforms cannot succeed unless a) there is good governance; b) the reforms are adopted after consultation with the people; and c) there is an appropriate legal framework to implement the reforms.

In February, Professor Ndulo joined Professor Wippman and Cornell’s director of the Einaudi Center for International Studies and professor of government, Nicolas VanDeWalle, in a panel discussion on Liberia organized by the Cornell Peace Studies Program and the Institute for African Development (IAD). The panel discussed the current peace process in Liberia and examined the prospects for peace and reconstruction there.
Also in February, Professor Ndulo gave a talk on U.S. Supreme Court Justice Thurgood Marshall’s work on the Kenya independence constitution. He explained how Justice Marshall went to Africa in the early 1960s, and then to London to aid African nationalists in constitutional negotiations that would ultimately lead to independence in Kenya. Justice Marshall made a major contribution to the constitutional talks and exported American constitutional values to the Kenyan process. The talk was given as part of the celebrations organized by the Black Law School Association to mark Black History month. Two days later, Professor Ndulo was the keynote speaker at the New York Schools Model United Nations Conference held at Cornell. The conference was attended by student delegates from high schools throughout New York State.

In March, Professor Ndulo spoke at the International Studies Institute for Middle and High School Teachers, an outreach program organized by Cornell University area programs for Tompkins County schoolteachers. His talk was titled “Constitution-Making, Consensus Building and Public Participation in Africa: Lessons from South Africa.” He explained the process leading up to the adoption of South Africa’s post-apartheid constitution, discussed how to structure a people-driven constitutional process, and spoke about the need for consensus in the adoption of constitutions that are acceptable to all stakeholders in a country.

Also in March, Professor Ndulo attended a Gender Links Program Planning meeting in Johannesburg, South Africa. Gender Links is a major NGO working in the field of gender rights and the media in Southern Africa. Professor Ndulo was also the 2004 Edward W. Clyde Distinguished Visiting Scholar at the University of Utah’s S.J. Quinney College of Law, where he taught a class on International Human Rights, and another on International Business. He also gave a presentation to the faculty called “The United Nations: Peacekeeping Operations, Security and Reconstruction.” He suggested that for a peacekeeping mission to be successful, it must have a clear mandate, the cooperation of the parties implementing the mandate, the continuing support of the Security Council, and member states willing to dispatch troops, materiel, and logistical support. He emphasized that peacebuilding and peacemaking are not sustainable unless their form and content are shaped and embraced by local actors. He called for the reorientation of external intervention from the delivery of products to the facilitation of process.

In early April, Professor Ndulo moderated the panel on human rights at a conference on “International Law and the Death Penalty” held at the William and Mary School of Law. The conference was jointly organized by the Institute of Bill of Rights Law of William and Mary Law School, and the Cornell Law School Death Penalty Institute. Later in April, he gave a paper entitled “Enhancing the Participation of Women in Post-Conflict Elections” at a conference on “Security, Reconciliation, and Reconstruction: When the Wars End” held at Cornell. The conference was organized by the Institute for African Development and attracted recognized experts on conflicts, reconciliation, reconstruction, and constitution-making in post-conflict societies.

During the spring, Jeffrey J. Rachlinski presented a paper entitled “Can Judges Ignore Inadmissible Information: The Difficulty of Deliberately Disregarding” at the American Psychology-Law Conference in Phoenix, the American Law and Economics Association annual conference in Chicago, and at a faculty workshop at the Washington University School of Law in St. Louis. The paper discusses data revealing that judges have difficulty ignoring evidence that they deem to be inadmissible. Judges who rule certain evidence inadmissible nevertheless relied on such evidence in the process of determining an appropriate verdict or damage award. In some contexts, mostly dealing with constitutionally infirm evidence (such as a coerced confession), however, judges showed a remarkable ability to discount the inadmissible information. Professor Rachlinski also presented these results and the results of similar work on judges to judges themselves in two workshops: one for federal district judges in Philadelphia, and one for Florida State appellate judges in Florida.
At a symposium on psychology and law at Florida State University in March, Professor Rachlinski delivered a paper entitled “Rulemaking versus Adjudication: A Psychological Perspective.” The paper argues that the agency choice between using rulemaking and adjudication as policymaking instruments has unintended consequences. The choice alters the psychological perspective of a policy decision. The rulemaking process focuses the attention of the decision-maker on the underlying social structure. Adjudication, on the other hand, focuses attention on assigning blame. Policy choices might ultimately shift along with this attentional focus. In June, Professor Rachlinski delivered papers that developed similar themes at the University of Maastricht, and at a weeklong conference on psychology and law in Berlin. Professor Rachlinski also helped organize the Berlin conference.

Also in April, Professor Rachlinski gave a talk at Villanova Law School intended to provide an overview of cutting-edge issues in psychology and law.

**Annelise Riles**, director of the Clarke Program in East Asian Law and Culture, professor of law, and professor of anthropology, completed a paper co-authored with Cornell Professor of Economics Ravi Kanbur entitled “And Never the Twain Shall Meet? An Exchange on the Strengths and Weaknesses of Anthropology and Economics in Analyzing the Commons.” The paper will be published in the economics journal *Economics, Development, and Cultural Change*. She also completed “Japan’s Overlooked Corporate Litigation Explosion: Rethinking Received Wisdom on Japanese Dispute Resolution from the Point of View of Disputes in Family-Owned Companies.” She also provided an introductory essay for a special issue of the journal *Political and Legal Anthropology Review*. The issue was devoted to the place of philosophical pragmatism in legal practice.

Professor Riles also organized three international conferences. In April, “The Practice of Law and Development—Socio-Legal Approaches,” held at Cornell, brought together scholars from across the disciplines to rethink the place of law in development projects. “Anthropology and Human Rights Administrations,” held in April at the Cornell Club in New York City, reconsidered the contributions of anthropology to contemporary human rights problems. She also organized the first annual international conference of Japanese legal studies, held in May at the Cornell Club in New York City. Professor Riles presented her own research at each of these conferences. In addition, she spoke in March at the Cornell University Social Science Seminar on Law, Norms and Society, at the University of Colorado School of Law, also in March, at a Cornell University conference entitled “Seventy-five Years of Development Research” in May, and at the Johnson School of Business, Cornell University, also in May.

**E.F. Roberts**, Edwin H. Woodruff Professor of Law Emeritus, was elected to the Executive Council of the Cornell Association of Professors Emeriti (CAPE); he took office in January. On the first day of that month, he and his wife Alice established their winter quarters in Naples, Florida, where they unibernated until the end of March.

Soon after their arrival in Naples, the Roberts were able to provide a dash of late-afternoon hospitality not only to their neighbors, Professor Emeritus W. David Curtiss and his wife Mary, but also to the then new Dean Schwab, and his faithful companion, Associate Dean Harry Ash. The deans were paying call on alumni cells across southernmost Florida, a secular venture fairly inviting transmogrification into the image of an abbot and his bursar preaching the merits of indulgences in remote cantons. Otherwise, Professor Emeritus Roberts busied himself either scribbling in his office, or pottering about his property.

**Emily L. Sherwin** hosted a panel on legal scholarship at the annual meeting of the American Association of Law Schools in Atlanta. Speakers on the panel included her colleagues, Professors Macey and Eisenberg.

In April, Professor Sherwin presented a paper on slavery reparations at a symposium on that topic held at Boston University. The title of her paper is “Reparations and Unjust Enrichment.” The paper is to be published in the *Boston University Law Review*.

**Gary J. Simson** discussed “Separate but Equal and Single-Sex Schools” at the *Cornell Law Review*’s February symposium commemorating the fiftieth anniversary of *Brown v. Board of Education*. In March, Professor Simson spoke on “Sex Education and the First Amendment’s Religion Clauses” at a Cornell symposium on church-state separation co-sponsored by several campus groups.

**Katherine Van Wezel Stone**, Anne Evans Estabrook Professor of Dispute Resolution and professor of law, has a new book, *From Widgets to Digits: Employment Regulation for the Changing Workplace*, published by the Cambridge University Press in June. She also published an article entitled, “Labor and Finance as Inevitably Transnational: Globalization Demands a Transnational Lens,” co-authored with Timothy A. Canova, of the University of New Mexico, and Claire Moore Dickerson, of the Rutgers School of Law, Newark, in the *San Diego Law Review*.
In January, Professor Stone gave a presentation at the annual meeting of the American Association of Law Schools (AALS) in Atlanta entitled, “Dispute Resolution in the Boundaryless Workplace.” Later in January, she gave a workshop at Georgetown Law School on “The New Face of Employment Discrimination.” In March, she gave a workshop at the Princeton Program in Law and Public Affairs on “Legal Regulation of the Changing Contract of Employment.” Also in March, she gave a faculty workshop at Emory Law School on “Employment Discrimination in the Boundaryless Workplace.”

At the end of March, Professor Stone was the featured speaker at a conference at Waseda University, Tokyo, at a conference on the Changing Employment Relationship. Her paper, entitled “From Widgets to Digits: Legal Regulation of the Changing Employment Relationship,” was translated into Japanese for the conference, and was the subject of sustained commentary and discussion. While in Japan, Professor Stone also attended the seventh meeting of the International Conference of Transformative Labor Law at Ritsumeikan University in Kyoto, where she presented a paper called “From Globalism to Regionalism: Protecting Labor Rights in a Post-National Era.” In May, Professor Stone delivered a series of three lectures at the University of Catania in Sicily on the topic, “Rethinking Employment Regulation: A New Labor Law for the Changing Workplace.”

Together with three Italian labor law professors, she also served as co-organizer of a conference in Erice, Sicily on Governing Work and Welfare in the EU and the U.S.: Past, Present and Future. She gave a talk on “Boundaryless Workplaces: What the EU Can Learn from the U.S.” In June, Professor Stone participated in a conference in London co-sponsored by the London School of Economics and Columbia University Law School, on the subject of Institutional Design and Regulatory Mechanisms for the Protection of Workers Rights.

**Barry Strom**, senior lecturer and staff attorney in the Legal Aid Clinic, continues to teach in the Governmental Benefits and the Public Interest Clinics. During the spring semester, his students represented clients in ten administrative hearings, and received a favorable decision in a disability case in a federal court.

Mr. Strom is about to revive the Legislative Externship with Barbara Lifton, the new assemblywoman from Tompkins County. He has also joined the board of Legal Aid of Western New York (LAWNY), a legal services program which serves seventeen counties and constitutes a merger of Chemung County Neighborhood Legal Services (formerly serving Tompkins, Tioga, Schuyler, and Chemung counties), Monroe County Legal Assistance, Finger Lakes Legal Services, and Southern Tier Legal Services. Prior to the merger, Mr. Strom had served on the board of Chemung County Neighborhood Legal Services for twenty-three years.


During the spring semester, Professor Summers gave a presentation on codification in American law to the Vicious Circle, a group of Cornell professors from various disciplines. Later, along with second-year student Imri Eisner, he conducted a special class for first-year students at the Law School on the subject of form in the field of contract. There was a lively discussion.

In April, Professor Summers hosted Nicholas Bamforth of the Queen’s College, Oxford University, and visiting professor at New York University School of Law. Dr. Bamforth presented a lecture at the Law School on “The New Natural Law and Constitutional Controversy.”

In late May, Professor Summers lectured at the University of Groningen, The Netherlands, on the topic “Naive Instrumentalism and the Law.” Members of the Netherlands legislature attended along with students. Among other things, Professor Summers emphasized how instrumentalists often stress policy content to the neglect of the form in which that content is set forth—form which shapes that content in various ways.

Professor Summers’s lecture at the Free University of Brussels will be published in a festschrift honoring the distinguished Brussels Professor E. Vanderlinden on his retirement. Professor Summers also prepared a contribution to another forthcoming festschrift honoring Professor Jes Bjarup, a distinguished Norwegian legal theorist.
A book in process on form in the law continued to occupy Professor Summers, his administrative assistant, Pamela Finnigan, and his research assistants, as did research and writing on the fifth edition of his four-volume treatise, *The Uniform Commercial Code*, which he co-authors with James J. White of the University of Michigan Law School. In March and April, Professor Summers and his research assistants also completed the 2004 Supplements to the foregoing four volumes.

In February, *Winnie F. Taylor* spoke at the *Cornell Law Review* symposium on *Brown v. Board of Education*. Professor Taylor gave a personal perspective on this watershed case that ended legal segregation in higher education, and explained how this case served as a catalyst both for the civil rights movement and for the women’s rights movement in the United States. Later in February, Professor Taylor spoke on “Black Women and the Law” at an event sponsored by the Black Law Students Association as part of its Black History Month series.

In March, Professor Taylor gave a legal update on Employment Discrimination Law to managers and supervisors at the Credit Union National Association’s Management Essentials Conference in Florida. In May, Professor Taylor presented her current scholarship on “Credit Scoring Systems and Disparate Impact Theory” at the Teaching Consumer Law Conference sponsored by the University of Houston Law Center.

In February, *David Wippman*, associate dean of academic affairs, spoke on “New Wars, New Crimes” at a workshop on international criminal law organized by the Central Intelligence Agency and the Department of State. In April, Dean Wippman spoke to students at Bucknell University and to the faculty at the University of Minnesota Law School on the likely future effectiveness of the International Criminal Court.

Dean Wippman also completed two chapters for a co-authored volume on humanitarian intervention and the rule of law. One chapter examines the blueprints for legal reform commonly adopted in post-conflict societies; the other examines the relationship between the provision of security in the immediate post-conflict environment and the longer-term project of building the rule of law. In addition, Dean Wippman (together with Cornell Government Professor Matthew Evangelista) completed the editing of a set of papers to be published as a book on recent law of war developments under the title *New Wars, New Laws*? Dean Wippman also drafted an introductory chapter for that volume.

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**Betsy Sarah Fuller, 1946-2004**

Betsy Sarah Fuller died on April 21 at Cayuga Medical Center, following a long battle with breast cancer. She was 58. Professor Fuller was the lead attorney in a federal case that established the right of Native Americans to practice their religion freely in all seventy Department of Correctional Services (DOCS) prisons in New York state. She was honored by the Onondaga Nation for her work, and invited by the Haudenosaunee, the Six Nations, to be part of a delegation giving testimony at a United Nations inquiry into the status of Native Americans.

Professor Fuller was also active in bringing to light the barbaric punishment in New York State of giving some prisoners only bread and water. And she successfully challenged a practice at Albion state prison in which women prisoners were videotaped by guards while they were strip-searched. Her efforts led to major reform in all DOCS New York state prisons.

A longtime lawyer with Ithaca-based Prisoners Legal Services of New York, Professor Fuller became a faculty member at Cornell Law School’s Legal Aid Clinic starting in 1978, and taught courses in trial advocacy and other subjects for many years, most recently this past fall. “Betsy was one of those rare people who lived her beliefs,” said Glenn Galbreath, a senior lecturer at the Law School who co-taught courses with Professor Fuller. “She was a great teacher and was liked very much by the students,” said Professor Faust Rossi, who also co-taught with Professor Fuller. Barry Strom, who directs the school’s Legal Aid Clinic, said, “She was an excellent clinical supervisor, helping students grow and improve, and her commitment to social justice issues was contagious.” And Jane Marie Law, professor of world religions at Cornell, who spoke at the funeral April 23 at Temple Beth-El in Ithaca, said Professor Fuller had told her she believed a society is judged not by its artistic or scientific achievements, but “by how it treats its prisoners.”

Professor Fuller earned her undergraduate degree at Cornell in 1968, a master’s in sociology at the University of Wisconsin in 1971, and a law degree at Stanford University in 1974. She directed Syracuse University College of Law’s public interest law clinic in the 1990s, then spent the 2000–01 academic year as a Fulbright scholar at the Technical University of El Salvador, where she developed a clinical legal program for its law school.

Professor Fuller is survived by her husband, Ronald; three children, Jonah, Cecily and Gabriel; and a grandchild, Abigail. In lieu of flowers, contributions may be made to Ithaca Breast Cancer Alliance, Temple Beth-El, or the charity of one’s choice.
Alumni Profiles

Equipped with a headful of specialized knowledge, a desire to serve society, and likely a debt burden of no small magnitude, recent law school graduates are faced with an array of career choices. Corporate law or public interest? Government agency, boutique firm, or nonprofit organization? The decision is momentous, and can seem irrevocable, setting the direction of one’s life for years to come. When their paths diverge, classmates who have chosen different career trajectories might see each other sporadically, only at reunions—or not at all.

Not so for five members of the class of ’81. These five—a corporate lawyer, a TV producer, a finance executive, an international financier, and the director of a nonprofit agency—maintain connections that have endured since they graduated from the Law School more than twenty years ago. Their stories illustrate the enormous variety and unexpected turns of legal career paths; they show that the lines between disparate professional worlds are not always so sharply drawn.

Douglas H. Lasdon ’81 took the path least traveled. Today he is the executive director of the Urban Justice Center, a New York City agency he founded over fifteen years ago. The agency has served as an informal hub for a network of classmates. Mr. Lasdon’s first jobs were decidedly unglamorous. “I was unemployed at graduation,” he says. “But I had spent many summers working at a camp for poor children, and I knew I wanted to remain involved in social justice and poor people’s issues.” At the suggestion of a classmate, Claudia Bowman Berg, he got a six-month fellowship at Covenant House and worked as a staff attorney representing homeless youth, but found working in the large nonprofit organization “too bureaucratic,” and decided to try something else. “I had been volunteering for a priest at Emmaus House in Harlem, and I asked him if I could come work for him,” recalls Mr. Lasdon. “He said ‘Sure, if you raise the money.’”

Three years after graduating, Mr. Lasdon wrote his first grant. He got it, and founded the Legal Action Center for the Homeless, a precursor to the Urban Justice Center. “The week I started I needed some help, so I picked up the phone and called everyone I knew, including people from my Law School class. Mitch [Lowenthal] and Jeff [Haroldson] were the two who stepped up the most and said ‘Sure, what can we do?’”

Mitchell A. Lowenthal ’81 remembers those early days, when his classmate was working in what he describes as a “bombed-out flat” in Harlem. “I knew that Doug would take a different path than most,” he recalls. Mr. Lowenthal, a partner at Cleary Gottlieb, has been on the board of the UJC since its inception, and he became board chair five years ago.

Mr. Lowenthal recalls that his own student days were characterized early on by “a complete and utter lack of direction.” Two things solidified his decision to become a litigator. The first was a stint as a summer associate at Cleary Gottlieb. “At Cleary I realized that I enjoyed the work lawyers do: thinking about complicated issues, analyzing different sides, and writing about it, particularly writing pieces of advocacy.” The second was his clerkship with Federal District Judge Edward Weinfeld, which he says had “the greatest impact on my career. After that I was absolutely committed to staying in the legal profession.” Judge Weinfeld was “very committed to public service,” says Mr. Lowenthal, and the example the judge set inspired him to value pro bono work at the firm. Mr. Lowenthal later coauthored a book about Judge Weinfeld with several other former clerks entitled Edward Weinfeld: A Judicious Life.

Working on behalf of the gritty world of homelessness and poverty took some getting used to, says Mr. Lowenthal.
“Twenty years ago, I couldn’t understand how people would live on a subway grate. I thought there must be something wrong with them, and that the city infrastructure must’ve given them other options.” He relates some details about an early case he worked on with Mr. Lasdon, which involved a husband and wife who were homeless. “The city insisted that they live in separate shelters,” says Mr. Lowenthal. Working with the couple broadened his understanding beyond stereotypes by giving homelessness a human face. “Frankly, it was very eye-opening. Clearly they had problems, but they were both college graduates, and one of them was a registered nurse.” Believing that the couple had a legal right to be housed together, Mr. Lowenthal and some of his Cleary Gottlieb colleagues, working with Mr. Lasdon, brought suit on the couple’s behalf and prevailed. “The policy of not breaking up families has been part of city policy ever since,” he says proudly.

Jeffrey D. Haroldson ’81 is another classmate who has been with Mr. Lasdon’s organization from the beginning. “My relationship with the Urban Justice Center began even before it existed. Back then I was working for Milbank Tweed Hadley and McCloy, and we had a substantial not-for-profit practice. Doug asked for some help in establishing his own not-for-profit with the support of the firm. We proposed and filed the first papers and, in fact, I believe I was the incorporator.” Mr. Haroldson’s career has had several permutations, from writing to law, and then to banking, finance, and real estate. An English major and avid lacrosse player at the University of Michigan, he originally intended to make his living as a poet. “I was quickly disabused of that notion,” he says, and when he “couldn’t take living on peanut butter and jelly sandwiches anymore,” he applied to law school. “I stumbled into law, really,” he says. “The first lawyer I ever met was my first professor on the first day of class.”

The “scars” he carried from earlier days helped to maintain his motivation in law school, he says, and provided him with an entrée into a succession of careers considerably more lucrative than poetry. From Milbank he was wooed by Midland Bank, London’s largest clearing bank, which in turn was bought out by HSBC. He became head of investment and merchant banking, and is now president of HDG Mansur Capital Group, which manages international real estate investments. The position requires regular travel among offices in New York, London, and Indianapolis.

When he’s in town, Mr. Haroldson gives his time to the Urban Justice Center and Habitat for Humanity. He admires the two organizations for their ethic of “participating with the people they’re trying to help,” and is adamant that he prefers hands-on charitable activity to “just opening your checkbook.” He recounts a conversation he had with a sheikh in Saudi Arabia. “I told him I was going on a trip to Ecuador to build houses with Habitat,” says Mr. Haroldson. “The guy looked at me like I had three heads, and said, ‘Jeff, why are you going to build houses? For the cost of your plane fare, you could hire carpenters much better than yourself, and they could build more houses than you could.’ I said, ‘That’s true, but that’s not the point. By going to Ecuador, we’re setting an example and helping to develop a culture of giving.’” He credits Mr. Lasdon with a similar roll-up-your-sleeves approach to advocacy. “Doug is extraordinary at getting people to share his vision. He reaches out to all kinds of people at all levels, to partners and associates, to individuals in line at soup kitchens.”

Michael S. Chernuchin ’81 is another writer-turned-lawyer (turned writer again) to whom Mr. Lasdon has turned for assistance. “Actually I haven’t helped Doug as much as he has helped me,” says Mr. Chernuchin, a screenwriter and executive producer of the television series Law & Order, now in its fourteenth season. With a conscientious writer’s concern for verity, Mr. Chernuchin has his staff call the Urban Justice Center when they need accurate information about life on the city streets. “Last season we did an episode entitled ‘Darwinian,’ and Doug helped us out with that by providing legal and factual information about the world of the homeless,” he says. In return, Mr. Chernuchin has contributed scripts and set visits as auction items for the UJC’s fundraising efforts.

Before attending the Law School, Mr. Chernuchin earned a master’s degree in literature, then moved to New York to become “the Great American Writer. And I lived the life of a writer,” he laughs, “without actually doing any writing.” He watched his former classmates get degrees in business, medi-
cine, and law, and decided to try the latter route himself, despite having “no burning desire” to study law. After earning his J.D., he worked for a few years at Proskauer Rose before splitting off with three others to form his own firm. “I enjoyed law practice more than I thought I would,” he says, “but after a while I wanted to get back to my original intent.” During a lengthy deposition, he began working on a script for a television series. He wrote a few more, and the first one he floated was accepted. He moved to Los Angeles, where he continues to live, producing *Law & Order* while developing a new show.

Another classmate who left law practice to work in the financial field, William M. Beecher ’81, has a strong but indirect connection to the Urban Justice Center: his wife Pat Budziak has served on the agency’s board for the past two years. “Doug was not your typical mainstream law student,” recalls Mr. Beecher, “He was motivated to make a difference in the world and to use his law degree for something other than assisting the business world. And that was one of the reasons I liked him.” Mr. Beecher sees several parallels between the world of venture capital and the kind of social entrepreneurship practiced by his classmate. “I work with a lot of commercial entrepreneurs, and Doug in his own way is also an entrepreneur,” he explains. “Doug has had to do what entrepreneurs do—learn the business, the politics, all the ins and outs. Entrepreneurs identify gaps in coverage, areas where there are needs, and Doug did that. When he started out, he was literally in a place with no heat—it’s like the classic story of the entrepreneur building computers in his garage or his dorm room, but Doug is a not-for-profit entrepreneur. He’s a real hero in that, and I give him a ton of credit.”

Ms. Budziak got to know Doug independently. “Doug and I share a love of books,” she says, “and we like to talk and email each other, sharing comments and suggestions about things to read.” Ms. Budziak has been involved in philanthropic activities supporting children, and the work of the Urban Justice Center drew her because it “also speaks for those who can’t advocate for themselves.” She praises its creative approaches to social issues. “Doug doesn’t try to control everything; he lets his talented staff come forward with ideas. They are continually looking at needs that haven’t been addressed, at other populations they can serve. They go beyond providing support to people in need by trying to eliminate the roots of the problems,” she explains.

Though not all of the five classmates are presently practicing attorneys, they all say they use the skills they acquired at the Law School on a regular basis, whether for direct advocacy, understanding international business transactions, or negotiating contracts. Mr. Haroldson believes their shared legal training may also be a reason they respond to the call to assist in the Urban Justice Center’s social mission. “Pro bono work is instilled in lawyers from our earliest days. It’s the notion of being responsible for something more than putting bread on your own table,” he says. “We learn that being a good person in the world means giving something back.”

Robinne Gray

Student Profiles

Talking to Kristine Marie Koren ’04, one gets the sense that she sees life as a series of wonderful chances that have only to be seized. Phrases like “it was an incredible opportunity” punctuate her speech. But her accomplishments show that opportunity can be persuaded to rise with hard work and clear perspective. Ms. Koren grew up in Luquillo, Puerto Rico, which is located between the ocean and the rain forest. She describes her hometown as “the most beautiful place in the world.” While attending Roosevelt Roads High School, she won an international essay contest sponsored by First Lady Hillary Rodham Clinton, based on Ms. Clinton’s book, *It Takes a Village.* “The highlight was meeting Ms. Clinton in the Blue Room of the White House,” Ms. Koren says. In her senior year of high school, Ms. Koren was again invited to Washington, D.C., this time to be recognized by President Bill Clinton as a Presidential Scholar. One of the nation’s top honors for high school students, the award is given to one male and one female student from every state on the basis of outstanding scholarship and service. Ms. Koren took advantage of her trips to Washington, D.C., to participate in seminars and workshops with government officials and elected representatives. “I already had the idea that I wanted to study law, and looking at all the things that our law accomplishes further cemented my plans.”
After serving as senior class president and graduating first in her high school class, Ms. Koren decided to go to Harvard University, where she majored in government, with a focus on international relations theory. She graduated magna cum laude from Harvard, and was awarded the John Harvard Scholarship for achievement of the highest academic distinction in her senior year. At Harvard Ms. Koren was also recognized for her work in Latin American studies and in French literature. Bilingual in English and Spanish and fluent in French, Ms. Koren used her elective credits to study Mandarin Chinese, becoming conversational in that language as well.

Ms. Koren’s research interests at Harvard included international conflict resolution and the promotion of human rights. She became interested in anti-terrorism policy during the summer of 1999, when she worked for the Diplomatic Security Office of the U.S. State Department in Paris, France. The following year, Ms. Koren was invited to join Harvard’s Weatherhead Center for International Affairs as an undergraduate associate. She received funding to research the stale-mated Colombo-Venezuelan maritime border dispute, and spent the summer of 2000 in Caracas, Venezuela, researching the century-old conflict, which she presented as a case study for democratic peace theory in her honors thesis. Ms. Koren had the opportunity to interview many top politicians, including several former presidents of Venezuela. “My thesis explored the contribution of stalemate to the democratic peace, and the political advantages of maintaining stalemates.”

Her work in the international arena led her to Cornell Law School, where Ms. Koren has pursued a joint J.D. and LL.M in Comparative and International Law. “As far back as I can remember, I enjoyed finding the persuasive way to say something and the reasons that supported my point of view,” she explains when asked why she wanted to study law. She describes her decision to pursue the LL.M as “a natural evolution in my studies of international relations. I believe this background is crucial in order to operate positively in today’s world.”

Regarding her decision to come to Cornell, Ms. Koren says, “the stars aligned over Ithaca.” She fell in love with Ithaca, but was also impressed with the emphasis on teaching. “You can get to know your classmates and professors, and it’s easy to build a sense of community here.” Cornell has been everything she hoped for, and she cannot say enough about her professors. “The class that most changed the way I think was first year Contracts, with Professor Summers,” she says. “He emphasized organized thinking—separating out and analyzing each individual reason.” Now a research assistant for Professor Summers, she has been working on his upcoming book on legal form.

Though Ms. Koren has been a regular on the Dean’s List, she has also explored different areas of practice. One example is her participation in the law school’s Asylum and Convention Against Torture Clinic. “The clinic provides a real service for refugees, while giving students like myself the opportunity to work for a worthwhile cause, while sharpening our advocacy skills.” In the summer of her first year at Cornell Law School, Ms. Koren interned in both the Civil and Criminal Divisions of the U.S. Attorney’s Office in Syracuse. Later that same summer, she found time to study at the Sorbonne. The courses she took included comparative corporate law, which, combined with her background and other courses, led to her current interest in international transactions.

Back in Ithaca, Ms. Koren also found time for extra-curricular activities. She was a note editor for the International Law Journal, and served as student representative for the Latin American Law Students Association. In addition, Ms. Koren taught Sunday School for three years at St. Catherine of Siena Parish. “The kids have a completely fresh perspective,” she says. “Brilliant ideas seem to flow so freely for them.” In her free time, she took up swing dance. “Right now we are learning the jitterbug!”

After graduation, Ms. Koren will work at Skadden, Arps, Slate, Meagher and Flom LLP in Manhattan, where she interned last summer. She was impressed with the depth and breadth of its practice, and speaks of her new job with typical enthusiasm. “The people that I will be working with are amazing; the teamwork and level of collegiality are inspiring,” she says. Ms. Koren looks forward to beginning the corporate rotation program this fall.

Clearly, hard work has brought many wonderful opportunities to Ms. Koren, and equally clearly, international law is about to gain an impressively multi-faceted advocate.

--Judith Pratt

After practicing law for almost thirty years, Don R. Sommerfeldt LL.M. ’04 has returned to law school. He describes his experience as a student precisely and carefully, with some moments of humor. “Unless I step back and ponder on it, I don’t really feel like I’m older,” he says. “But I am the only student with trifocals.”

For almost as long as he has practiced law, Mr. Sommerfeldt has taught as an adjunct professor at the University of Alberta in Edmonton, Canada. Now he would like to become more involved in teaching. In Canada, however, that requires a degree beyond his M.A. and LL.B. Support from his law firm and family have made it possible for Mr. Sommerfeldt to spend a
year completing the LL.M. program at Cornell Law School. “I always wanted to go to an Ivy League school,” he says. “One of the attractive features of Cornell is that it is in Ithaca. I’m a small-town person.”

With seven children to consider, four of them still at home, moving to Ithaca took careful planning. Mr. Sommerfeldt’s wife was enthusiastic about the move and did a lot of the organizing. “In some respects she was the biggest proponent,” says Mr. Sommerfeldt. “She’s very adventurous.” Susan Sommerfeldt further arranged for their three married children and spouses to spend Christmas in Ithaca, during which the whole family took trips to New York City, Niagara, and Toronto.

The two youngest children, James, eleven, and Maryn, nine, now attend Caroline Elementary School. The next son, David, graduated from high school last year and has been taking classes at Tompkins Cortland Community College. “He really shines in that small school environment,” says his father. Next year, David will go on a two-year mission for the Church of Jesus Christ of the Latter-Day Saints.

Another son, Joseph, has just returned from spending his mission in Mongolia. After taking courses at Cornell and two other universities last fall, he decided to enroll at the University of Alberta, where he boards with his older married sister, Rachelle. Son Mark and his wife are tending the family house in Edmonton, while the eldest son, Matthew, is a schoolteacher in Calgary. Matthew is the only one of the family—so far—to consider law school; he will enroll this September in a Canadian law school.

Commitments to church and family have been paramount in Mr. Sommerfeldt’s life, but he also loves the law. “I work in a very congenial firm,” he says, “and I’ve had great work to do.”

He is on leave from the Edmonton office of Fraser Milner Casgrain LLP, which has offices throughout Canada. His practice focuses on tax and pension issues, estate planning, and corporate reorganizations. Mr. Sommerfeldt speaks of his pleasure in helping people and companies with these areas, on which he has published and lectured extensively. “Resolving complex tax and other issues in a situation where there is wealth or a family business to pass to the next generation is very satisfying,” he says. He finds that human touch even in corporate tax matters. “Tax law probably impacts more citizens than any other branch of the law,” he notes.

Don Sommerfeldt did not take a direct route to law school. As an undergraduate at the University of Lethbridge, he majored in chemistry. Assigned to Italy on his mission, he fell in love with the Renaissance, then returned to Lethbridge to complete a second major in history. In 1974, he received an M.A. in Renaissance and Reformation History from Brigham Young University. “I was at Brigham Young the year they opened the law school there,” Mr. Sommerfeldt explains. “That rekindled my interest in law. I thought it made sense to go to a Canadian law school.” He received his LL.B. from the University of Alberta in 1977.

Returning to school has presented some challenges. Having had a secretary for many years, Mr. Sommerfeldt says, “I don’t feel one hundred percent at home on the computer.” So while the other students take notes on their laptops during class, he uses the old-fashioned paper and pen. “I’m amazed by the things other students say in class,” he says. “They’re a top-notch group.”

Mr. Sommerfeldt looks forward to returning to both his law practice and to teaching. “In law school I felt I would like to teach, but had professors who had never practiced law,” he explains. “But we are training people who are going to work in their profession.” So he decided to spend some time practicing law. “I love the law, and I’ve enjoyed practicing,” he says. “With a large family, it made a lot of sense to be in private practice.” As an adjunct at the University of Alberta, he has taught torts, introductory tax and estate planning. “The course I’ve always wanted to teach is corporate tax, and I’ll finally get to teach that when I return,” he says. “The nice thing about it is the entire course will directly relate to things I do in my practice.”

“My family has always been important to me, so I have spent very few evenings or Saturdays, and never any Sundays, working at the office,” says Mr. Sommerfeldt. However, he is continuing to practice while in Ithaca. “I still have clients,” he says. “I have a mini-office here, and my wife and children help.”

“As you sacrifice, you become committed to the thing you sacrifice for,” Mr. Sommerfeldt concludes. “Maybe that’s why I’ve enjoyed this year in school so much.”

~Judith Pratt
The Exonerated
On December 4, over fifty-five law alumni, faculty, guests, and friends gathered in lower Manhattan to see the off-Broadway play *The Exonerated*. The play, written by the husband-and-wife team of Erik Jensen and Jessica Blank, is a chain of intersecting monologues detailing the real-life experiences of former death-row inmates who were eventually proven innocent. The play weaves its way though the six stories from arrest to exoneratation, and in the process offers the audience a critical examination of the competency of our law enforcement, judicial, and penal systems. Although these stories describe triumph over adversity, the sense of enduring loss is inescapable. As one of the wrongly accused described it, “Imagine everything you did between the years of 1976 and 1992. Now remove all of it.”

After each performance, to give the audience an opportunity to decompress after wrestling with the issues raised, the producers invited death penalty experts for a “talk-back” session with the audience. Cornell Law School has two of the nation’s leading capital punishment experts, Professors Sheri Lynn Johnson and John Blume, co-directors of the Cornell Death Penalty Project. The Cornell Death Penalty Project provides opportunities for Cornell law students to participate in the representation of capital clients; fosters scholarship related to the death penalty; and provides information, resources, and assistance to attorneys representing capital clients. During the talk-back session, Professors Johnson and Blume described their experiences, and took questions from the audience.

Alumni Welcome New Allan R. Tessler Dean
Cornell Law School’s fifteenth dean, Stewart J. Schwab, the Allan R. Tessler Dean and professor of law, traveled extensively to meet alumni and hear their concerns and ideas, and share his vision and priorities for the future of Cornell Law School.

Atlanta AALS
The dean’s first trip began shortly after President Lehman’s announcement of his selection in early December. His first opportunity as dean to meet alumni came in Atlanta, during the Association of American Law Schools (AALS) Annual Conference, at a reception at the Atlanta Marriott Marquis on January 5. During the AALS conference, approximately thirty alumni and friends of the Law School assembled to hear the first presentation by the Dean, and to learn about Cornell Law School’s newest journal.

The new journal, called the *Journal of Empirical Legal Studies* (JELS), is edited by members of the Cornell Law School faculty, including Professors Theodore Eisenberg, Jeffrey Rachlinski, and Dean Schwab. By the time the first issue of JELS was published in January of 2004, some of its controversial, topical, and thought-provoking articles had already been discussed and debated in the *New York Times*, the *Economist*, the *Financial Times*, the *Wall Street Journal*, and the *International Herald Tribune*. 
JELS’s editors and editorial advisory boards are comprised of renowned international scholars from diverse disciplines including law, statistics, economics, psychology, industrial relations, and dispute resolution. JELS is published by Blackwell Publishing Inc., and contains empirically-oriented articles of interest to scholars in a diverse range of law and law-related fields.

After the dean’s remarks at the AALS alumni reception, Professor Eisenberg discussed articles contained in JELS’s first issue, and showed alumni how to navigate Blackwell’s website to view the articles online. Among other topics, articles in the premier issue of JELS examined legal fees in class action settlements and large bankruptcy reorganization cases, and compared the population and racial composition of inmates on death row. To learn more about JELS, alumni are encouraged to visit www.blackwellpublishing.com.

Miami City Club Luncheon

Soon after the Atlanta reception, Dean Schwab traveled to Miami on January 7, where Lee I. Weintraub ’70, Lewis M. Ress ’54, and Paul R. Auchter ’64 hosted Miami area alumni at a luncheon at the Miami City Club. The Miami City Club is on the fifty-fourth floor of an office tower on South Biscayne Boulevard, and offers outstanding views of the Miami harbor.

During the luncheon, Dean Schwab presented Mr. Ress with a Distinguished Alumni Award for fifty years of dedication, involvement, and invaluable contributions to the continued advancement of Cornell Law School alumni in Southern Florida. In particular, Mr. Ress was recognized for welcoming and mentoring young Cornell attorneys entering the Miami legal market. Mr. Ress’s efforts have created a vibrant and close-knit group of alumni in the Miami area. More importantly, Mr. Ress’s example has caused a chain reaction; those he welcomed to Miami now do the same for other new attorneys.

Boca Raton Luncheon


Mr. Weitzman, a successful labor and employment partner at Proskauer Rose LLP since 1981, amused the audience with a review of the Dean’s resume from the perspective of a labor and employment attorney. At the Boca luncheon, Dean Schwab also met Albert E. Arent ’35. Since graduating in 1935, Mr. Arent has met nine of Cornell Law School’s fifteen deans.

NYC Annual Luncheon

Several weeks after the Florida trip, and only thirty days into his tenure as dean, Dean Schwab was the featured speaker at the annual New York City Alumni Lunch, held at the landmark “21” club. In addition to hearing Dean Schwab’s vision for the future of the Law School, the luncheon alumni were treated to a slide show containing images from the school’s history.

The images spanned the entire history of the Law School, from its modest start on the fourth and fifth floors of Morrill Hall to its current status as one of the finest law schools in the world. The photos captured student life from the celluloid collars and mustaches of the early nineteen-hundreds through the suits and dark-rimmed glasses of the nineteen-fifties, to today’s jeans and t-shirts. For alumni who were unable to attend, the slide show photos will be posted on the alumni website.

Denver Luncheon

Later in February, Dean Schwab left seventeen-degree temperatures in Ithaca to fly to the Mile High City, where it was a balmy fifty-five degrees. There he joined approximately twenty-one alumni and staff at the Denver luncheon, sponsored by Gregory J. Smith ’72. The luncheon was held at the Denver University Club in the heart of downtown Denver.

Mr. Smith, one of the driving forces behind the Dean’s visit, was pleased that early in his tenure, Dean Schwab demonstrated that smaller Law School alumni communities with dedicated alumni bases will not be overlooked.
Dean Schwab’s Priorities

At the Atlanta, Florida, New York, Denver, and California alumni events, Dean Schwab presented his vision for the future of Cornell Law School. At most of the gatherings he used an interactive presentation to highlight his priorities. The specific points the dean discussed included:

- increasing tenured faculty positions;
- strengthening relationships with the University;
- improving our public relations; and
- expanding our physical space.

The alumni at all the venues were appreciative of the dean’s time and look forward to following the progress of his vision for Cornell Law School.

Jay W. Waks ’71 to Chair Advisory Council

In May, Jay W. Waks ’71 was selected to chair the Law School’s Advisory Council, the principal advisory committee for the Law School’s dean. Mr. Waks will succeed Stephen G. Crane ’63, who served as chair for three years. Mr. Waks will begin his term this fall, when he presides at the Advisory Council meeting scheduled for September 30 through October 2.

Mr. Waks, a Kaye Scholer LLP partner in New York City, has served in many leadership positions at the Law School, including terms as the national chair of both the Dean’s Special Leadership Committee and the Law School’s Annual Fund. He also serves on the Cornell University Council, where he chairs the Admissions and Financial Aid Committee, and serves on the School of Industrial and Labor Relations School’s advisory council.

“Jay has great knowledge of the Law School, its alumni, and the greater university,” said Dean Schwab. “I look forward to working closely with him and the Advisory Council as we move forward. I also want to thank Judge Crane for his invaluable guidance as I began my deanship.”

“I am proud of the constructive role the Advisory Council has been called upon to play in shaping the success of our true love, the Cornell Law School,” Mr. Waks said upon his appointment. “I am fired with enthusiasm to become as effective as Judge Crane in guiding the council and advising the dean, and truly am appreciative of Stewart’s having given me this opportunity.”
Class Notes

43 In August of 2003, Ephraim Taylor Brown Jr. became the first recipient of the Alabama State Bar’s William D. “Bill” Scruggs Jr. Award. The Scruggs Award was created in 2002 in honor of Alabama’s late state bar president. The award recognized Mr. Brown for his dedicated service to the bar. Currently, Mr. Brown is of counsel to Cabaniss, Johnston, Gardner, Dumas & O’Neal in Birmingham, Alabama.

Emlyn Irving Griffith was named in the 2004 edition of Who’s Who in America. Mr. Griffith has served on the board of directors for several corporations and foundations. Last October, Mr. Griffith moderated the New York State Bar Association’s “Update 2003” program for practicing attorneys. The program covered recent developments in civil procedure, matrimonial and family law, trusts and estates, business and corporate law, and ethics and professionalism. Mr. Griffith is currently a trustee of the New York Bar Foundation.

Dr. Robert Manley works at the John C. Washburn School of Diplomacy and International Relations at Seton Hall University. He is one of a group of Seton Hall faculty members who laid the foundation for the establishment of the School of Diplomacy in 1997. During the 2001–2002 academic year, he taught courses in U.S. foreign policy and international organizations at the China Foreign Affairs University in Beijing. Currently, he is advising undergraduate students regarding doctoral programs and law school.

50 In November, Charles J. Urstadt and Stanley Berman ’48 attended the annual Associated Builders and Owners of New York dinner at the Marriott Marquis Hotel. At the dinner, Mr. Urstadt received the Fred C. Trump Award for lifetime achievement. Donald Trump presented the award, which is named for his father. Mr. Berman is a partner at Bryan Cave Robinson Silverman, and is a member of the board of Associated Builders and Owners. Mr. Urstadt and Mr. Berman have been friends and business acquaintances since their days at Cornell.

Allen R. Malcom still maintains an office in Chestertown, Maryland. He is still active as the director of the John Ben Snow Foundation, Inc., and as a trustee of the John Ben Snow Memorial Trust. The John Ben Snow organizations award capital grants, challenge and matching grants, development grants, project and program grants, and seed money grants for education programs. The foundation also gives awards and prizes, and funds conferences and seminars.

52 Joseph C. Dwyer is still practicing trial law in upstate New York. He is hopeful that his son, currently a student at Notre Dame Law School, will take over the practice. “Perhaps help is on the way!”

William J. vanden Heuvel, chair of the Franklin and Eleanor Roosevelt Institute, and vice chair of the World Federation of United Nations Associations, received the Theodore Roosevelt Distinguished Service Medal in October. In accepting the award, Mr. Vanden Heuvel remarked, “The Roosevelts’ commitment to peace, preparedness and social justice made us the most powerful of nations and the most respected among the peoples of the earth. Their commitment is mine. At no time in my life have I seen the greatness of their achievements and the possibilities of their hopes more threatened than they are now. This is the time to ‘speak softly and carry a big stick,’ said TR. ‘This is pre-eminently the time to speak the truth, the whole truth, frankly and boldly,’ said FDR.”

53 Last fall Al Neimeth ’52 (left) and his wife, Doris, enjoyed a two-week visit to Ireland and Scotland, highlighted by a day spent with classmate Lorene Jorgensen Bow ’52 (right) and her husband, Bob, at their charming country home in Lanarkshire, Scotland.
James E. Hirsch and his wife Rebecca traveled to Australia, New Zealand, and Fiji for twenty-five days. It was a fabulous journey. Mr. Hirsch celebrated his fiftieth reunion at the University of Pennsylvania last summer. He also enjoyed six days in Manhattan, where he saw Rene Fleming in "La Traviata."

In March, Hon. Edmund R. Bernhard reached the age of mandatory retirement, and will be retiring from his position as judge of the Superior Court of New Jersey.

In celebration of New York Supreme Court Justice S. Barrett Hickman’s recent retirement, hundreds of well-wishers attended a retirement dinner. There was a special table for the “Cornell Law Alumni Gang.” At the dinner were fellow class of 1959 members Frederick J. Murphy, James M. Cassidy, Richard J. Drake, Judith Richter Levy and Justice John William Grow. Also attending were law alumni Justice Harold Leroy Wood ’48, retired, Bruno J. Gioffre ’58, and Marshall S. Belkin ’57. Justice Hickman is an Air Force veteran who served in the Korean War before entering law school. He was a New York State Supreme Court justice from 1986 until his retirement in 2003.

Last November, R. Michael Frank was appointed to a seat on the Board of Directors of the Toledo-Lucas County Port Authority in Ohio. The Port Authority operates the Great Lakes Port of Toledo, the county surface transportation facilities, and the airport. The Port Authority is also responsible for economic development throughout the county, including state bond financing programs.

Last October, James B. Dolan Jr. was elected to membership in the American Law Institute. The elected membership consists of 3000 judges, lawyers, and law teachers from all areas of the United States, as well as some foreign countries, selected on the basis of professional achievement and demonstrated interest in the improvement of the law. Mr. Dolan will participate in the Third Restatements of Agency, Torts and Restitution. The American Law Institute was organized in 1923 by a group of prominent American judges, lawyers, and teachers to address the uncertainty and complexity of American law. The institute tackled the uncertainty of the law by providing lawyers and judges with an authoritative restatement of the law for each major legal area. Mr. Dolan also reports that he had a brief reunion with Ian MacNeil, who was a member of the law faculty when Mr. Dolan was a student in the sixties. Mr. MacNeil now lives in Edinburgh, Scotland, where Mr. Dolan happened to be vacationing. Mr. Dolan reports that Mr. MacNeil is in great shape for a guy in his mid-seventies, alert, friendly and interesting to talk to. If fate ever takes any of his classmates to Edinburgh, Mr. Dolan suggests that they look Mr. MacNeil up. The two talked at length about Rudi Schlessinger, Walter Oberer, and other faculty greats of the past, sadly now lecturing in the big classroom in the sky. Mr. Dolan will be in Ithaca in June for his class reunion, and looks forward to seeing his classmates.

Bruce M. Gorman was appointed as an Administrative Law Judge of the State of New Jersey. Mr. Gorman previously practiced law in Cape May County, New Jersey for thirty years, where he held a variety of appointed public offices.

Professor Doris Marie Provine is directing Arizona State University’s School of Justice Studies, a graduate and undergraduate program that focuses on the study of justice from legal, economic, cultural, and social perspectives. She and her husband, John Shelton, are enjoying life out west, with the great weather and the chance to deal with many challenges that the environmentally delicate, fast-growing region presents.

Richard G. English’s oldest son, Obadiah Gildersleux English, was recently admitted to the Massachusetts Bar.

Vernon (Buck) C. Miller Jr. opened his own firm, the Miller Law firm, in Wilton, Connecticut.

Stephen M. Snyder and two of his long-time former Brobeck, Phleger & Harrison litigation partners, Jim Miller and Luther Orton, opened their own litigation boutique in San Francisco in January this year. The firm will continue work for existing clients in antitrust, securities, mass torts and products liability, insurance coverage, and intellectual property disputes, but also looks forward particularly to new engagements in these areas from clients or national firms wanting a strong, local California presence in litigation where long experience and knowledge of the local legal milieu may make a difference. (The Snyder Miller & Orton LLP web page appears at www.snyderrmillerorton.com and supplies more details about...
Mr. Snyder joined Brobeck right out of law school and, except for two years of law teaching at Northwestern, spent his whole career there. He chaired the litigation group and the insurance coverage and products liability group in the eighties and nineties. He served as chair of Brobeck in the mid-nineties.

Cliff Weidberg, the former owner of the bike shop in Ithaca’s Collegetown, reported recently that he started and hosts a not-for-profit Florida radio program called “Good Work.” The program allows charities to use the airwaves to explain the services they offer.

Theodore Grossman, partner with the Cleveland office of Jones Day, was named one of the nation’s top ten trial lawyers in the June issue of the National Law Journal. Earlier this year, Mr. Grossman was also inducted as a Fellow in the American College of Trial Lawyers. Mr. Grossman’s successful defense of Reynolds Tobacco is legendary. After a 1998 win in Jacksonville, Florida, and a 1999 win in Baton Rouge, Louisiana, Mr. Grossman took on the Lawrence Lucier case in California. Defending Reynolds in the Lucier case was especially challenging because the tobacco industry had suffered six consecutive losses on the West Coast (two with multi-billion-dollar verdicts). Mr. Grossman reversed the trend by successfully defending Reynolds Tobacco in the Lucier case. Mr. Grossman’s victory required hard work, preparation, and skill as an advocate; but it also required that he view the case with “fresh eyes.” “In recurring litigation, you have to think through the themes as if they were your first case. The temptation to fall into a pattern is huge, especially when it has been successful.” Mr. Grossman added that if he had followed the pattern in the Lucier case, “we would have had a seventh loss on the West Coast.”

U.S. District Court judge Hon. Shira A. Scheindlin ruled against the NFL on the NFL’s player draft eligibility guidelines. In her opinion she wrote, “Because the NFL cannot prevail on any of these defenses, the rule must be sacked.” Her witty metaphor appeared in the “Verbatim” section of Time magazine.

As reported in the Atlanta Journal-Constitution, Hon. Leonie Brinkema is presiding over the Zacarias Moussaoui case. Among other things, the case involves Mr. Moussaoui’s request to interview three al-Qaeda operatives in U.S. custody. Mr. Moussaoui claims that one, Mr. Binalshibh, can testify that Mr. Moussaoui was not involved in the September 11 plot, but was in the United States for other reasons. Ruling against the Department of Justice, Judge Brinkema ordered the interview, by video hookup, in January. But the government defied the judge, saying the interview would disrupt an ongoing terrorism interrogation, and damage national security. In response, Judge Brinkema sanctioned the government, barring the death penalty and evidence linking Mr. Moussaoui to the September 11 attacks. Both prosecutors and defense attorneys have praised her as fair and independent. Mr. Moussaoui, however, believes she is conspiring to have him executed. In his motions, he has called her “the death judge” and “S.S. Brinkema,” referring to the Nazi police. Judge Brinkema started working for the Department of Justice in 1976. She worked as an assistant U.S. attorney in Virginia’s Eastern District and as a private lawyer before becoming a magistrate judge in 1985. After seven years on the bench, President Bill Clinton appointed her to a federal judgeship.

Frank L. Newburger III became chief counsel of the Pennsylvania Department of Community and Economic Development. The department’s mission is to foster opportunities for Pennsylvania businesses and communities to succeed and thrive in a global economy. Mr. Newberger is enjoying the challenge of working in a fast-paced area totally different from anything he has ever done. But equally important are the psychic benefits he gets from working on projects that have the potential to positively affect people’s lives.

President Bush nominated Vermont’s U.S. Attorney, Hon. Peter W. Hall, to replace Judge Fred Parker on the U.S. Court of Appeals for the Second Circuit. Mr. Hall has served as Vermont’s U.S. Attorney since September, 2001. Of Mr. Hall’s nomination, Vermont Senator Patrick Leahy said, “the integrity, fairness and professionalism he has shown while U.S. Attorney has convinced me he will make a fair and impartial judge.”

Jeffery D. Livingston exchanged vows with Teresa Lynn Chiu during a raucous garden party held in Piedmont, California. On hand to witness the transformation of their tardy classmate were Kevan T. Slattery ’77, Mark E. Chopko ’77 and “Alton Wong ’77.” Decorations, invita-
Charles R. Pouncy has become an associate professor of law at Florida International University. Professor Pouncy has previously served on the faculties at the University of Florida College of Law, and the Temple University School of Law. He teaches in the areas of business associations, corporate finance, commercial law, banking law and professional responsibility. Professor Pouncy has written in a wide range of areas, including corporate law, stock markets in developing countries, law and economics, and critical race and gender theory. Before teaching, he served as a senior trial attorney at the Commodity Futures Trading Commission, and at the Office of Thrift Supervision, U.S. Department of the Treasury.

Andrew J. Demaio was honored with the New Jersey State Bar Association’s Legislative Recognition award for his work on probate matters dealing with inheritance tax laws, the Uniform Probate Code, and legislation establishing trusts for families affected by the September 11 terrorist attacks. During the legislative process, Mr. Demaio worked closely with the New Jersey Surrogate’s Office, the Governor’s Office, and the Administrative Office of the Courts.

The National Elder Law Foundation announced that Leslie Wizelman is now certified to practice elder law. Ms. Wizelman is only the twenty-second attorney in the state of Pennsylvania to receive such certification, and is one of only 307 nationwide. She has practiced elder law for twenty-three years, and specializes in asset protection plans, nursing home planning, probate, and estate planning.

Circuit Judge Patricia L. Cohen was appointed by Missouri Governor Bob Holden to a seat on the Eastern District Court of Appeals. Of her appointment, Governor Holden said, “Judge Cohen has a great depth of legal experience both on the bench and as an attorney. Besides being an active member of her community, Patricia will bring tremendous integrity to her new position.” Judge Cohen had served in the Twenty-Second Circuit since 1997, and was an attorney at the St. Louis law firm of Thompson Coburn.

Mariam M. Yim was appointed senior assistant to Phoenix mayor Phil Gordon. Ms. Yim has worked in senior-level positions for the Arizona Supreme Court and the Arizona Attorney General. Prior to her appointment, she was an adjunct professor at Arizona State University College of Law.

Louis A. Alexander has been appointed assistant commissioner at the New York State Department of Environmental Conservation. He has also been elected as an officer of the Environmental Law Section of the New York State Bar Association.

David G. Smith joined the firm of Pepper Hamilton LLP as a partner in their Philadelphia office. Mr. Smith focuses his practice on finance and other commercial transactions. He represents lenders and borrowers in secured and unsecured financing transactions, restructurings, and debtor-in-possession financings. Before joining Pepper, Mr. Smith was counsel at Morgan, Lewis & Bockius LLP in New York.

Jodie A. Berger has been appointed regional counsel for Legal Services of Northern California, serving nine offices in twenty-three counties.

KPMG announced that Robert T. Hawkes was elected to the firm’s partnership. Before joining KPMG in 1999, Mr. Hawkes worked for the office of the Chief Counsel to the Internal Revenue Service. Mr. Hawkes provides merger and acquisition tax services to clients in the New York metropolitan area.

Diana C. Liu was elected a fellow of the American Bar Foundation. Election to fellowship honors those demonstrating outstanding dedication to the welfare of their communities and to the highest principles of the legal professional. Ms. Liu is a partner in Wolfblock’s Real Estate Practice Group, working in the firm’s Philadelphia office.

Mark A. Saunders joined the firm of Shems Dunkiel Kassel & Saunders, PLLC, in Burlington, Vermont, as a partner. Mr. Saunders practices in the areas of commercial transactions and finance, general business counseling, and private securities offerings. Mr. Saunders joins John B. Kassell ’86 at the firm. Shems Dunkiel Kassel & Saunders, PLLC, focuses on clients who seek to promote environmental quality and social responsibility.

The National Law Journal profiled John S. Zieser and highlighted his responsibilities at the 2500-employee Meredith Corporation. Meredith publishes home- and family-oriented magazines, including Better Homes and Gardens. The company also owns several television stations. Mr. Zieser heads the company’s newly created Corporate Employee Services Group, an eighty-employee operation, which merged Meredith’s legal, human resources, public relations, and lobbying functions.
90 Arlington, Virginia-based Albo & Oblon, L.L.P., one of Virginia’s seventy-five largest firms, is pleased to announce that Malik K. Cutlar has become a partner of the firm. Mr. Cutlar worked for the Justice Department’s Civil Rights Division prior to joining the firm. Mr. Cutlar is the day-to-day manager of the firm’s civil division. He is a litigator with an emphasis on business and employment law.

Frank A. Marco and Margaret S. Hickey-Marco recently celebrated their tenth wedding anniversary. They have three children; Stephen (eight), Ryan (six), and Abigail (two). Frank practices labor law in Chicago and Margaret manages the family-owned business, In Rem REO Services, Inc.


91 After spending the last five years as general counsel of Ziff Brothers Investments, David K. Moody recently returned to private practice. His new firm, Purrington Moody, is a corporate law firm with offices in New York and North Carolina. The firm offers clients a sophisticated transactional practice with a special focus on the private equity and investment fund industry.

Joshua C. Nathan assumed the position of vice president, general counsel and secretary of Educational Broadcasting Corporation (EBC), licensee of public television stations Thirteen/WNET and WLIW21. Mr. Nathan joined EBC in 1997 as associate general counsel, and in 2002 was promoted to deputy general counsel. Among his other accomplishments, Mr. Nathan received two New York Emmy Awards for his work on Thirteen’s local television documentary NYTV: By the People Who Made It. He lives with his wife and son in Rye, New York.

Marc A. Polk was elected partner of the Boston law firm of Nutter McClennen & Fish. Mr. Polk’s practice encompasses a broad range of civil litigation, with concentrations in product liability, toxic tort, and business litigation. He practiced in Philadelphia prior to joining Nutter, and is admitted to the Pennsylvania and Massachusetts bars. Mr. Polk is a member of the American Bar Association and its Litigation and Tort and Insurance Practice Sections, as well as the Boston Bar Association. He resides in Hudson, Massachusetts, with his wife, Jocelyn, and their two children.

Kenneth A. Remfry Jr.’s Army Reserve unit was mobilized for Operation Iraqi Freedom. Mr. Remfry has been stationed in Tikrit, Iraq since April.

92 John J. Dieffenbach joined the legal department at Accenture in December, 2003. John, his wife, Anne, and their five children (Rosie, Megan, Jimmy, Matt, and Emily) live in Pleasantville, New York. His son Jimmy, twelve, starred last summer in the off-Broadway musical The Prince and the Pauper at the Lamb’s Theater (where John also held a reading of his screenplay, Extra Innings, in December).

For the past five years, Boyd M. Johnson III has been prosecuting Colombian drug cartels and other international organized crime groups as an assistant United States attorney for the Southern District of New York. Mr. Johnson was recently appointed the lead task force attorney for the Organized Crime Drug Enforcement Task Force in New York (OCDETF). In this capacity, starting in March, 2004, he will be supervising an OCDETF Strike Force consisting of 175 federal agents from the FBI, the DEA, and the Department of Homeland Security dedicated to investigating and dismantling the world’s largest international narcotics trafficking organizations.

Amy E. Weissman recently joined the central staff of the Seattle City Council, where she works as a legislative policy analyst. She lives with her husband, Pat Martin, on Bainbridge Island, where they have plenty of room for visiting Cornell alums.

93 Thomas I. Barnett transitioned from Electonic Evidence Discovery Inc. to become senior vice president and general counsel of SPI Technologies, a publicly traded company, and the largest provider of business process outsourcing in Asia.

Daniel A. Shacknai married Eve Hall in May, 2003. The couple’s son, Noah Shai Shacknai, was born on September 30.

94 Beth D. Diamond and her husband, Christopher Trencher, have added Adam Russell Trencher to their family. Adam was born on March 21, 2003.

M. Todd Sullivan was named a member by Womble Carlyle Sandridge & Rice, PLLC. Mr. Sullivan practices in the labor and employment law department, and lives in Raleigh, North Carolina. He had a nice dinner at Morton’s Restaurant with his classmates David M. Anderson and Karen D. Anderson in New York recently.

Pedro Urdaneta-Benitez is pleased to announce that the firm he founded in 1997 continues to grow. Due to this growth, it was necessary to relocate to a larger and more comfortable office space at Multicentro Empresarial del Este, in Caracas, Venezuela.
Jessie F. Beeber was elected to become partner at the firm of Frankfurt, Kurnit, Klein & Selz. Ms. Beeber’s practice focuses on intellectual property litigation and counseling. She has represented the author and publisher of the renowned Harry Potter books, and represented the estate of Margaret Mitchell in the controversial copyright case against the author of the Wind Done Gone, an alleged parody of Ms. Mitchell’s Gone With the Wind. Ms. Beeber is based in Frankfurt’s New York office.

On November 8, Gregg Reed Donnenfeld married Robin Sue Ruffner at the Oheka Castle in Cold Spring Hills, on Long Island. Nine law school classmates were in attendance at the wedding, both celebrating Mr. Reed’s wedding and his safe return to the United States from the Middle East. Mrs. Donnenfeld is a clinical social worker.

After four years with the Government Bureau of the Massachusetts Attorney General’s office, William E. Reynolds recently joined the litigation department of Bond, Schoeneck & King in its Albany office. Mr. Reynolds and his wife, Ingrid Sorensen ’94, and their daughter, Maggie, are enjoying getting to know Albany, and are excited to be back in upstate New York. Maggie (Margaret Ella), turns two in August, and is a daily source of energy and joy. Their home email is soreyn@nycap.rr.com.

Timothy E. Punke married Lori Otto in Gig Harbor, Washington. Fellow alumni in attendance were: Michael W. Punke ’89; Paul D. Balkan ’96; Joel R. Grosberg ’96; Brian A. Pomper ’95; Dave Cook ’97; Adam Wolfe ’96; Christopher Gehring ’96; David L. Gibbons ’96; Benjamin D. Kern ’97; and Stacy Tobin Kern ’96. Tim and Lori now live in Washington, D.C., where he is chief international trade counsel at the Senate Finance Committee, and she is a federal lobbyist for Microsoft.

Bryan C. Van Cott is an associate with the firm of Twomey, Latham, Shea & Kelley, LLP, located in Suffolk County, New York. Mr. Van Cott’s practice includes civil litigation, business transactions, and real estate matters. He also offers his clients counsel in trusts and estates, land use and zoning, and environmental law. He resides on Long Island with his wife and daughter.

Hera Sharon Arsen left law.com to start at Ogletree, Deakins, Nash, Smoak & Stewart, P.C., in their Los Angeles office. She has also entered a Ph.D. program in philosophy at the University of California, Irvine.

Octavio Vinces received the UNAM-Alfaguara Prize in Mexico for his novel Las Fungas Paralelas (The Parallel Runaways). The prize, given to first novels, is sponsored by Universidad Nacional Autónoma de México and Alfaguara-Santillana, a major Spanish-language publisher.

Paramjeet S. Sammi was elected president and chief board member of the South Asian Bar Association of New York (SABANY). SABANY (www.sabany.org) is a bar association dedicated to serving the needs and interests of South Asian attorneys and the South Asian community-at-large in the New York metropolitan area.

After three years of practice at Sidley Austin in New York City, David H. Becker joined the firm of Latham & Watkins in Newark, New Jersey. His practice will focus on environmental litigation and environmental regulatory matters. He is still living in New York City, and enjoys the reverse commute.

Rachel S. Black married Paul Hanken on August 30 in Seattle, Washington, where they now live. She is an associate in the antitrust practice group at Susman Godfrey L.L.P.
**Brian** and **Kristin Harms** are pleased to announce the birth of their second child, Jason Michael Harms, on August 4, 2003. Jason weighed 8 lbs. 10 oz., and measured 21 inches. Big sister Taylor had to adjust to the new addition (i.e., attention going to Jason), but has become a great little helper even in her terrible twos. The whole family is enjoying life in Atlanta, especially the weather.

After successive clerkships with judges Louis F. Oberdorfer and Colleen Kollar-Kotelly, both of the United States District Court for the District of Columbia, **Wendy A. Harris** relocated to New York City to begin work in the litigation department of Wilmer, Cutler & Pickering.

**Paige J. Swartley** left Bingham McCutchen’s San Francisco office for a position that combines her passion for historic preservation and her legal expertise. She now practices public interest historic preservation and environmental law for the Brandt Hawley Law Group, a small firm in Sonoma County. Mrs. Swartley is also opening her own historic preservation consulting firm, Legacy Preservation Partners, LLC. She devotes a lot of her free time to serving on the Board of the California Preservation Foundation, and discussing preservation issues with her husband, Seth Bergstein, an architectural historian and conservator.

**The dynamic duo of Gregory M. Evans and London D. Meservy** has been reunited. They have joined forces in the San Diego office of Paul Hastings. When they are not fighting crime, Mr. Evans focuses his practice on mergers and acquisitions, and Mr. Meservy practices employment law.

Holland & Hart is pleased to announce that **Jennifer I. Foss** has joined the firm’s business department in the bankruptcy and corporate finance practice groups in their Boise, Idaho office. Prior to joining Holland & Hart, Ms. Foss worked as an associate with the New York office of White and Case LLP.

**Patrick A. Train-Gutiérrez** finished his two-year clerkship with Jaime Pieras Jr. of the U.S. District Court for the District of Puerto Rico, and began working in the New York office of Hunton & Williams, in their project finance and leasing team.

**Toshifumi Ueda** has resumed practice in Tokyo at Mori Hamada & Matsumoto.

**Kimberly Mayer Miller** and her husband, Michael, announce the birth of their daughter, Audrey Grace Theris Miller, born on January 5, 2004.

**Elizabeth A. Martin** has joined the Morristown, New Jersey office of Porzio, Bromberg & Newman, P.C. Ms. Martin joined the bankruptcy practice group. Before joining Porzio, she was an associate in the Washington D.C. office of Troutman Sanders.

**Rachana R. Trivedi** has joined the New Jersey Department of Law and Public Safety, working within the department’s Health and Human Services section.

**Christopher M. Scharff** has joined McAndrews, Held & Malloy, Ltd., a national intellectual property and complex technology law firm.

**Laura Marie Butera** has been named a staff attorney for the City of New York.
Editor’s note: Personal items, newspaper clippings, and other notes are welcome for possible publication in Cornell Law Forum. You may address correspondence to the attention of Seth Peacock ’01 at Cornell Law School, Myron Taylor Hall, Ithaca, New York 14853-4901 (607 255-5251; fax, 607 255-7031; sjp18@cornell.edu). The alumni office may also be reached at alumni@postoffice.law.cornell.edu.

Please be aware that the Forum is produced approximately six months in advance of when it is received by its readers. Class note information received after production has begun will be included in the next issue of the magazine. All accepted text is subject to editing.

In Memoriam

Henry Halton Willmott ’39  James Gordon Nye Jr. ’53
Hon. Joseph F. Dannehy ‘43  John Richard Tenney ‘55
Thomas M. Gardiner ‘43  Thomas A. Brown Jr. ‘68
Hon. Michael J. Capanego ’54

The career office prepares a monthly newsletter of job opportunities for experienced attorneys. Alumni interested in listing opportunities or seeking new positions may contact Judy Mather at 607 255-5873 for further information.

Looking for E-mail?

We’re looking to create an e-mail listing of all our alumni. If you think we don’t have you on file, please check online at http://www.lawschool.cornell.edu/alumni/dir_login.asp to make sure your e-mail is correct. You may also send an e-mail to alumni@postoffice.law.cornell.edu or call us at 607 255-5251.

Reunion ’04 was concluding just as this magazine was going to press. A great time was had by all, largely thanks to the efforts of the alumni team of Seth Peacock ’01, Kari Seeber-Williams, and Valerie Kelly. See the next issue of the Forum for more details. Meanwhile, additional photos may be viewed at http://www.lawschool.cornell.edu/alumni

Reunion ’05
June 9~11
Hope to see you there!
The editors thank the faculty, staff, and students of the Cornell Law School for their cooperation.

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Congratulations to the Law School’s New Alumni

2004 J.D. candidates

2004 LL.M. candidates