SPECIAL INTERNATIONAL ISSUE:
Peace Through Law • Do New Wars Call for New Laws? • Developing Countries and the WTO
Summers and Oxford • Milosevic and Hussein on Trial • Clarke Program • 2005 Reunion

Cornell Law Forum
Summer 2005
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Around 1928, when plans were being drawn up for what is now Myron Taylor Hall, the architects asked the law faculty what spirit they felt the new facility ought to convey. The faculty responded that the new building must express the deepest aspirations of the legal profession. During that post-World War I period, their most heartfelt desire, they said, was to see the law progress from guarantor of peace within countries to guarantor of peace throughout the world. To see how the architect envisioned that hope, look up at the west front of the Peace tower. You will see a world court of judges representing many nations and continents, surrounded by the torch of knowledge, a broken sword, and a ploughshare: Peace through Law.

As we continue our quest to turn swords into ploughshares by means of the law, this issue of the Cornell Law Forum focuses on our continuing involvement in international law. Cornell's long commitment to the exploration and study of this multi-faceted topic, symbolized by the Peace Tower, continues with a wealth of distinguished faculty, dedicated students, and innovative programs.

I am delighted to begin this issue's international theme with an account of my March trip to Thailand, China, Korea, and Japan. Not only was this journey a wonderful experience and a terrific opportunity to meet with alumni, but also it afforded me the companionship of Jack Clarke, LL.B. ’52, whose commitment to international and comparative law led him to establish the Clarke Program in East Asian Law and Culture under the direction of Professor Annelise Riles. Jack attended every academic meeting and led the way in talking with fellow alumni about how they might become more closely involved with the Law School.

In Thailand, Dr. Kittipong Kittayarak, LL.M. ’83, profiled in this issue, graciously organized every aspect of the visit, from arranging transportation to setting up a meeting with Supachai Poo-Ngam, president of the Supreme Court of Thailand. Baker and McKenzie hosted a gathering where law alumni shared stories of snow, long hours in the library, and warm memories. With a new constitution in place, Thailand is developing an operational legal system with a strong commitment to human and civil rights. We discussed these themes at length when Princess Bajrakitiyabha Mahidol, LL.M. ’02, J.S.D. ’05, hosted a delightful evening with others interested in her field and her dissertation topic, “Towards Equal Justice: Protection of the Rights of the Accused in the Thai Criminal Justice Process—A Comparison with France and the United States.” We also met with deans and key faculty at Thammasat University and Chulalongkorn University to discuss areas of mutual interest and possible collaboration.

Professor Frank Wang ’72, also profiled in this issue, arranged our academic meetings in China. These included the opportunity for me to give lectures on “New Trends in Empirical Legal Scholarship” at three
leading law schools in Beijing (Beijing University, Qinghua University, and the China University of Political Science and Law) and meet with the Law Dean and other officials at Soochow University and East China University of Political Science and Law. Of special interest was our visit to the Jun He Law Firm in Beijing, where Ms. Bai Tao ’88, a leading attorney in international corporate contract law and IT law, is now a senior partner. I was also honored to meet with Mr. Mei-Wei Cheng, president and chief executive officer of Ford China, who is very knowledgeable about the legal challenges of doing business in China.

In our too-short time in Korea, Dr. Hyun Kim, LL.M. ’84, escorted us to a meeting with Nak-In Sung, the dean of the College of Law at Seoul National University. Our trip culminated in Tokyo, where we have the largest concentration of alumni in Asia. We have excellent relationships with three leading law schools—the universities of Tokyo, Keio, and Waseda. It was a pleasure to see one of our dedicated alumni, Mitsuru Claire Chino ’91, while we were at Keio University. Shinya Watanabe, LL.M. ’84, was a gracious host at Jones Day Horitsu Jimusho, and we had a productive meeting with Masatake Yone, LL.M. ’85, at Mori Hamada and Matsumoto, a firm that has generously funded a faculty exchange program with Cornell.

Our trip to East and Southeast Asia reinforced my conviction that the Law School’s international mission is of crucial importance. We have well-established ties in many parts of the world and ambitious plans to raise our profile elsewhere.

The international theme in this Law Forum ranges from Germany to Africa, and from Oxford to Iraq. The issue includes a profile of John J. Barceló III, the director of the Berger International Legal Studies Program and the William Nelson Cromwell Professor of International and Comparative Law. Professor Barceló has also contributed an analysis of the changing position of developing countries in the World Trade Organization.

Law School alumni live in all parts of the globe, and they teach and practice international law around the world. Three such alumni are profiled in this issue. Klaus H. Jander ’64, chair of Clifford Chance’s German Practice Group in the Americas, represents multinational industrial corporations headquartered in Germany, Continental Europe, and the United States. Dr. Kittipong Kittayarak, LL.M. ’83, is director-general of the Department of Probation in the Ministry of Justice in Thailand, where he is responsible for completely revising entire sections of the Thai legal system. Finally, we are pleased to profile Frank Wang ’72, one of the founding members and the Senior Counsel of the U.C. Berkeley War Crimes Studies Center, and a law professor at Soochow University in China.

Moving from Asia to Africa, this Law Forum profiles Jean Paul K. Kandolo, LL.M. ’05, who used the deliberative process of the law to stem the tide of war-induced human rights abuses in his native Democratic Republic of Congo, and Sara Greengrass ’05, whose Peace Corps experience in Namibia gave her a love of Africa and a fascination with international law.

David Wippman, vice provost for international relations and professor of law, provides a thoughtful analysis of the law of war as recently interpreted by the White House Counsel, and of the difficulties in striking the right balance between pursuit of terrorists and respect for legal norms. Finally, Robert S. Summers, the William G. McRoberts Research Professor in the Administration of the Law, provides a respite from the problems of war with a description of peaceful Oxford University, where he has spent several sabbaticals doing research and, as he describes it, “a bit of teaching.”

It was a great privilege to meet with so many distinguished Law School alumni in East and Southeast Asia, and as always, I look forward to hearing from alumni in all parts of the world.

Stewart J. Schwab
May 2005
In the past century, the laws of war have been substantially revised every twenty-five to thirty years by major new treaties. By that standard, we are now due for another international conference leading to the promulgation of new rules and the revision of existing rules. But prospects for such a conference are dim; for different reasons, most governments and many human rights and humanitarian law experts prefer an informal process leading to the evolution of international humanitarian law through state practice informed by expert analysis, though with different endpoints in mind.

The existing law of war is under pressure from two opposing directions. First, some academics and human rights activists (and less visibly, some government experts) have expressed concern that recent trends have exposed inadequacies in the protection afforded civilians. They point to changes in the means by which war is waged, including the proliferation of sophisticated weapons and technological advances that “enable[] wars in which an army need never set foot on foreign soil, yet is still able to defeat the adversary.” Although precision-guided munitions and other advances in military capabilities permit the destruction of military objectives with relatively modest collateral damage, they also substantially lower the political threshold for waging war in general and for waging war in urban areas in particular. More significantly, human rights advocates view with alarm U.S. tactics in the fight against terrorism, and some seek modifications to the law that would constrain possible excesses in that fight.

Second, other academics and some government officials, most notably in the United States, have concluded that existing law does not contemplate or adequately provide for the challenges posed to the national security of some states in an age of sophisticated transnational terrorist groups committed to acquiring and using weapons of mass destruction. Shortly after the September 11 attacks on the United States, Bush Administration lawyers concluded that the United States was in a “new kind of war” for which some aspects of the laws of war were ill-suited.

In line with this view, lawyers in the White House Counsel’s Office and the Justice Department’s Office of Legal Counsel crafted a series of memoranda designed to preserve “flexibility” in the U.S. response to transnational terrorism by interpreting the Geneva Conventions and other international treaties, including the Convention Against Torture, in ways that rendered
them either inapplicable or extremely permissive with regard to aspects of U.S. counter-terrorism operations, especially those pertaining to the detention and interrogation of prisoners. Those involved were motivated in part by a desire to have a free hand in interrogations, and in part by a desire to avoid exposing U.S. government officials to possible prosecution under U.S. law, which treats certain violations of the Geneva Conventions as crimes subject to prosecution in the United States. More broadly, some Bush Administration officials and law of war experts have pointed to a variety of possible problems in applying the laws of war to the war on terrorism. These problems include the difficulty of characterizing a global conflict with a transnational non-state actor as an armed conflict sufficient to trigger the application of the Geneva Conventions; the possibly quixotic nature of applying a body of law premised in part on considerations of reciprocity to a conflict with terrorists whose principal aim is to kill civilians in violation of that body of law; and practical problems occasioned by difficulties in distinguishing terrorists from civilians. Simply put, the United States did not want to be handicapped by rules more suited to conflicts between states with professional armed forces that can be expected generally to observe the laws of war. To fight an enemy intent on hiding among the civilian population in order to launch attacks on civilians, the Bush Administration wanted as free a hand as possible in deciding when to use force, whom to detain, how to interrogate them, and how long to keep them incarcerated.

The Bush Administration’s concerns, however, have not led it to seek formal revisions to existing law of war treaties. The Administration presumes, with considerable justification, that any diplomatic conference held now to consider revisions to the laws of war would either collapse in acrimony or produce treaty provisions unacceptable to the United States, along the lines of the process leading to the Ottawa landmines treaty or the Rome Statute for the International Criminal Court. Instead, the Bush Administration appears content to assert interpretations of the laws of war favorable to actions it wishes to take in the war on terror, and to hope that state practice will eventually validate those interpretations.

Other leading actors have their own reasons for avoiding a new international conference to revise the laws of war. Russia, China, and other leading military
powers, with their own internal conflicts either in progress or in prospect, see little reason to pursue a process of reform that might further limit their freedom of action against domestic security threats. Most other governments see no point to a conference that likely cannot bring on board the world’s principal military powers. Human rights groups insist that existing law adequately regulates the war on terrorism, and prefer to focus their efforts on criticizing violations of the law rather than urging revisions to it.

Much of the recent debate over the conduct of the global war on terrorism turns on two closely related questions: 1) whether the war on terror qualifies as an armed conflict sufficient to trigger application of the laws of war; and 2) which aspects of the war on terrorism call for a military as opposed to a law-enforcement response.

Characterizing the fight against terrorism accurately is crucial from an international law standpoint, since the law of war authorizes as well as prohibits. For example, U.S. military action against terrorists—such as the November 2002 missile strike against suspected al Qaeda members in Yemen—might be lawful if part of an armed conflict but unlawful otherwise.

For the United States, characterizing the conflict is simple. According to President Bush, we are in a war that “will not end until every terrorist group of global reach has been found, stopped and defeated.” Critics of the U.S. position reject the notion of a global armed conflict against a transnational non-state actor. Moreover, they accuse the United States of picking and choosing those aspects of the law of war the U.S. finds convenient in the fight against terrorism and ignoring or distorting those aspects that it finds inconvenient. In their view, much of the fight against terrorism does not involve armed conflict at all.

The Geneva Conventions recognize only two types of armed conflict: international armed conflicts and armed conflicts “not of an international character.” Common article 2 of the Conventions implicitly defines an international armed conflict, to which the full body of international humanitarian law applies, as “all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties...” Since only states may be high contracting parties, international armed conflicts are by definition between states. By contrast, common article 3 of the Conventions, though it does not define non-international armed conflicts, does refer to conflicts “not of an international character occurring in the territory of one of the High Contracting Parties...”, language which at least suggests that ordinarily non-international armed conflicts must be internal to one state.

The Bush Administration takes the position that the war with al Qaeda is not an international armed conflict covered by the Geneva Conventions, since al Qaeda as a non-state actor is not and cannot be a party to those conventions. At the same time, the Bush Administration rejects application of common article 3 of the Geneva Conventions, on the ground that common article 3 “addresses only non-international armed conflicts that occur within the territory of a single state party...” In the Administration’s view, common article 3 does not “address a gap left by common article 2 for international armed conflicts that...”

An unidentified man picks through the wreckage of the car in northwest Yemen in which six al Qaeda suspects were killed by a missile strike on November 4, 2002.
involve non-state entities,” and it does not “reach an armed conflict in which one of the parties operated from multiple bases in several different states.”

While the Bush Administration has stated explicitly what it thinks the conflict with al Qaeda is not, it has been rather vague about what it thinks it is. Apparently, the Administration sees the conflict with al Qaeda as a global conflict (and therefore international) but one falling outside the Geneva Conventions and thus governed only (and incompletely) by customary international law. This position enables the United States to claim a broad warrant to attack terrorists wherever it finds them, but at the same time, to treat its adversaries uniformly as unlawful combatants who are not themselves entitled to engage in hostilities.

But it is not at all clear that international humanitarian law, whether treaty or custom, counterenances the notion of a global, transnational armed conflict that is neither international in the traditional sense of a conflict between two or more states or non-international in the traditional sense of a conflict between a state and insurgents operating from within its territory. It seems more plausible to disaggregate the global war on terrorism into more manageable parts. The conflict between Afghanistan and coalition forces, for example, clearly qualified as an international armed conflict, as did the recent conflict in Iraq. Military action against terrorists participating in hostilities in those conflicts falls easily within the purview of existing international humanitarian law. Conversely, strikes against terrorists that occur outside the geographic or temporal scope of an identifiable armed conflict (such as the U.S. missile strike against suspected al Qaeda members in Yemen) might fall within the purview of international human rights and criminal law, but not international humanitarian law.

Admittedly, disaggregating the fight against terrorism may understate the transnational and integrated character of groups like al Qaeda, which do not confine their operations to recognized zones of conflict. It may thus in some cases unduly impede efforts to combat such groups. What may be needed in the long run is precisely the thorough rethinking and reform of existing law that neither the United States nor most other countries are prepared to do.

Of course, characterizing the conflict under existing law still leaves open the broader question of which paradigm—law of war or law enforcement—should as a matter of policy be followed in any given instance. The United States has often relied on law enforcement methods to respond to international terrorism. The United States sought trials for those involved in the destruction of Pan Am Flight 103 in 1988, and itself tried some of the perpetrators of the 1993 World Trade Center bombing and the 1998 Embassy bombings in Kenya and Tanzania. But law enforcement methods may be ineffective against many terrorist groups, which often operate in countries with ineffective legal systems, in remote territories largely outside the reach of central government authorities, or with the tacit consent of the central government or key agencies within the government.

The U.S. missile strike against a car in Yemen allegedly carrying six al Qaeda operatives provides a case in point. Critics called the strike a summary execution; in their view, Yemen was not party to any armed conflict involving the United States, and therefore international human rights and criminal law principles alone applied. Under such principles, the United States could not simply attack and kill suspected terrorists. Instead, it should have gathered evidence and requested their extradition, in preparation for a criminal trial. From the U.S. standpoint, however, such an approach would have proved futile. Yemen, which apparently consented to the missile strike, lacked the law enforcement capability to ar-

Seeing terrorism as an undifferentiated threat requiring a global military response creates temptations to act outside the law, or at a minimum, to stretch the law.
rest and extradite the suspects. Moreover, because the United States sees itself in a global conflict with al Qaeda, it views law of war principles as applicable to the Yemen strike. From this perspective, the individuals targeted were enemy combatants liable to attack.

Unfortunately, seeing terrorism as an undifferentiated threat requiring a global military response creates temptations to act outside the law, or at a minimum, to stretch the law. Shortly after the September 11 attacks, some Bush Administration lawyers began to build a legal framework for an aggressive approach to the war on terrorism in general and to the detention and interrogation of terrorism suspects in particular. A January 22, 2002 Office of Legal Counsel Memorandum argued that the Geneva Conventions did not apply to the conflict in Afghanistan, and that individuals apprehended in that conflict, including members of Taliban military forces as well as al Qaeda, were not entitled to prisoner of war status. More broadly, the Bush Administration took the position that enemy fighters apprehended in Afghanistan and elsewhere could be deemed unlawful combatants, and as such could be detained without charge until hostilities ended.

Moreover, in its eagerness to obtain information to be used to combat terrorism, the Bush Administration authorized a variety of coercive interrogation techniques for use in Guantanamo and elsewhere, including stripping prisoners, forcing them to remain in stress positions for hours at a time, and using dogs to frighten them. The purported legal basis for these techniques was again laid out in a series of internal memoranda, many of which have since been leaked or released by the White House. One particularly disturbing memorandum, since repudiated by the Justice Department, appeared to lay out a series of legal defenses to possible charges that certain interrogation practices constitute torture in violation of international treaties and U.S. law. Although the Bush Administration vigorously denies any connection, many critics of its counter-terrorism policies argue that the Administration’s willingness to employ coercive interrogation techniques against senior al Qaeda members and its efforts to craft legal justifications for those techniques helped create a climate conducive to the now widely publicized abuses of inmates at Abu Ghraib prison and elsewhere.

The Administration has been forced to step back from some of its more controversial positions, including the claim that the Geneva Conventions did not apply to the conflict in Afghanistan. In particular, widespread criticism of the Administration’s interrogation tactics led the Administration to largely disavow the memorandum concerning legal aspects of torture, and to undertake major policy reviews of interrogation practices.

Striking the right balance between forceful pursuit of counter-terrorism and respect for existing legal norms is plainly difficult. The problem is compounded by the gaps and ambiguities in existing international law. But giving in to the temptation to ignore legal constraints in the name of the greater good will almost certainly do far more harm than good in the long run.

5. Id. at 6.
6. Id.
Developing Countries and the WTO

John J. Barceló III

When the World Trade Organization (WTO) was founded ten years ago on January 1, 1995, commentators hailed it as a major transformation of the world trading system. The new, more juristic and permanent World Trade Organization replaced the previous, more pragmatic and ad hoc General Agreement on Tariffs and Trade (GATT). The industrial countries, led by the United States, the EU, and Japan, brought about this change to consolidate and deepen their own and the world’s commitment to an open trading system. Their support for the change was crucial because they dominated the GATT, and they continue to dominate the WTO.

The world of trade is changing, however, in another way. Developing countries, led by China, India, and Brazil, are playing an increasingly important role and are having a dramatic impact on the WTO’s agenda. The earliest signs of this second transformation were visible in the Uruguay Round negotiations that led up to the WTO’s founding. In another context I have referred to this shift as a transition from a “Trade as Aid” to a “Trade as Trade” regime for developing countries—a transition that is still unfolding.

The Pre-Uruguay Round, Two-Tier GATT

During the lifespan of GATT, from 1947 to 1995, developing countries were largely on the sidelines of the world trade system. They were the recipients of largesse, but not serious participants in the functioning or governance of the regime. Theories of trade and development prevalent in the early part of this period presumed that development required shelter from the rigors of the competitive world market. The developing countries’ need to protect “infant industries” and shelter local producers was highly touted. This can be seen in Article XVIII of GATT. Under its provisions developing countries have wide-ranging authority to protect select industries with quotas that would otherwise run afoul of Article XI’s prohibition on quantitative restrictions.

In 1979, the GATT contracting parties expanded this exceptionalism for developing countries by adopting the Enabling Clause, a clause which allows industrial countries to grant the third world non-reciprocal, preferential access to their markets. The industrial countries did not allow similar access to other GATT countries, and they got nothing in return. This violated two cardinal principles of the trade regime: (i) non-discrimination, and (ii) reciprocity. Non-discriminatory, most-favored-nation treatment (MFN) is enshrined in GATT Article I. Though regional arrangements compromise the MFN principle, it is still the touchstone of the world trading system. Reciprocity is also central. It normally takes the form of mutually exchanged trade concessions agreed upon at periodic negotiating rounds, such as the current Doha Round.

The 1979 Enabling Clause regime is known as the Generalized System of Preferences (GSP). Most of the OECD countries, including the European Union and the United States, have enacted such a regime, in each case for a select group of developing countries and a select group of products. These GSP programs allow duty-free or reduced-duty access for eligible develop-
oping-country goods, with no reciprocal concession in return.

During this pre-WTO period, another aspect of two-tier GATT emerged. In a series of GATT negotiating rounds, the industrial members negotiated and adopted various “side-agreements” amending, expanding, and tightening the original GATT rules. Examples are the Kennedy Round Antidumping Code (1968), the Tokyo Round Antidumping Code (1979), and the Tokyo Round Subsidies and Countervailing Duty Code (1979). A good many developing countries failed to adhere to these side agreements, and hence were not bound by their disciplines. Thus, again, one set of rules applied for the industrial world, and a different set for the developing world.

The Uruguay Round and Developing Countries

This two-tier GATT system began to change during the Uruguay Round negotiations from 1988 to 1995. For the first time, the GATT membership tried to bring the developing countries into the trade regime as fully functioning partners. For example, the WTO came into being on the basis of what was called the “single undertaking.” All previous GATT members withdrew from the GATT and its many side agreements, and simultaneously became contracting parties to the new WTO and all of its sub-agreements—one of which includes the original GATT ‘47 rules. Developing countries did the same.

This arrangement reflected a basic bargain. The developing countries accepted once again the core GATT rules, but also all of what had previously been side-agreements. The bargain also required them to accept the new agreement on protecting intellectual property (Trade Related Aspects of Intellectual Property Rights, or TRIPS). On the other side of the ledger, they gained advantages in agriculture and textiles. Though these rights were limited, they were still real. A new Agreement on Agriculture initiated reforms that have the potential to liberalize agricultural trade in the long term, and an amendment to the Agreement on Textiles and Clothing (ATC) set a deadline of January 1, 2005, for elimination of industrial country textile quotas. The amendment did not, however, reduce the high tariff levels on textiles.

Although the Uruguay Round made progress on the third world’s behalf, it did not address the fundamental paradox of the two-tier system. It left the GSP exceptionism in place, thus continuing the system of reverse discrimination in favor of developing countries. At the same time, it failed to deal effectively with agricultural subsidies and tariff peaks on a range of developing country exports not included in GSP. Thus, there exists side-by-side in the current WTO regime both positive discrimination in favor of developing countries, and negative de facto discrimination against them. Both of these results stem, in a sense, from the two-tier GATT, from treating developing countries as only marginal, not-fully-participating members.

Perverse Positive Discrimination

Although certainly well-intentioned, the GSP non-reciprocal, preferential regime for developing countries has disappointed many observers. Some pitfalls in the GSP regime are easy to grasp. As a form of unilaterally granted largesse or benevolence (hence the concept “Trade as Aid”), GSP access is unreliable and constrained. If a developing country exporter makes any real headway in capturing a substantial part of an industrial country’s market, a backlash from competing local producers is quick to develop and hard to resist. Trade officials would be pilloried were they to favor developing-country entrepreneurs over home-grown firms and workers—especially since the latter go to the polls. Since preferential access is a “gift” in the first place, the gift can be legally withdrawn; and when necessary, it is.

Moreover, attaching political conditions (“conditionality”) to the “gift” has been irresistible. Thus, to be eligible for GSP treatment under the U.S. plan, a developing country must afford adequate protection for intellectual property, not expropriate the property of U.S. citizens, guarantee adequate worker rights, enjoy a clean bill of health on enforcing arbitral awards in favor of U.S. citizens, support the U.S. efforts to combat terrorism, and so on. Also, various “rules of origin” conditions limit the benefits that might
otherwise flow to non-eligible countries that produce components for a final product assembled in an eligible country.

But the greatest drawback to the GSP regime is its potential for perverse effects on development itself. Both theoretical analysis and empirical studies tend to confirm that development rates are more favorable for countries not participating in the preferential regimes. This seems to be largely—if not exclusively—because of political-economic effects within the developing country itself. Recall that the GSP regime gives exporters market access without asking for reciprocity. Thus, the exporter constituency—normally the most vigorous in advocating for free trade—is absent from the lobbying hallways of GSP-beneficiary capitals. In consequence, the import-competing constituency finds itself in the happy position of calling all the shots on trade policy. The result is an isolated (and inefficient) home market protected behind high tariff and non-tariff walls. Thus, the GSP system tends to produce high import barriers at home and unstable, politically conditioned access abroad—a bargain of Faustian proportions. The high import barriers cause misallocation of resources and inefficiencies that actually retard development.

Paradoxic Negative Discrimination

The negative discrimination against developing country exports is perhaps even more pernicious, and also derives from two-tier GATT—in particular, from the non-participation of developing countries in the bargaining give-and-take of the periodic negotiating rounds. The dominant GATT players have been the U.S., Europe, and Japan, each of which significantly subsidizes and protects agriculture. Similarly, the U.S. and Europe have traditionally blocked open trade in textiles and clothing. Many developing countries have natural comparative advantages in these sectors and would reap benefits from their liberalization. Prior to the Uruguay Round, however, agriculture and textiles were more or less off-limits because the major industrial countries had no interest in liberalizing, and the developing countries were not even in the game. Two-tier GATT was the culprit.

The winds of change first stirred in the early stages of the Uruguay Round. By then, considerable rethinking had occurred in the field of development economics. By the early 1980s, economists increasingly recognized that closed markets were inefficient and counterproductive, even for developing countries, and that outward-looking, export-led growth was particularly promising. Both sides of that equation (opening up at home and pursuing comparative advantage abroad) called for more normal and fuller participation of developing countries in the reciprocal give-and-take of the world trade system. The Uruguay Round thus saw the beginning of the transformation away from two-tier GATT—a transformation still in progress. With developing countries participating more fully than ever before, agricultural liberalization gained a foothold in the Uruguay Round Agreement on Agriculture. The round also liberalized textile trade.

The Doha (Development) Round Challenges

Despite this progress, the challenges facing the negotiators in the current Doha Round are formidable. The round began in 2001, and will perhaps be completed in 2007. It is known as the Development Round because of its emphasis on aligning the WTO with development goals. Some commentators have criticized the “Development” theme, because they believe—correctly, I think—that development depends fundamentally on internal conditions within developing countries, and not so much on the prevailing trade regime. But, of course, as we have seen, the trade regime can have important effects on an internal market, and can facilitate, if not directly guarantee, development. So what choices do the Doha Round negotiators face?
Despite the Uruguay Round progress, agricultural barriers and subsidies remain high. The textile trade, though denuded of quotas, still faces high tariffs. And even though on-average industrial country tariffs are low, they often peak on a range of goods of interest to the third world. Thus, developing countries have clear negotiating objectives.

A strong argument can also be made for dropping the non-reciprocal preferential access regime of GSP—or at least limiting it. This could go hand-in-hand with reciprocal market-opening commitments on the part of developing countries. In other words, developing countries would begin to assume normal membership in a single-tier WTO—effectively converting the world trade body from a two-tier, “Trade as Aid” system to a single-tier, “Trade as Trade” regime.

The very existence of the current preferential regime feeds opposition to such change. Even if preferential market access is insecure, limited, and politically conditioned, some producers benefit, and can be expected to lobby against change. They will want to hold on to what they have. At the same time, another trend may undercut their influence and even their incentive to lobby forcefully. Influential voices in the trade community are urging industrial countries to pursue a “zero tariff” target for MFN trade. The closer the negotiators come to this goal, the less important trade preferences will be. So if preference margins are certain to shrink, lobbying for continued preferential access may not be worth the candle.

Again, on the other side of the bargaining ledger, developing countries are pressing hard within the Doha Round negotiations for a substantial reduction and eventual end to agricultural subsidies, and for further liberalization of tariff peaks on third world exports. This is as it should be under a single-tier, “Trade as Trade” approach.

It is true that some countries in the least developed group would be harmed both by the elimination of preferential access and—as net food importers—by the phasing out of food subsidies. For these countries, some have proposed a special compensatory fund, perhaps administered by the World Bank or other international organization, that could be used to ease the burden of transition. Increasingly, of course, the bloc of countries once treated simply as “developing countries” will experience differentiation. It will be easier for countries like China, India, and Brazil, with larger, more important markets, to make the transition from “Trade as Aid” to “Trade as Trade” than it will be for the poorest and least developed countries. Some have even suggested that the more successful developing countries—whose tariff levels are higher than those of industrial countries and less likely to move to zero on the same timetable—should consider preferential access to their markets for the poorest countries. This would perpetuate, however, the perverse effects associated with non-reciprocal preferences mentioned above.

Will the WTO continue its transition to a one-tier, “Trade as Trade” regime for developing countries? Will the negotiators succeed in eliminating agricultural subsidies, and in truly liberalizing trade in textiles and other products of interest to the Third World? Will industrial tariffs move dramatically toward zero? These are some of the challenges facing the negotiators as they seek a successful conclusion of the Doha “Development” Round over the next year and a half. We should wish them well and, if it continues to emerge, hail the transition to a one-tier WTO.

Over the years, many Cornell Law School professors have spent at least one sabbatical or other academic leave in Oxford, England. Among those on the current faculty who have done so are Gregory Alexander, John Barceló, Roger Cramton, George Hay, Faust Rossi, Stewart Schwab, and myself.

The University of Oxford had its beginnings in the twelfth century, and has long been one of the great institutions of higher learning in the world. The University is characterized by a “college system.” That is, each student is admitted to a college, of which there are over thirty. In a college, the student has accommodations (for a year or more), takes meals, and receives tutorials. The student may attend some lectures in the college but more often does so elsewhere in the University. Usually, each faculty member is also a senior member of a college (called a Fellow), has rooms there, and enjoys dining privileges. A visiting academic may have a college affiliation, too. Alexander was at Worcester, Barceló at St. John’s, Cramton at Brasenose, Hay at Balliol, Rossi at Wadham, Schwab at Wolfson, and I at various colleges over the years.1

Beginning with the academic year 1964-65, I spent several sabbaticals, other leaves, and many summer months in Oxford. My wife and I even kept a small flat in Oxford from the mid 1980s until the summer of 2004.

Many factors account for the lure of Oxford, either as a haven for American academics wishing to take leave abroad, or as simply a remarkable place to visit, whether an academic lawyer, a practicing lawyer on vacation, or indeed anyone in search of a splendid venue.2 Of course, the people in Oxford speak English, an important fact for visiting Americans, who are not notable for their foreign language skills. For Americans in the law, another obvious factor lies in the English ancestry of the American legal system. Also, Oxford has, for a long while, had a distinguished law faculty and a flourishing law curriculum.

American academic visitors generally find they are most welcome at Oxford, especially if they have the good fortune to arrange an affiliation with a college. For visitors on sabbatical or other leave, there is an excellent law library at St. Cross Road. The University Library has vast holdings. Most colleges have good libraries, as well.

It is possible for visiting academics to arrange to sit in on seminars or to attend lectures. The many 2004-05 curricular offerings in law include the following: Comparative Law (S. Vogenauer); Comparative Human Rights (J.C. McCrudden); Roman Law (J. Getzler); Law and the State (J. Gardner and A.M. Honore); Topics in Jurisprudence and Political Theory (T. Endicott and J. Finnis); Theories of Law and Society (D. Galligan); The Rule of Law (B. McFarlane); Topics in Theoretical Ethics (J. Raz); The Effects of Contracts: Essays in Comparison (S.J. Whittaker); History of the Law of Tort (M. Macnair); Causation, Remoteness, and the Scope of Obligation (J. Stapleton); Criminal Justice and the Penal System (A.J. Ashworth); and System and Land Law (J. Hackney).

A visitor may be co-opted into doing “a bit of teaching.” For example, I once co-taught a seminar on the principles of statutory interpretation for an entire term at The Queen’s College with the late Geoffrey Marshall. Over the years, I have also been invited to give about a dozen “special” lectures or seminars in various colleges and other Oxford venues. These have usually been followed by thoughtful discussion of high value for one’s work in progress. Oxford, as the saying goes, “operates orally,” and stimulating discussion can wear a visitor down!

So-called “high table” dining in college is a special privilege. Fellows and guests sit around a dining table,
slightly elevated, at the far end of a dining hall. There they converse during dinner, and continue on during dessert in a “senior common room.” Topics are not necessarily light, and are often interesting or amusing. One can recall conversations about such subjects as: “Was Isaiah Berlin or Maurice Bowra the greater conversationalist?” “Why do so many chemists ridicule historical knowledge?” “Present company excepted, who is the cleverest academic in this University today?” “What are the three most important differences between Oxford and Cambridge?”

There are many lovely walks in and around Oxford. Christ Church Meadow is only a short distance from the center of the city, as are Addison’s Walk, the Botanical Gardens, and the Iffley tow path along the River Isis (downstream called the Thames). The University Parks are the site of the university cricket pavilion, grass tennis courts, a duck pond, the Cherwell River, wide swaths of green, and many majestic trees. Farther afield are the Bagley Wood, Boars Hill and Port Meadow, all splendid settings for longer rambles.

Oxford bookstores are dangerous from a budgetary viewpoint. The two best are Blackwell’s and the Oxford University Press bookshop. The law section and the philosophy section in Blackwell’s (both downstairs) may be the best in the Western world. Across the street is the Sheldonian Theater. Designed by Sir Christopher Wren in the seventeenth century, the mural on the ceiling optimistically depicts the triumph of religion, art, and science over envy, hate, and malice. The Sheldonian is the site of many university ceremonial events, and also functions as a concert hall. The acoustics are excellent but the seats are hard as any pew. Oxford also has several fine museums.

Not far from Oxford are many places of interest, including Blenheim Palace, where Churchill was born. Bibury and Burford are picturesque villages in the Cotswolds, and a bit farther is Stratford on Avon, where it is possible to see Shakespeare’s plays at the Memorial Theater. About two and a half hours away by car in the other direction is Stonehenge. Almost the same distance eastward by car is Oxford’s traditional competitor, the similarly beautiful University of Cambridge, where, among other things, Rutherford and Thomson were the first to split the atom, Watson and Crick the first to identify DNA, and Isaac Newton not the first to watch an apple hit the ground. It is also where much else occurred. For example, three great philosophers there, G.E. Moore, Bertrand Russell, and Ludwig Wittgenstein, changed the direction of modern philosophy. The Cambridge University Press also happens to be the oldest university press in the world.3

In what follows, I will provide historical background and summary accounts of four sabbaticals and other leaves I spent in Oxford with my family. These are based on my own recollections, on the extensive diaries I kept on those occasions, and on recollections of my wife, Dorothy. My main purpose here is to portray some of the potential of a sojourn in Oxford, as exemplified by my own experiences while there as an academic visitor. Thus what follows is also necessarily autobiographical.

On graduation from the University of Oregon in 1955, I was awarded a Fulbright scholarship to England. The Fulbright Program situated us for the academic year at the University of Southampton on the southern coast. In March of 1956, my wife, Dorothy, and I traveled for the first time to Oxford to see the University and to meet there with other Fulbright students with whom we had become acquainted enroute from New York to England in August 1955 on the liner Queen Elizabeth. But it was actually in the late spring of 1956, and in Southampton, that I first met an Oxford professor.

H.L.A. Hart came to Southampton to give a lecture in the law faculty. The dean of the law faculty knew that I was scheduled to enter Harvard Law School in the fall, and also knew that Hart was to be a visiting professor there at the same time. The dean kindly invited me to join him and Professor Hart for tea, and Hart sug-
H.L.A. Hart, then Oxford Professor of Jurisprudence

Gested that I look him up at Harvard in the fall. A recent biographer of Hart states that “this was the beginning of a relationship that lasted the rest of Herbert’s life. Herbert seems almost to have regarded Summers as a surrogate intellectual son: he organized sabbaticals for him in Oxford and showered both him and his wife with kindness. They regarded him with gratitude, affection, and something approaching reverence.”

My first sabbatical was in 1964-5 while I was still a member of the University of Oregon law faculty. Professor Hart kindly supported my application for a research grant, and he also arranged for us to rent a self-contained flat in the home of the widow of the Oxford philosopher, Professor J.L. Austin. While sitting at what had been Austin’s desk, I drew on his writings on “excluders” to develop ideas for what became an article on good faith, the essence of which was later adopted in the Restatement of Contracts. (I learned later that it was this article that led to my visiting semester in Ithaca in the fall of 1968.)

Mrs. Austin, our landlady, and a member of the Oxford philosophy faculty, invited Dorothy and me to various social events in her home. Other guests included philosophers such as Hart, Gilbert Ryle, and R.M. Hare. During the year, I attended lectures or seminars in Oxford offered by all of these as well as by other philosophers such as Isaiah Berlin and John Lucas. In the law faculty, I attended lectures or seminars by A.M. Honoré, Patrick Atiyah, A.W. B. Simpson, Rupert Cross, and Francis Reynolds. During the year it was also my good fortune to meet Hart regularly for discussion of papers I had, by prearrangement, prepared and given him in advance. Hart was at the peak of his powers. He was eager to discuss and argue about what one had written. Hart always combined criticism with encouragement. These sessions were extremely stimulating and also exhausting.

For much of the year, I enjoyed special dining privileges at The Queen’s College, with Dr. Geoffrey Marshall as my host. (Geoffrey was later to become Provost of Queens). The year also afforded opportunities to do much reading and writing. The good faith article eventually appeared as “Good Faith in General Contract Law and the Sales Provisions of the Uniform Commercial Code,” 54 Virginia Law Review 195 (1968). I also worked on a book for undergraduate courses in which law is conceived as a liberal arts subject. The book, Law, Its Nature, Functions and Limits, was published in 1965 by Prentice Hall, Inc. (This book, now in its third edition and now co-authored with Robert Hillman and several other Cornell colleagues, has been taught regularly in Cornell’s College of Arts and Sciences for about forty years.) I also worked on, and discussed with Oxford colleagues, two other articles, one called “Professor Fuller on Morality and Law,” 18 Journal of Legal Education 1 (1965), and the other “The New Analytical Jurists,” 41 New York University Law Review 861 (1966). The year was productive in other more important ways, too. Our only daughter, Elizabeth Anne, was born in Oxford that year (and she later graduated from Cornell Law School in 1991).

The second sabbatical year in Oxford was in 1974 through 1975, after we had moved from Oregon to Cornell. Much of the year we lived on Boars Hill south of Oxford in a house called “Pinsgrove” owned by Corpus Christi College. During that year I was affiliated with The Queen’s College and with Balliol College.

I attended seminars or lectures by G. Marshall, John Plamenatz, Michael Dummett, Peter Strawson,

During the 1974–1975 sabbatical, I gave a number of lectures on topics in law and legal theory. In addition to presentations at Oxford venues, I lectured at Cambridge University, King’s College, and University College in the University of London, the University of Warwick, the Universities of Bristol, Nottingham, and Exeter, and the Universities of Glasgow and Edinburgh (where Neil MacCormick was my host). Oxford’s proximity to the Continent led to lectures at the Universities of Oslo, Vienna, Salzburg, and Aarhus.

The foregoing lectures were on “process values,” “the technique element in law,” “the limits of law,” “law and morals,” and other topics. At midyear, I gave a talk at the annual Younger Society Dinner for undergraduates and Fellows in the field of law at Balliol College, Oxford.

Our third full year of sabbatical leave in Oxford was in 1981-1982. During most of that year, we lived in a flat on Holywell Street owned by Merton College with which I was affiliated as a Visiting Research Fellow. This flat was only a block from Blackwell’s Bookstore, and our own personal library inevitably grew.

During one term of that year, I co-taught a course in legal theory at the nearby University of Warwick with Professor William Twining. I also organized and hosted, at Merton College and The Queen’s College, a small two-day conference on legal theory. Besides Oxford participants, we were joined by Robert Alexy, Aulis Aarnio, and Alek Peczenick from the Continent, and by Neil MacCormick of Edinburgh. Professor Hart also attended.


During this sabbatical I again gave a number of lectures at various Oxford venues, and elsewhere in England and Scotland. I was also invited to lecture on the Continent at Lund, Stockholm, Helsinki, Turku, Florence, Bologna, Siena, Berlin, and Vienna. The topics included “Lon L. Fuller’s legal theory,” “substantive...
reasons in the law,” “pragmatic instrumentalism and the law,” “the law’s limited efficacy,” and “good faith in general contract law.”

In the course of the 1981-82 year, I had various guests in Oxford from the Continent with whom I also had extended discussions. These included Ralf Dreier, Okko Behrends, and Robert Alexy of Göttingen, Joachim Hruschka of Hamburg, Enrico Pattaro of Bologna, Alek Peczenik of Lund, and Aulis Aarnio of Helsinki.

The fourth full year of sabbatical leave in Oxford was in 1988-89. We lived during the entire year in a flat we had bought in Butler Close a few blocks from the town center. In the course of that year, I did further work on form and formality in the law, an interest I continued to pursue after publishing with my co-author, Patrick Atiyah of Oxford, *Form and Substance in Anglo-American Law* (Oxford U. Press, 1987). (Professor Atiyah was at St. John’s College, and I also enjoyed dining privileges there.) In that year, I also gave the Hamlyn Lecture at the Fourteenth World Congress of the International Association of Law and Social Philosophy held in August of 1989 in Edinburgh. This lecture was published the next year as “Theory, Formality, and Practical Legal Criticism,” 106 *Law Quarterly Review* 407 (1990). In the 1988-99 year, I also co-authored, with James J. White, two volumes of the third edition of our treatise on the Uniform Commercial Code published by West Publishing Company. (By this time, I had available in my Oxford flat a complete set of the Uniform Commercial Code Reporting Service.) I also published several articles, and worked further on the theory of legal reasoning, form in the law, statutory interpretation, and theories of obligation in contract.

In addition to giving a number of presentations in Oxford, I again gave various lectures in England and Scotland, and on the Continent at Helsinki, Tampere, Göttingen, Hamburg, Münster, Brussels, and Bologna. The lecture at Bologna, at the invitation of Enrico Pattaro, was one of several at a celebration commemorating the 900th anniversary of the founding of that university, the oldest in the West.

Throughout the year, I was again fortunate to have many academic discussions with old and new friends in Oxford, Cambridge, London, Edinburgh, and on the Continent. I was also privileged to have discussions with H.L.A. Hart from time to time. He was then in his eighties. My diary recounts many educational (for me) “walking talks” around Christ Church Meadow with John Lucas of Merton College.

At this time I was serving as co-chair of the Bielefelder Kreis, a group of largely European legal theorists who met annually for many years. During the 1988-89 year, the group met at the Center for Interdisciplinary Studies at the University of Bielefeld in Germany, and again at the University of Edinburgh. The group published two books, one in 1991 on comparative statutory interpretation in nine western systems, and one in 1997 on comparative precedent methodology in those systems.

In the middle of the 1988-89 academic year, to my surprise, the *London Times* carried a notice of my election to a visiting chair at Cambridge University, the Arthur L. Goodhart Professorship of Legal Science, for the year 1991-92. My American predecessors in this chair had included Guido Calebresi, Archibald Cox, and Arthur von Mehren. In March, Dorothy and I were invited to travel from Oxford to Cambridge where we were taken through the Goodhart Lodge.
which was to be our abode in 1991-92. I also gave
a lecture on that occasion on the statutory interpretation
work of the Bielefelder Kreis.

Between 1989 and the present, we spent no fur-
ther full-year sabbaticals in Oxford. In 1991-92 we
were in Cambridge where we were privileged to spend
much good time with Peter Stein, Tony Weir, Richard
Fentiman, Yvonne Cripps, and others. In subsequent
years, we took only half-year sabbaticals in Oxford
every fourth year. Often we combined these with a full
summer so that we had roughly a nine-month stay each
time. On each occasion, I gave lectures in Oxford, in
Cambridge, and elsewhere in England and Scotland,
and also on the Continent. Again, I read widely and
profited greatly from much discussion with friends
old and new. While in Oxford the two comparative
books of the Bielefelder Kreis appeared, as did the
fourth edition of the White and Summers four volume
treatise on the Uniform Commercial Code.

In 1993, on my sixtieth birthday, I was surprised
to be the recipient of a Festschrift in recognition of
my work, a substantial share of which had been done
over the years in Oxford. The volume was presented
by Professor Dr. Werner Krawietz of the University of
Münster, and was published by Duncker and Hum-
blot of Berlin. The co-editors were Krawietz, G.H.
von Wright of Helsinki, and Neil MacCormick of
Edinburgh. Forty-four scholars from a dozen countries
contributed, including a number from Oxford.

The foregoing general account may convey some-
ting of an impression that sabbatical and other leaves
in Oxford were almost all work and no play. Nothing
could be further from the truth. Far too little has been
said here of companionship with friends old and new,
enjoyment of annual college feasts, the delights of light
conversation, concerts and plays, drives to admire the
countryside, visits to the gravestones, birthplaces, and
habitats of poets and other literary figures, tours of
great country houses, trips to scenes of major historical
events, and vacations with the family in Cornwall, in
the Scottish Highlands, in the West Country, and in
the Fenlands. Then, too, the great city of London was
only an hour by train, and the Continent just across
the channel.

1. Stephen P. Garvey (University College), Robert C.
Hockett (Lincoln), and Muna B. Ndulo (Trinity) of our
current faculty are actually University of Oxford alumni.
2. Recommended books for the prospective Oxford visi-
tor are: R. Fasnacht, A History of the City of Oxford (Basil
Oxford Memories (Thornton's, Oxford, 1986), G. Tyack,
Oxford (Oxford U. Press, Oxford, 1998), and A. Kenny,
3. The press will soon publish a book of mine to be called:
Form and Function in a Legal System: A General Study.
This book was written in Oxford, Cambridge, Ithaca, and
Halfway, with the good help of various Cornell Law School
students serving as my research assistants, and the good help
of my two administrative assistants, Pamela Finnigan and
Anne Cahanin.
4. N. Lacey, A Life of H.L.A Hart 166 (Oxford U. Press,
5. I later modified some of my criticisms of Fuller in “Pro-
fessor Fuller’s Jurisprudence and America’s Dominant
and in Lon L. Fuller (Stanford U. Press, 1984).
6. Prospective visitors to Oxford may be interested to know
that, over the years, all of our five children, Brent, Bill,
Tom, Betsy, and Rob, attended various Oxford schools and
managed well.
7. See R. Summers, “An Academic Year in Cambridge,” 19
Cornell Law Forum 8 (1993). We were also fortunate this
year to see much of Marr and Julie Grieve, in Cambridge.
We had known Julie since 1955-56 when she had served as
Secretary to the Fulbright Commission in London.
Confessions of a Washington Insider
This year’s annual Cyrus Mehri Public Interest Lecture, “Fighting for Civil Rights and Worker Protections: Confessions of a Washington Insider,” was held on March 29 in the Law School’s Harriet Stein Mancuso ’73 Amphitheater. The featured speaker, Gregory R. Watchman ’85, is a Washington, D.C., attorney with twenty years of experience in employment law and policy. He is currently the executive director of the Government Accountability Project (GAP), a nonprofit whistleblower advocacy organization.

After introductory remarks by Karen V. Comstock, assistant dean for public service, Mr. Watchman began his remarks by recalling the infamous 1911 Triangle Shirtwaist Factory fire, which killed 146 women and girls trapped inside a building with locked doors, a faulty fire escape, and no fire protection system. While this tragedy was a catalyst for workplace safety laws, Mr. Watchman observed that today more people die each year from job-related conditions than died in the entire Vietnam War. He told students, “There is a lot of work left to be done... on job safety... American working families need the help of smart lawyers like you.”

As executive director of the GAP, Mr. Watchman works with whistleblowers to advance corporate and governmental accountability on a broad range of public interest issues. Most recently, GAP has worked with FDA whistleblower David Graham to warn the public about the health risks of certain pharmaceutical drugs. At GAP, Mr. Watchman directs legislative campaigns, litigation, and whistleblower advocacy programs, and advises companies and workers on corporate accountability issues under the Sarbanes-Oxley Act.

From 1995 to 1998, Mr. Watchman served as deputy assistant secretary of labor for Occupational Safety and Health. During this time he served as acting assistant secretary of OSHA for one year (1997), overseeing a budget of $325 million and a nationwide staff of 2,300, directing all agency programs, and representing the agency before Congress, the media, and the public. As deputy assistant secretary, Mr. Watchman directed the Health Standards, Safety Standards, Policy and Technical Support Directorates and served as the agency’s chief liaison to the U.S. Congress. He also served as OSHA’s first Small Business Advocacy Chair. During his tenure at OSHA, the agency won thirteen Hammer Awards for rebuilding its programs to be more cost-efficient and effective.

On Capitol Hill, Mr. Watchman served as chief labor counsel to the U.S. Senate Committee on Labor and Human Resources, Subcommittee on Labor (1991-95), and as associate counsel for Civil Rights to the House Committee on Education and Labor (1989-91). During this period, Mr. Watchman worked extensively on the Older Workers Benefit Protection Act, the Civil Rights Act of 1991, and the Family and Medical Leave Act of 1993. He also drafted legislation and developed hearings on a broad range of employment law issues such as OSHA reform, collective bargaining, the minimum wage, and the use of contingent workers.

Mr. Watchman began his career in private practice at the Washington office of Morgan, Lewis and Bockius (1985-88). While there, he practiced employment law, and assisted the Washington Lawyers Committee for Civil Rights Under Law on a pro bono basis. The firm received an award from the Lawyers Committee in 1987 for Mr. Watchman’s work on housing discrimination cases. Mr. Watchman also practiced employment law at Paul, Hastings, Janofsky and Walker (1998-2004).

From Cornell to the Courthouse: A Korn Lecture
The fifth annual Korn Lecture was held on Thursday, March 31 at Myron Taylor Hall. Richard M. Strassberg (B.S. ’85), attorney for Peter Bacanovic (Martha Stewart’s financial advisor) presented “From Cornell to the Courthouse: Representing High Profile Clients in Criminal Cases,” providing attendees with a fascinating look behind the scenes of high-profile celebrity cases.
Richard Strassberg is a partner in Goodwin Procter’s Litigation Department, and is chair of its White Collar Crime and Government Investigations Practice. He has represented individuals and entities in almost all the major white-collar cases that have occurred over the past two years, including the Enron investigation.

Mr. Strassberg discussed his personal legal career path with attendees. He encouraged the law students in the audience to be open to unplanned opportunities in their professional lives, noting that when he entered law school, the one thing he knew he did not want to do was speak in front of people. He has been a very successful litigator for the bulk of his career, a career he would not have had if he had not been willing to extend himself and take a chance after law school. Mr. Strassberg made several suggestions to students about how they might enrich their law school experience and better prepare themselves for legal practice. He urged students to take advantage of clinical opportunities while still in school.

He then delved into the world of representing high profile clients, and shared facts about the Martha Stewart case that much of the public did not know. He talked about the special requirements of handling such cases, and the types of issues that arise in high-profile matters that do not normally come up in more mundane litigation cases. The lecture was followed by an active question-and-answer period with the audience. Further questions and discussion continued at a post-lecture catered reception in the Law School’s foyer.

The Korn Lecture is named for Henry Korn (A.B. ’68), a partner in the New York firm of LePatner and Associates. A client of Mr. Korn’s endowed the Korn lecture in 1998.

Inaugural Distinguished Jurist in Residence
On April 4 and 5, the visit of Judge Robert A. Katzmann inaugurated Cornell Law School’s Distinguished Jurist in Residence Program.

Judge Katzmann sits on the United States Court of Appeals for the Second Circuit, a position to which he was nominated by President Clinton in 1999. One of the few judges on the federal bench to hold a Ph.D. as well as a law degree, Judge Katzmann began his career as a fellow at the Brookings Institution. He was subsequently appointed Walsh Professor of Government, Professor of Law, and Professor of Public Policy at Georgetown University. Judge Katzmann co-founded the Governance Institute, and has authored a number of books, including a groundbreaking work on disability rights from the vantage points of the three branches of government (Institutional Disability: The Saga of Transportation Rights for the Disabled, Brookings Institution Press, 1986). He has also edited several collections, the most recent of which pays tribute to one of his mentors, former New York State Senator Daniel Patrick Moynihan (Daniel Patrick Moynihan: The Intellectual in Public Life, Woodrow Wilson Center Press, 1998). Since 2003, Judge Katzmann has been a Fellow of the American Academy of Arts and Sciences.

The new Distinguished Jurist in Residence Program is designed to bring prominent judges from around the country to the Law School for a few days at a time, providing both public opportunities for them to address the Cornell and Ithaca communities, and occasions for more intimate discussions with students and faculty. Discussions range from moot court oral arguments and judicial clerkships to the judge’s current research. The visits of these distinguished jurists, which will occur every semester, are intended to expose the Cornell community to cutting-edge developments in judicial thought and practice, and at the same time to strengthen relationships between the Law School and members of the national judiciary. “Our Distinguished Jurist In Residence program is a wonderful addition to Cornell Law School, letting our students and faculty interact in a variety of settings with the finest judges in the country,” said Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law. “Judge Katzmann got the program off to a great start. He was eager to participate and share his insights, and displayed the high intellect and becoming modesty that epitomizes the judicial temperament.”

During his stay at Cornell, Judge Katzmann adhered to an ambitious schedule that allowed him to interact with a wide cross-section of the Cornell Law School community as well as visitors from other parts of the university, including the Government Department. His visit began on the morning of April 4, when he addressed Professor Farina’s course on Administrative Law, then lunched with Dean Schwab and several other faculty members. “There are two things that are remarkable about
Bob,” said Professor Farina. “First, he has had distinguished experience as a scholar, a practitioner, and now a judge in a way that virtually no one gets; and second, he is extremely smart, and yet genuinely interested in engaging people and completely unintimidating. The combination makes him a phenomenal classroom resource. I wish he could have spent a week with my Administrative Law class; so much of what we did all semester would have become more interesting—and more real—for my students!”

In the afternoon, Judge Katzmann provided some tips on oral argument to the Moot Court Board and competitors in the annual Langfan Family First-Year Moot Court competition. Later, he delivered a public lecture on “Filling the Next Supreme Court Vacancy: The Confirmation Process in Perspective” in the Harriet Stein Mancuso ’73 Amphitheater. Judge Katzmann has both written about and been involved in the judicial confirmation process, first as a special counsel to Senator Moynihan on the confirmation of Justice Ruth Bader Ginsburg to the Supreme Court, and then as a scholar providing suggestions for the improvement of the confirmation process in his book on interbranch relations (Courts and Congress, Brookings Institution Press, 1997). First-year student Kenneth J. Poole, who will be serving as president of the Cornell Law Democrats next year, said: “Judge Katzmann’s forum on judicial confirmations was extremely illuminating in this time of contentious political wrangling and threatened changes to Senate rules regarding filibusters. I am glad to have had the opportunity to hear the unique perspective on the confirmation process of someone who has studied it as an academic, who has gone through the process himself, and who is now an accomplished jurist.”

The following morning, Judge Katzmann met with the Law School’s Clerkship Committee to provide information about developments in the clerkship application process and advice on highlighting the special attributes that make Cornell students attractive to judges. Judge Katzmann was particularly well-positioned to comment upon these clerkship-related topics, because he serves as the Second Circuit’s member of the Ad Hoc Committee on Law Clerk Hiring. At lunchtime, Judge Katzmann spoke to the Law School faculty, as well as some faculty from the Government Department, on “Statutory Interpretation: A Judge’s Perspective.” The talk provided a very interesting typology of methods of statutory interpretation before proposing an approach derived from Judge Katzmann’s own experience as a judge. Last, but not least, Judge Katzmann addressed students who plan to clerk next year as well as those interested in pursuing judicial clerkships after graduation, explaining the qualities that he values, both in clerkship applicants, and in his clerks.

The scope and extent of Judge Katzmann’s visit gave a greater opportunity for members of the Cornell Law School to benefit from his presence and insights than a more traditional, brief, talk-oriented event would have done. His sessions with students were received with unanimous praise. Katherine F. Boas, a first-year student who will be spending the summer interning for Hon. Jed S. Rakoff of the Southern District of New York, said, “the focus in class is so geared toward learning and applying rules that we sometimes lose sight of how these rules and the opinions come into being. Seeing and hearing a judge speak outside of a courtroom add a human aspect to the judiciary, and to the law, that casebooks can’t give us.” Her sentiments were echoed by another first-year student, John Turrettini, who said, “After reading appellate opinions all year, it was fascinating to actually meet a Second Circuit judge and hear about life in chambers.” Dana E. Hill ’05, the outgoing editor in chief of the Cornell Law Review, who has also won a clerkship next year, said, “It is so refreshing when those at the heights of the legal profession interact with us with such respect and interest. It is a real advantage of being at a school like Cornell that we can have easy, relaxed conversations with visitors like Judge Katzmann—whether the topic is the relationship between the judicial and legislative institutions, or about whether future clerks will be able to do their work on their train commute to work next year.”

Faculty members echoed students’ praise for Judge Katzmann. Professor Clermont said, “It was heartening to have extended exposure to a judge, especially one of such particularly intellectual bent. I came away with a heady sense that the work we do here is of some relevance to the real world.” Judge Katzmann himself has returned to his chambers in New York City with increased awareness of and interest in what happens at the Law School. “My visit was very exhilarating,” Judge Katzmann remarked. “It was a privilege to be in so wonderful an environment with such a committed faculty and engaged student body.” He also expressed gratitude to Dean Schwab for making the Distinguished Jurist in Residence Program possible.

Judge Katzmann’s sojourn at Cornell Law School infused the Distinguished Jurist in Residence Program with momentum, and the school eagerly anticipates the visit this coming fall of the next Distinguished Jurist in Residence: Hon. Richard C. Wesley ’74, a Law School alumnus who sits on the United States Court of Appeals for the Second Circuit. As the shape of Judge Wesley’s visit begins to emerge, Associate Dean Anne Lukingbeal, a member of the planning committee, reflected on the new program. “The success of Judge Katzmann’s visit has given us all a surge of creative energy in planning future visits. Because each jurist is unique, no two visits will be identical. However, we can
anticipate that each Distinguished Jurist will similarly enhance our community’s appreciation for the significance of the judicial process.”

**Milosevic and Hussein on Trial**

On February 25 and 26, the *Cornell International Law Journal* hosted its annual symposium. This year’s topic was “Milosevic and Hussein on Trial.” The symposium, with international legal scholars and practitioners, focused on the international “trials of the (as yet quite young) century”; tribunals involving Slobodan Milosevic, former president of the Federal Republic of Yugoslavia, and Saddam Hussein, former president of Iraq, and on the special challenges of prosecuting and defending former heads of state. The symposium received attention in the national media, with the keynote address broadcast on C-SPAN Radio. The keynote speaker, Geoffrey Robertson Q.C., appeals judge at the Special Court for Sierra Leone, and author of *Crimes Against Humanity: The Struggle for Global Justice*, gave an engaging historical account of trying heads of state that was attended by about 200 people.

Payam Akhavan, former legal advisor to prosecutors in the Yugoslav war crimes tribunal, began the symposium with a lunchtime discussion of the interplay of justice and power in today’s interdependent world. He stressed the importance of scholars and international jurists in the war crimes field not losing sight of victims and countries ravaged by atrocities in pursuing their careers.

The Saturday program was rich and multidisciplinary, with presentations by twelve distinguished panelists, including leading international human rights lawyers, law professors, and military experts. The first panel, “Global or Local Justice: Who Should Try Ousted Leaders?” debated the propriety and legality of employing international law and international courts to try ousted leaders. The second panel brought together a variety of perspectives on social and political significance of the Milosevic and Hussein trials, with presentations by Natasa Kandic, a leading human rights activist from the Balkans; Jerrold Post, an internationally-known professor of political psychology; and Hussein trials, with presentations by Natasa Kandic, a leading human rights activist from the Balkans; Jerrold Post, an internationally-known professor of political psychology; and experts in transitional justice. The final panel focused on the trial process itself, and participants included Mikhail Wladimiroff, a leading Dutch criminal defense lawyer who served as amicus curiae in the Milosevic case, and officials and experts who assisted in the formation of the Iraqi Special Tribunal.

A video archive of the symposium is available at http://organizations.lawschool.cornell.edu/ilj/milosevic_hussein.htm and articles from participants. Contributors will appear in volume 38:3 of the *Cornell International Law Journal*, due later this year.

**A Symposium on The Great Writ**


The *Cornell Law Review* symposium was the first opportunity for scholars to digest in a public forum the Supreme Court’s “enemy combatant” cases, handed down in the summer of 2004. In addition, since only one other symposium has examined this area of law, in 1997, the *Cornell Law Review* symposium represented the first opportunity scholars were given to measure the impact of restrictions on habeas petitions in federal courts enacted by Congress in 1996.

The first panel of the day featured Cornell Law School professors John H. Blume and Sheri Lynn Johnson; Hofstra Professor Eric Freedman; Ali Nathan from Wilmer, Cutler, Pickering, Hale and Dorr; and Boston University Professor Larry Yackle. The panel, entitled “AEDPA and Beyond,” focused on the effect of the 1996 Anti-terrorism and Effective Death Penalty Act (AEDPA). The presentations dealt with the status of habeas petitions challenging criminal convictions.

Professor Blume told the audience that the “hype” of AEDPA’s habeas reform provisions has greatly exceeded its “bite,” demonstrating his contention by examining the results of habeas corpus cases decided by the Supreme Court pre- and post-AEDPA. “For the most part,” Professor Blume explained, “this is because by the time AEDPA was enacted, the Supreme Court had almost completed twenty years of judicial habeas corpus reform,” determining for itself “how much habeas is enough,” and interpreting AEDPA’s provisions through that lens.

The second forum focused on habeas petitions in immigration cases. Cornell Professor Stephen W. Yale-Loehr moderated the panel, with presentations by Lucas Guttentag of the American Civil Liberties Union, Washington University Professor Stephen Legomsky, and University of North Carolina Professor Hiroshi Motomura. The panel, “IIRIRA and Beyond,” focused...
on the effect of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), also enacted in 1996.

The final panel, “The Reach of the Writ,” examined habeas law in the context of the war on terrorism. Cornell Law Professor Trevor W. Morrison, Georgetown Professor Vicki Jackson, and University of Illinois Professor James Pfander all exchanged presentations on different aspects of habeas law in light of the recent Supreme Court decisions regarding the Bush administration’s detention of “enemy combatants” (e.g., Hamdi v. Rumsfeld, 124 S. Ct. 2633 (2004); Rasul v. Bush, 124 S. Ct. 2686 (2004)).

In a commentary on the title of the panel, Professor Pfander argued that habeas law does not need to reach any further than it already does. “We often think of the writ of habeas corpus in overseas cases as ‘extraterritorial,’ in that it issues from a court in the United States to determine the legality of confinement outside U.S. territory,” Professor Pfander observed. “But…we might better imagine the judicial role as controlling the detention decisions of high government officials within their offices in Washington, D.C. — in such cases, no extraterritorial effect at all would be involved.”

Due to last minute travel complications, Berkeley Professor John Yoo was unable to attend the final panel as planned. An excerpted version of Professor Yoo’s presentation was read aloud, and will be published along with the contributions by panel members in attendance.

Symposium attendees also attended a luncheon presentation by Wilbert Rideau, the defendant in the landmark Supreme Court case of Rideau v. Louisiana, 373 U.S. 723 (1963) who, after a new trial and a successful habeas petition, recently won his freedom.

The Cornell Law Review will publish the written versions of these presentations in volume 91, issue 2, due in January 2006.

Transparency Workshop
On April 22, The Clarke Program for East Asian Law and Culture sponsored a workshop on the concept of “transparency.” The workshop was hosted by the Centre de Sociologie de l’Innovation Ecole des Mines in Paris, and was organized by Annelise Riles, director of the Clarke Program; Fabian Muniesa, of the Centre de Sociologie; and Javier Lezaun, of the London School of Economics.

The term “transparency” has become increasingly popular since the Enron scandal, and originally described a remedy for the weaknesses of business practices within major corporations. The term is now used in different academic fields and applied in differing manners, eliciting interesting connotations, such as images of visibility and accountability, as well as negative images of surveillance and control.

Over the course of the day, thirteen participants from diverse academic and professional fields discussed and analyzed the interdisciplinary relationship between transparency and economic, legal, political, and cultural discourses.

The participants were asked to bring an item and articulate their reflections around it. Jim Dratwa, a research fellow at the European Union Commission, Brussels, spoke on Impact Assessment, a European Commission process aimed at structuring and supporting the development of policies. Albena Yeneva, of the Gallery of Research, Vienna, articulated the effects of law on architecture, particularly as manifested through the work of Rem Koolhaas. Of particular note were presentations by Annelise Riles, Cornell Law School; Sophie Houdart, National Science Research Center, France; and Izaskun Chinchilla, Superior Technical School of Architecture, Spain. Professor Riles spoke on transparency in Japanese financial regulation, while Ms. Houdart’s presentation focused on France’s contribution to the 2005 World Exposition in Aichi, Japan, which dealt with sustainable development and the greenhouse effects of gas emissions resulting from human activities. Ms. Chinchilla’s presentation focused on the architectural designs of Japanese architect Kazuyo Sejima, which transform small and inefficient family spaces through in-
Faculty Workshops—Spring 2005

Lisa Shultz Bressman, Professor of Law, Vanderbilt University Law School: “Judicial Review of Agency Inaction”

Dan L. Burk, Oppenheimer, Wolff & Donnelly Professor of Law, visiting from University of Minnesota Law School: “Legal and Technical Standards in Genetic Use Restriction Technology”

William W. Buzbee, Professor of Law, Emory University School of Law: “The Regulatory Fragmentation Continuum: Westway and the Challenges of Regional Growth”

Lauren B. Edelman, Professor of Law, University of California, Berkeley, Boalt Hall School of Law: “Judicial Deference to Institutionalized Organizational Practices in Civil Rights Cases”

Michael Goldsmith, Professor of Law, visiting from Brigham Young University Reuben Clark Law School: “Rewriting RICO: Judicial Immunity for White Collar Crime”

Reg Graycar, Professor of Law, visiting from the University of Sydney, Faculty of Law: “Gender, Race, Bias, and Perspective; or, How Otherness Colours Your Judgment”

Eric Kades, Cabell Professor of Law, College of William and Mary, Marshall-Wythe School of Law: “Preserving a Precious Resource: Rationalizing the Use of Antibiotics”

Jerry Kang, Professor of Law, UCLA School of Law: “Trojan Horses of Race”

Hon. Robert A. Katzmann, United States Court of Appeals for the Second Circuit: “Statutory Interpretation: A Judge’s Perspective”

Michael S. Moore, Charles R. Walgreen University Chair, Professor of Law and Professor of Philosophy, University of Illinois College of Law: “The Destruction of the World Trade Center and the Law on Event Identity”

Muna B. Ndulo, Professor of Law, Cornell Law School and Director, Institute for African Development, Cornell University: “Constitution-Making, Peace Building and National Reconciliation: The Case of Zimbabwe”

Jane S. Schacter, Professor of Law, University of Wisconsin Law School: “Political Accountability, Proxy Accountability and the Democratic Legitimacy of Legislatures”

Steven L. Schwarz, Professor of Law, Duke University School of Law: “The Limits of Lawyering: Legal Opinions in Structured Finance”

W. Bradley Wendel, Associate Professor of Law, Cornell Law School: “Legal Ethics and the Separation of Law and Morals”

Innovative use of technical materials such as extremely thin 16mm steel plate walls (where traditional architecture calls for a width of roughly 350mm).

The workshop’s success was evident in the thoughtful discussions it provoked well after the day’s event. Other participants included Bruno Latour (Ecole des Mines de Paris), Vincent Lepinay (NYU), Dominique Linhardt (Centre de Sociologie de l’Innovation), and Sergio Muñoz-Sarmiento (artist).

Renowned Civil Rights Attorney Visits Cornell

On February 21, Fred Gray, the renowned civil rights attorney, lectured in the MacDonald Moot Court Room to a joint session of the contracts classes of Professors Taylor and Summers. He described his participation in various civil rights cases, including two famous cases in which he represented black women who had been charged for refusing to give up their seats on public buses in Birmingham to white males. One of these women was Rosa Parks. Her case, decided in 1955, became one of the prominent symbols that propelled the engine of the civil rights movement. From there on, with courage and dedication, he deployed the legal system to combat injustice in American society. Among other achievements, he served as Dr. Martin Luther King Jr.’s first civil rights attorney.

The civil rights cases Mr. Gray won include Browder v. Gayle, which integrated the buses in the city of Montgomery in 1956, and Gomillion v. Lightfoot, decided in 1960, which returned African-Americans to the city limits of the City of Tuskegee. This case opened the door for redistricting and reapportioning the various legislative bodies across the nation, and laid the foundation for the “one-man-one-vote” principle. In 1965, Mr. Gray and his clients prevailed in an effort to get a court order to protect marchers as they walked from Selma to Montgomery to present grievances regarding their inability to vote. This led to adoption of the Voting Rights Act of 1965.

In Lee v. Macon, Mr. Gray filed successful suits that integrated all Alabama state constitutions of higher learning, and nearly all of the state elementary and secondary school systems. In Pollard v. United States, Mr. Gray served as counsel in preserving and protecting the rights of persons involved in the infamous Tuskegee Syphilis Study in 1972.
Mr. Gray was one of the first African-Americans elected to the Alabama legislature since reconstruction. In 1985-86, he served as president of the National Bar Association. In 2002-2003, he was the first person of color to serve as president of the Alabama State Bar Association. He holds honorary doctorates from nine universities. He is also the author of *Bus Ride to Justice* (New South Books, Montgomery, Ala., 2002).

Mr. Gray made three other public appearances as part of his two-day visit to Ithaca. On Sunday, February 20, he presented a sermon in Cornell’s Sage Chapel entitled “Learning to Live With Life’s Ups and Downs.” Later that day, he spoke at the Beverly J. Martin School, an elementary school in Ithaca, on “Civil Rights: Past Present, and Future.” His final talk, “Why Do You Want to Be a Lawyer?,” was presented to the university community on Monday afternoon in the Anabel Taylor Auditorium. Several community groups and Cornell University departments, including the Law School, sponsored Mr. Gray’s visit.

**Wilbert Rideau Survives Death Row**

On February 1, Wilbert Rideau spoke to interested Law School community members as a guest of the Cornell Death Penalty Project. This was Mr. Rideau’s first public appearance since his release from a Louisiana prison.

Mr. Rideau was originally sentenced to death in Louisiana in the early 1960s. He was seventeen years old at the time of the offense. The United States Supreme Court reversed his convictions and sentence of death due to the circus-like atmosphere surrounding his trial. He was again convicted, but was subsequently sentenced to life imprisonment without parole. While incarcerated, Mr. Rideau started a prison newspaper, *The Angolite*. He won several Pulitzer prizes for his writing as he exposed the harshness and brutality of prison conditions in Louisiana.

In the late 1990s, a federal court granted habeas corpus relief to Mr. Rideau due to the systematic exclusion of African-Americans from jury service in Louisiana. Earlier this year, a Louisiana jury—the first mixed-race jury that had ever heard his case—convicted him of manslaughter (as opposed to murder), and he was released, because he had already served substantially more time than the maximum punishment for murder. Mr. Rideau’s experience put a personal face on habeas corpus. His case also made clear the costs of so-called “habeas reform.” Under the current statutory scheme, his meritorious claims would not be entertained by a federal court.

**The Exonerated**

The Cornell Death Penalty Project sponsored a talk by two exonerated former death row inmates on February 28. Sophia “Sunny” Jacobs spent seventeen years in prison and five years on death row for a murder she did not commit. Ms. Jacobs discussed her case, featured in the off-Broadway play and newly released Court TV production *The Exonerated*.

Peter Pringle was sentenced to death in Ireland for the murder of a police officer. He was subsequently exonerated after spending more than a decade in a British prison. Mr. Pringle noted the many similarities between his case and Ms. Jacobs’ case, and concluded that injustice is inevitable in any death penalty system, regardless of the country that operates it.

**Law School Becomes Partner with University of Turin’s CLEI**

In 2002, Cornell Law School became a partner in the Interuniversity Centre for the Comparative Analysis of Law and Economics, Economics of Law, Economics of Institutions (CLEI), located at the University of Turin, Italy. In addition to the University of Turin, the University of Ghent and l’École Polytechnique, Paris, are also partners in CLEI.

During the 2004–05 academic year, CLEI inaugurated an “International Ph.D. Programme in Institutions, Economics, and Law (IEL).” Students admitted into the program enroll at the University of Turin, where they spend a portion of the first year in required coursework. Following this, for a total of three years, the students engage in the research and writing of their Ph.D. dissertations, which may be done at one or more of the partner schools. For more information, visit the IEL website at http://www.iel-turin.it.

On April 5, the members of the CLEI governing body held committee meetings at Cornell, and hosted an information forum about the IEL Ph.D. program, attended by a dozen or so students.
British Academic/Politician Evaluates European Constitutional Treaty


After first setting out the development of what is now called the European Union, he shared his view that the recently completed “constitutional” document would mark a positive step forward in the experiment in continent-wide governance if it survives the process of ratification by the member states. Public referenda in France and Britain, in particular, could result in defeat, he observed. This would be ironic, according to Sir Neil, because the document simply consolidates existing legal principles in the European Union, and does not extend them in any significant way.

United Nations Team Gives Presentation on Report to the UN Secretary General

On April 15, two officials from the United Nations team that researched and wrote a highly-regarded UN report, “Toward the Elimination of Exploitation and Abuse in UN Peacekeeping Operations,” came to the Law School to explain the circumstances behind, and the need for, the investigation of sexual exploitation and abuse among UN peacekeeping forces, especially in the Democratic Republic of Congo. The latter were the incidents that resulted in the UN report, and in sweeping recommendations for reform.

Anna Shotton, the UN Department of Peacekeeping Operations’ Focal Point on Sexual Exploitation and Abuse, described her in-country experiences interviewing perpetrators and victims. She also summarized the report’s recommendations, which included proposals that military commanders who failed to implement UN policies be repatriated, that payments to those commanders be paid to a trust fund for victims, and that memoranda of understanding with troop-supplying countries should provide that those countries would prosecute acts of sexual exploitation and abuse.

Anthony Miller, legal adviser and consultant to the United Nations, who assisted in the preparation of the report, briefly explained the requirements of international law with regard to implementing the report’s recommendations.

Panel Discusses Implications of Alien Tort Claims Act

On April 8, the Berger International Speaker Series and the Johnson School brought three distinguished scholars and a practitioner/author to campus to discuss the implications for Alien Tort Claims Act (ATCA) suits against multinational corporations following Sosa v. Alvarez-Machain, 124 S. Ct. 2739 (2004).

Participants included Beth Stephens, Rutgers School of Law-Camden, formerly in charge of the international human rights docket at the Center for Constitutional Rights in New York, and a prolific legal scholar on the ATCA; William Casto, Texas Tech University School of Law, a legal historian whose groundbreaking research on the ATCA was adopted by the Supreme Court in framing its interpretation of the Act in Sosa; George Fletcher, Columbia Law School, who currently is working on the jurisprudence of the ATCA; and Nicholas Mitrokostas, Goodwin Procter LLP, Boston, co-author of “Awakening Monster: The Alien Tort Statute of 1789,” Policy Analyses in International Economics 70, Institute for International Economics (2003).

All participants agreed that the Sosa decision authorized tort suits for an as-yet indeterminate set of violations of international law.

The Role of GATT and TRIPS for the Globalized Economy

On April 11, the Berger International Speaker Series hosted Joseph Straus, Professor of Law (Universities of Munich and Ljubljana) and Director of the Max Planck Institute for Intellectual Property, Competition Law and Tax Law (Munich), chair of the Managing Board, Munich Intellectual Property Law Center, and the Marshall B. Coyne Visiting Professor of International
and Comparative Law at George Washington University School of Law. Professor Straus’s talk, “The Role of GATT and TRIPS for the Globalized Economy,” dealt with the establishment of the World Trade Organisation and its new instruments, General Agreement on Tariffs and Trade (GATT 1994), and the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), which all entered into force in 1995.

Professor Straus explained that TRIPS introduced internationally mandatory standards of protection for all areas of technology, without, however, harmonizing all aspects of the respective rights. TRIPS has been criticised, however, for having introduced standards of protection that are too high for the developing world, and which do not take into account its specific needs. Despite the criticism, according to Professor Straus, empirical data demonstrate that the TRIPS “marriage of convenience” actually works, and he argued that the overall impact of GATT/TRIPS on the economies of Thailand, India, Brazil, Korea and even China has been beneficial.

**Eric Pelofsky ’98 Shares His Experiences in Iraq**


In his talk, “Lawyering in Baghdad: Democratic Principles and International Law in Iraq,” he summarized his experiences in Iraq, and shared his conclusions regarding the successes and challenges that the United States and its coalition partners experienced in that country.

**Law School Team Finds Success in Strasbourg**

A three-student team—Casey A. Johnson ’06, Yara Tajo, J.D.-maîtrise en droit ’07, and Virginie C. Liautaud, LL.M. ’05—represented Cornell Law School in March at the twenty-first annual Concours Européen des Droits de l’Homme René Cassin, a French-language moot court competition in Strasbourg, France, built around problems involving the European Convention for the Protection of Human Rights and Fundamental Freedoms, and supported by the Council of Europe, among other organizations.

A total of fifty teams from around the world participated. Cornell’s team placed tenth, and was recognized as La meilleure équipe non-européenne (best non-European team) in the competition.

**LL.M. Monthly Seminar Series for 2004-05**

During the 2004-2005 academic year, the LL.M. Association and the Graduate Legal Studies Program continued the monthly LL.M. seminar series inaugurated during the last academic year. This year, eight LL.M. students presented papers on a variety of topics.

**Marco Stacher** (Switzerland): “The Relevance of the Arbitration Agreement and the Arbitrator’s Agreement for Decisions on Costs in International Commercial Arbitration—A Swiss Perspective”

**Geoffroy P. Michaux** (France): “Forum Selection Clauses in the EU and the U.S.”

**Andrew Blair Crew** (Canada): “Private Police and the Doctrine of State Action in the United States and Canada”

**Jean Paul K. Kandolo** (Democratic Republic of Congo): “Protecting Human Rights and Environmental Standards During the War in Democratic Republic of Congo”

**Robert N. Cameron** (Australia): “Native Title in Australia, the High Court’s decision in Mabo v. Queensland”

**Sergio A. Muro** (Argentina): “Deciding on an Efficient Involuntary Bankruptcy Filing Petition Rule”

**Akimitsu Okubo** (Japan): “Japan’s New Challenge: How to Spread the Rule of Law to Asia’s Developing Nations”

**Claude-Étienne Armingaud** (France): “‘There is No Spoon’—Towards a Replacement of the Pendulum Paradigm in Copyright Law”

The monthly seminars were open to the entire Law School community and included students, faculty, and staff. LL.M. students presenting papers had the opportunity to publish their papers on the Cornell Law School Library on-line working paper series website.
Second Annual LL.M. Conference Held at Cornell

On April 16, the LL.M. Association and the Graduate Legal Studies Program co-hosted the second annual LL.M. conference at Cornell Law School. The day-long program featured papers presented by LL.M. students from Cornell Law School, as well as from other top schools in the northeast, including Harvard, Columbia, Virginia, New York University, and Hofstra.

The presentations this year focused on three topics: Judicial Systems; Economic Integration and Its Impact; and Human Rights. The conference is an outgrowth of the monthly LL.M. Seminar Series that runs throughout the year. The series features presentations by Cornell LL.M. students, who speak on various topics of national or international law. The Graduate Legal Studies Program hopes that the LL.M. Conference will continue as an annual event, hosted by each year’s incoming LL.M. class.

Hitler Profile Puts Cornell Law School Library Website in the Spotlight

The Law Library’s posting of the 1943 psychological profile of Adolph Hitler compiled by the OSS (Offices of Strategic Services) on its Donovan Nuremberg Trials Collection website generated quite a stir. The overwhelming response to the posting of this book, An Analysis of the Personality of Adolph Hitler: With Predictions of His Future Behavior and Suggestions for Dealing with Him Now and After Germany’s Surrender, authored by Henry A. Murray of Harvard Psychological Clinic, shows that Hitler continues to fascinate and repel people sixty years after his death.

Claire M. Germain, Edward Cornell Law Librarian and Professor of Law, and Thomas Mills, research attorney responsible for special collections, fielded inquiries from National Public Radio, the New York Times, Voice of America, the English edition of Der Spiegel, and other international media. When the Associated Press picked up the news, the Hitler book received even more national and international exposure. National news media such as CNN, and media from states ranging from Vermont to Hawaii carried the story, as did international media from Colombia, the United Kingdom, Spain, South Africa, India, and New Zealand. At its peak, in late March, the Hitler profile book website generated over 25,000 hits per day, with over 20,000 downloads.

Why all the interest? The profile gives insight into Hitler, sheds light on the early years of psychology, and discusses how to deal with the dictator after the war, a question as relevant today as it was during World War II. For more information, go to www.lawschool.cornell.edu/library/donovan/hitler.

Revamped Career Office Unveils New Publications, Prepares For 2005 Fall Recruiting Program

The last year has seen many changes in the Cornell Law School Career Office. Following Karen V. Comstock’s designation as the new assistant dean for public service, John R. DeRosa, assistant dean for student services, assumed responsibility for overseeing all Career Office operations. Last summer, the Career Office welcomed Elizabeth K. Peck as its new director of career services. Along with Associate Director Stacey A. Wiley and Assistant Dean DeRosa, Ms. Peck dedicates a great deal of time to career counseling and programming. She also manages the day-to-day activities of the Career Office, and is in the process of re-designing the career office’s website. Full biographies and contact information for all Career Office personnel are available at www.lawschool.cornell.edu/career.

The 2004–05 academic year saw what was possibly the largest number of career office-sponsored programs ever, with over fifty programs ranging in topics from effective interviewing techniques to presentations focusing on areas of practice such as securities, bankruptcy and criminal defense. Alumni wishing to participate in programming during the 2005–06 academic year are welcome to contact the office with suggested topics.

Additionally, the Career Office recently unveiled two new publications. One is designed specifically for employers, and the other for accepted students. While differing in content in light of their respective target audience, both—through text and pictures—highlight the many unique attributes of the Law School. Alumni wishing to receive copies of one or both are encouraged to contact Assistant Dean DeRosa at jrd29@cornell.edu.

Meanwhile, preparations for the 2005 fall recruiting season are well underway. Registration information was sent out to employers in January and, as of March 15, 2005, approximately 250 employers had already registered for one or more of the following recruiting events:
Job Fairs

- August Job Fair in N.Y.C. Tuesday, August 9–Friday, August 12
- Boston Job Fair Monday, August 15
- Washington, D.C., Job Fair Friday, September 2
- Los Angeles Job Fair Friday, September 9
- San Francisco Job Fair Monday, September 12
- Chicago Job Fair Friday, September 16
- Dallas Job Fair Monday, September 19
- On-Campus Interviewing dates available throughout late August and September

If your organization has not yet registered to recruit Cornell students, please contact Assistant Dean DeRosa at 607-255-9982. Registration and other fees are waived for employers participating in any of our recruiting events for the first time. Alumni with any questions about how the Career Office may assist with your recruiting efforts—or alumni who desire Law School career counseling services themselves—are encouraged to contact the office.

New Additions to the Alumni and Development Teams

In June Dean Schwab was pleased to announce that Peter Cronin will become the Associate Dean of Alumni Affairs and Development at the Law School. Mr. Cronin comes to Cornell Law School from his position as director of university development for Washington and Lee University. He has been at Washington and Lee since 1991, serving first as director of their annual fund and then as associate director of development for reunions and regional programs. He was named director of the university’s capital campaign in 2000 and assumed overall responsibility for the school’s development office in 2002.

Mr. Cronin’s prior development experience includes positions with the University of Virginia Health System and Worcester Academy in Massachusetts. He is a 1984 graduate of Washington and Lee where he majored in geology and art. Before beginning his career in alumni and development, he continued his education with graduate work toward an M.F.A. in photography at Ohio University.

“The opportunity to join Cornell University and serve the Law School is a great honor. It will be a privilege to support the school and work with remarkable colleagues and volunteers to ensure the achievement of its noteworthy ambitions,” Mr. Cronin said.

“Peter Cronin has great experience in development, and is a person of vision and judgment.” said Dean Schwab, “He is the perfect person to lead our team. I look forward to working closely with him and expect great results.”

Mr. Cronin will assume the duties of associate dean August 29. He and his family will relocate to Ithaca from Charlottesville, Virginia, where they have lived since 1995.

On July 1, Risa M. Mish ’88, former director of alumni relations at the Law School, started in the new position of Special Gifts Individual Giving Officer in support of the Law School’s development team.

Before attending Cornell Law School, Ms. Mish received a B.S. in communications “with distinction in all subjects” from Cornell’s College of Agriculture and Life Sciences. For thirteen years, she practiced labor and employment law in New York City, including as a partner with Collazo Carling and Mish LLP. During this time, she was an active volunteer for the Law School in a variety of roles, including as a member of the Dean’s Special Leadership Committee and the Law School Advisory Council. In 2001, she came to Ithaca as the Law School’s director of alumni relations. In 2003, she joined the staff of the Johnson Graduate School of Management in that same capacity. In both instances, Ms. Mish developed very successful alumni relations programs, engaging many alumni, supporting volunteer committees, identifying new volunteer leaders, and increasing the presence of both schools across the country.

“I am thrilled to have someone with such extensive knowledge of, and passion for, the Law School to manage our prospects,” said Dean Schwab in announcing this appointment to the Law School community.

“The opportunity to support Dean Schwab’s vision for the Law School, and work closely with my colleagues in Alumni and Development and our wonderful alumni leaders, is a great privilege,” said Ms. Mish. “I am truly honored to have the chance to be of service in this way to my alma mater.”
New U.S. Attorney’s Office Clinical Offerings
In March, Barbara J. Holden-Smith, associate dean for academic affairs, was pleased to announce that the Law School will offer two new clinical opportunities for the 2005–2006 school year. These new clinics are U.S. Attorney’s Office Clinic I (Clinic I), to be offered in the fall semester, and U.S. Attorney’s Office Clinic II (Clinic II), to be offered in the spring semester. Charles E. Roberts, assistant U.S. attorney for the Northern District of New York, will teach both clinics.

Enrollment in each clinic will be limited to nine students per semester. Priority for enrolling in Clinic II will be given to those students who were enrolled in and satisfactorily completed Clinic I. Each student will work 12–15 hours per week in the United States Attorney’s Office for the Northern District of New York in Syracuse. Each student must spend a minimum of eight hours per week physically at the U.S. Attorney’s Office in Syracuse; the remainder of the time can be spent at Cornell or elsewhere, doing research and other work as approved by the assistant U.S. attorneys in the Syracuse office.

The U.S. Attorney’s Office in Syracuse will select the students who may enroll in the clinics. Interviews of potential enrollees began in April, and selections for Clinic I have already been decided. Interviews will begin again in mid-to-late September for Clinic II (offered in the spring semester of 2006).

Cornell Law Review Innovations
The spring semester of 2005 marked the close of a year of modernizations at the Law Review, as the board of editors for volume 90 handed over the reins to a new board for volume 91. During this year, the Cornell Law Review started editing all articles electronically, collecting sources electronically, receiving all article submissions and author review requests through a website, notifying alumni when new issues are published, sending certain articles to litigators in high-profile cases, changing the process for selecting student notes, and posting current and past issues on their website.

“The board of editors for volume 90 was united around the idea of innovation,” said Dana E. Hill ’05, the outgoing editor in chief. “We shared an enthusiasm for change, for making the Law Review more efficient and effective. We also know how fortunate we are to have inherited such a proud tradition and to leave these efforts in capable hands as we graduate.”

Also this year, the Cornell Law Review joined in a statement with the top twelve law journals in the nation in an effort to curb the growth of article length in legal scholarship. The Cornell Law Review established a policy of giving preference to article submissions under 30,000 words.

“The vast majority of legal scholars, law review editors, and law journal readers agree that word limits will sharpen the quality of legal scholarship and, hopefully, reach a wider audience of practicing lawyers,” said Mr. Hill. “Hopefully, this effort will change the way legal scholarship is produced.” Both the journal’s statement and the joint statement are posted on the journal’s website.

The Cornell Law Review’s published scholarship received attention this year as well. One of the first articles in volume 90 of the Cornell Law Review, in which Derek Jinks and David Sloss argued that the Executive Branch was bound by the Geneva Conventions, was cited by the Justice Department’s Office of Legal Counsel in a December 2004 memo withdrawing the so-called “torture memo” of August 2002. In addition, one study of law journals by Washington and Lee Law School released this year ranked Cornell Law Review sixth in the nation, receiving more citations per article than journals such as the Harvard Law Review, Michigan Law Review, and California Law Review (Berkeley).

Cornell Law Softball Teams Finish Weekend Undefeated
On April 1, a group of Cornell Law students made their annual trip to Charlottesville, Virginia, for the Virginia Law Softball Invitational. Four full teams made the trip this year, with good representation from all three classes comprising the fifty players that included nearly as many women as men. They were even lucky enough to have several fans make the trip to cheer on the team.

As some of the team members knew from years past, the early April weather in Virginia can be beautiful, but it can also be hard to predict. Just two years ago the weather went from 75 degrees and sunny on Saturday to an ice storm on Sunday. While the team avoided the ice this year, they were met with consistent and heavy rains that unfortunately led the tournament organizers to cancel all tournament games.

Of course, dozens of Cornell students with their mind set on softball were not going to be turned away by a little rain; especially not when they had driven eight hours to play some softball. When the sun began to poke through the clouds late Saturday morning they started to talk with players from other schools about putting together a pick-up game or two. Eventually about twenty of the Cornell players drove to one of the city parks to play some ball, no matter how muddy and wet the conditions.
The Cornell team ended up playing games against Connecticut and the New England School of Law. The Cornellians were victorious in each game, playing through the puddles, mud, and rain to come out ahead. Unfortunately, the last game ended abruptly when the light rain quickly turned into hail. Cornell Law students were willing to endure a lot to play some softball, but hail was simply too much.

The bad weather didn’t stop anyone from having a good time on Saturday night, as the tournament organizers arranged for two open bars at “The Corner” of the UVA campus. Shockingly, getting a thousand law students together can be a lot more fun than you might imagine.

While the weekend might not have evolved as expected, everyone had a good time. People are already talking about going again next year, and a lot of 3Ls wish they could go with them again. This year’s team would all like to thank the Alumni Association and other Law School organizations for their generous donation to the softball teams. They helped keep the costs affordable so that everyone had the chance to spend the weekend in the Charlottesville rain and mud.

**The Ambulance Chasers and the Relay for Life**

On April 9 and 10, students from the Law School participated in the American Cancer Society’s Relay for Life. The Relay for Life is the cancer society’s main fundraising event. Teams raise money and then compete in a twelve-hour relay race, with one member of the team remaining on the track throughout the entire race. The Cornell/Ithaca College Relay for Life was held overnight in Bartels Hall. It was one of the most successful in the country, raising more money than all but two other university relays.

The sixteen-member Law School team, “The Ambulance Chasers,” raised over $4,500. Third-year student Margaux E. Matter organized the Ambulance Chaser group with last year’s inaugural trip to the Marine Corps Marathon in Washington, D.C. Expanding on that core group of runners, the Ambulance Chasers this year turned their attention to fundraising. The team entered the Relay with the modest goals of fielding eight runners and raising $500. Driven by the prolific fundraising of third-year student Andrew J. Wiesner, who alone raised over $1,000, the team far exceeded that goal, finishing the event number two in overall fundraising for the university.

Andrew J. Wiesner ’05 and Daniel J. Walker ’05 participating in the Relay for Life, holding their team’s relay batons (gavels).
John J. Barceló, the William Nelson Cromwell Professor of International and Comparative Law, wrote the short piece on “The WTO and Developing Countries” which appears in this issue of the Forum. He also continued work on two book projects. Along with his co-authors he is preparing the third edition of his coursebook *International Commercial Arbitration—A Transnational Perspective*, scheduled for completion by the end of the summer. Along with his co-authors he is preparing the third edition of his coursebook *International Commercial Arbitration—A Transnational Perspective*, scheduled for completion by the end of the summer. Along with Hugh Corbet, president of the Cordell Hull Institute in Washington, D.C., he is also serving as general editor of a volume entitled *Rethinking the WTO*. The volume will contain chapters by authors who participated in the July, 2004 Paris conference on the WTO and the World Economy, which Professor Barceló and Mr. Corbet organized in connection with the 2004 Paris Summer Institute. Professor Barceló authored the chapter on “The Status of WTO Rules in Domestic Law—An American Perspective.”

In May, Professor Barceló was a visiting professor at the Central European University in Budapest. He gave a short course in the form of seven lectures on WTO-GATT Law. Also in May, he gave a series of lectures on International Commercial Arbitration law at the Munich Intellectual Property Law Center, which is affiliated with the Max Planck Institute in Munich.

As Elizabeth and Arthur Reich Director of the Leo and Arvella Berger International Legal Studies Program, Professor Barceló organized a series of guest-lecture programs throughout the spring semester. He also served as member of the university’s International Studies Advisory Committee, chaired by Vice Provost for International Relations David Wippman.

In January, John H. Blume, associate professor and director of the Cornell Death Penalty Project, gave a presentation on recent Supreme Court developments at a Sixth Circuit habeas corpus seminar in Cleveland, Ohio. In March, along with Professor Garvey, he authored an amicus curiae brief filed in the United States Supreme Court on behalf of a number of distinguished professors of evidence law in *Holmes v. South Carolina*. Also in March, Professor Blume was one of a number of habeas corpus academics that filed amicus curiae briefs in the Supreme Court in *Day v. Crosby* and *Felix v. Mayle*.

In April, Professor Blume participated in the habeas corpus symposium sponsored by the *Cornell Law Review* (see page 21). His paper, “AEDPA: The Hype and the Bite,” will be published in the *Cornell Law Review*.

In May, Professor Blume published “Killing the Willing: Volunteers, Suicide and Competency” in the *Michigan Law Review*. This article, presented in shortened form in the Spring 2005 issue of *Cornell Law Forum*, explores the extent to which death row inmates who waive their appeals are similar to non-incarcerated persons who commit suicide, and asks if the current legal standard, which permits death row inmates to waive appeals, should be altered.

In June, Professor Blume, along with Anthony G. Amsterdam of the New York University School of Law, and the National Institute for Trial Advocacy, the Habeas Assistance and Training Counsel Project, and the administrative office of the United States Courts, sponsored and participated in the Habeas Institute in Atlanta, Georgia. This program is designed to improve the quality of representation in capital post-conviction representation.

Thomas R. Bruce, research associate and director of Cornell Law School’s Legal Information Institute, spent much of the spring semester learning from staff and students under his supervision: from LII staffers, who developed an electronic, annotated version of the Constitution, released to the public in May; from six Masters of Engineering students in Computer Science, who worked on natural-language processing systems for the management of agency rulemaking; and from a group of graduate software engineers, who developed a data-mining application that will help the LII better understand its audience.

In March, Mr. Bruce hosted a team of four legal and computer-science experts from Nagoya, Japan, who are collaborating in the development of computer applications to support and manage the translation of Japanese legislation into English. In April and May, he gave workshops on legal-information policy issues at Northeastern University, and at the Berkman Center for the Internet and Society at the Harvard Law School. He also spoke to Law School alumni at a meeting in northern New Jersey.
In early January, Charles D. Cramton, assistant dean for graduate legal studies, attended the annual meeting of the Association of American Law Schools in Washington, D.C. At the meeting he was re-elected to the executive committee of the Association’s section on Graduate Programs for Foreign Lawyers.

Throughout the spring term, Assistant Dean Cramton continued to work with the LL.M. and J.S.D. graduate students. As part of the Graduate Legal Studies Program this year, Assistant Dean Cramton continued the successful 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 legal developments in their home countries. The seminars were open to the entire Law School community. Attendees included LL.M. and J.D. students, faculty, and administrators. As an offshoot of the seminar series, Assistant Dean Cramton worked with the LL.M. Association in hosting the second annual LL.M. Conference with LL.M. students from throughout the northeast.

Assistant Dean Cramton is now in his fifth and final year as a member of the New York State Continuing Legal Education Board, which has responsibility for overseeing continuing legal education in the State of New York. In addition to normal board duties, he also serves on the Board’s Appeals Review committee, and the Internet Publication subcommittee. In June, he completed his first year as chair of New York State Bar Association’s Committee on Legal Education and Admission to the Bar, attending meetings throughout the year, and making several presentations to the NYSBA’s Executive Committee on various topics relating to legal education and admission to the bar in New York State, including the increase in the minimum passing score on the bar examination in New York, scheduled to go into effect this July. In April, the president of the New York State Bar Association appointed Assistant Dean Cramton to the bar association’s new “Special Committee on the Bar Examination,” which is charged with an overall review of the bar examination in New York. The committee held its first meeting in New York City in May.

Glenn G. Galbreath, senior lecturer and staff attorney in the Cornell Legal Aid Clinic, while fully occupied with teaching in two clinical courses, one externship, and Trial Advocacy this spring, found time to participate in a variety of activities outside the Law School. Through the Center For Development Of Human Services, SUNY 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 fifth year as the Faculty In Residence in the Gothic residence halls on West Campus, where they will remain for a sixth year before they return to their home off campus.

Mr. Galbreath continues in his fourteenth year as the Justice in the Village of Cayuga Heights. As a result of some fortuitous overlapping of political boundaries, he is running for election for the Justice position in the Town of Ithaca in addition to remaining the Justice in the Village. He even took the politically naive step of seeking cross endorsements from the Democratic, Republican, Working Families, and Independence parties. So far it has worked with every party except the one in the majority. Thus he returns to his familiar role as the underdog.

He and Sandy are also looking forward to the wedding of their daughter Megan this summer at the Galbraiths a few centuries ago, until they were evicted for unneighborly behavior and falling behind on the mortgage!)
Richard D. Geiger, associate dean and dean of admissions, had a very busy spring semester overseeing the admission, financial aid, and admitted student recruitment processes for over 4,100 J.D. and 800 LL.M. applicants. He also completed the second year of his two-year term as chair of the board of trustees of the Law School Admission Council (the organization of accredited U.S. and Canadian law schools that, among other things, develops and oversees the Law School Admission Test). In that capacity, he made presentations to the Executive Committee of the Association of American Law Schools at their January annual meeting in San Francisco, and to the Council of the ABA Section on Legal Education and Admission to the Bar at the Association’s mid-year February meeting in Salt Lake City. At that meeting, he also gave a talk on current developments in standardized testing at a special breakfast hosted by LSAC for law school deans.

In March and April, Associate Dean Geiger participated in LSAC standing committee meetings in New York, Miami, and Austin. In May, he presided at the LSAC’s Board of Trustees meeting in New York as well as its annual meeting in Indian Wells, California.

In January, Claire M. Germain, the Edward Cornell Law Librarian and Professor of Law, and Director of the Law School’s Joint Degree Programs in Paris and Berlin, attended the AALS meeting in San Francisco, and started her term as chair of the Executive Committee of the AALS Section on Law Libraries.

In March, Professor Germain traveled to France to select the French students for the J.D.-maîtrise en droit program. During that week, she also attended President Lehman’s visit with French alumni in Paris, and met with several Law School alumni.

As vice president/president-elect of the American Association of Law Libraries, she attended executive board meetings in Chicago in February and April. In February, she participated in a by-invitation-only symposium on antitrust issues in scholarly and legal publishing at Georgetown University, attended by librarians, state officials, law and economics professors, private antitrust lawyers, and federal officials from the FTC and U.S. Department of Justice Antitrust Division. The symposium was sponsored by the Information Access Alliance (http://www.informationaccess.org/) and the American Antitrust Institute (http://www.antitrustinstitute.org/about.cfm). Much of the discussion centered on academic research journals and bundling issues. In law, the mergers of West-Thompson and Reed-Elsevier have resulted in large price increases that affect reporters, codes, digests, citators, encyclopedias, looseleaf services, newsletters, and treatises. A study by the Information Access Alliance has found that legal serial publications produced by commercial publishers over the past two decades have increased in price at rates disproportionate to any increases in cost or quality. The group discussed ways to address this situation.

In May, Professor Germain attended the Canadian Association of Law Libraries meeting in St. John, Newfoundland. She also represented AALL at the British Association of Law Libraries meeting in Harrogate, U.K., in June.

During the spring semester, Michael Heise presented “Employment Arbitration and Empirical Research: New Paths and New Data,” which explores the empirical dimensions of employment arbitration, at Stanford Law School’s Civil Trial symposium. He also presented “Juries, Judges, and Punitive Damages: Empirical Analyses Using the Civil Justice Survey of State Courts 1992, 1996, and 2001 Data” (a paper co-authored with, among others, Professor Eisenberg), which examines the relation between punitive and compensatory damages, at a faculty colloquium at the University of Texas School of Law. These papers will appear in forthcoming issues of the Stanford Law Review and the Journal of Empirical Legal Studies, respectively. The punitive and compensatory damages paper was featured in panel presentations at the Law and Society and American Law and Economic Association annual meetings.


Robert A. Hillman, the Edwin H. Woodruff Professor of Law, prepared a paper, “On-line Consumer Standard-Form Contracting Practices: A Survey and Discussion of Legal Implications” for presentation in March at a conference at the University of Washington Law School entitled “Is Consumer Protection an Anachronism in the Information Economy?” He also presented the paper in April at a “Cyberspace Law and Economics” workshop at the University of Michigan Law School. The paper tests common assumptions about consumer behavior when agreeing to e-standard forms. It reinforces the assumption that consumers generally do not read their e-standard forms, but suggests that consumers may read more than previously acknowledged when the value of the contract is high and when the vendor is
unknown. The paper also reveals that impatience accounts most often for the failure of consumers to read their e-standard forms. In addition, not surprisingly, consumers rarely shop for advantageous terms, despite the greater availability of terms on the Internet. The paper concludes by analyzing possible legal responses to e-standard-form contracting in light of the survey results.

In June, Professor Hillman traveled to Montreal for the American Association of Law School’s mid-year contracts conference, “Exploring the Boundaries of Contract Law.” As chair of the planning committee for the conference, Professor Hillman addressed the attendees in welcoming speech and presided over a panel, “Implications of Limited Rationality for Contract and Commercial Law.”

During the spring, Professor Hillman wrote the first draft of a paper, “On-Line Standard-Form Contracting—Would Mandatory Website Disclosure of E-terms Backfire?” for presentation in the fall at a conference on “Boilerplate” at the University of Michigan Law School. The proceedings of this conference will be published in the Michigan Law Review and in a book published by Cambridge University Press. Professor Hillman also continued work on “Principles of Software Contracts,” for the American Law Institute. Professor Hillman is the reporter for this project.


Also in March, Professor Hockett completed work on “Whose Ownership? Which Society?”, the first in a series of three articles on what an “ownership society” might and ought be. The article, slated for publication in the forthcoming October issue of the Cardozo Law Review, focuses upon the normative ethical, legal, and “endowment-psychological” foundations of a distributively just ownership-fostering polity. The second article in the series, the draft of which Professor Hockett wrote over March and April, focuses on the more detailed programmatic and implementary aspects of such a polity—in particular, upon “asset-diffusion” programs that employ financial engineering techniques designed with a view to the opportunities opened to, and the constraints placed upon, concerted ownership-facilitation both by legal tradition and by ownership psychology. The third article in the series is to assess the prospects for an ethically just, politically legitimate, and practically sustainable “global ownership society.”

Additionally in March, Professor Hockett gave a presentation on the notion of an “ownership society”—in particular, on how such a polity might be made something more than merely a society in which some people own some things or are “on their own”—at the Telluride House of Cornell University.

In April, Professor Hockett took part in a debate on the U.S. Constitution’s present-day viability sponsored by several Cornell University student organizations, in which he advocated and traced some hypothetical case-law implications from an understanding of the Constitution that forthrightly embraces the constitutive American ideal of equal opportunity. In addition to Professor Hockett, the panel of discussants included Professor Cramton, as well as Michael Badnarik, the Libertarian Party’s 2004 candidate for U.S. President. Richard Bensel of the Cornell University Department of Government moderated the proceedings. In May, Professor Hockett was the featured speaker at a similar forum, this one devoted specifically to his chosen topic, “Equal Opportunity and the U.S. Constitution,” sponsored by Societas, the Law Society of the Cornell University College of Arts and Sciences.

In early June, Professor Hockett organized and presented at the third semi-annual meeting of the Freedom-Oriented Political Economy working group, held at United Nations headquarters in New York City. The working group includes academics and officials from a number of universities, business firms and non- or inter-governmental organizations, including Bell Laboratories, Cornell, Columbia, Harvard, MIT, the Carnegie Endowment, the World Bank, and the United Nations. Also in June, Professor Hockett completed work on a review of The Limits of International Law, a recent release by Jack Goldsmith and Eric Posner. The review is slated for publication in issue 2 of the forthcoming volume of the Minnesota Law Review.
Finally, in June, Professor Hockett revised three articles, two of them co-authored with Mathias Risse of the Kennedy School at Harvard, for publication in the peer-reviewed journal *Economics and Philosophy*. The first article is titled “Primary Goods, Interpersonal Comparisons and Nonstandard Logics,” and involves the application of non-bivalent logics to problems of interpersonal utility comparison in political theory and welfare economics. The two articles co-authored with Professor Risse are titled “Primary Goods Revisited I” and “Primary Goods Revisited II,” respectively, and offer formal solutions to paradoxes derived by economist John Roemer and philosopher Richard Arneson from Rawlsian axioms.

Over the course of the spring semester, Professor Hockett also taught a new course, Financial Institutions, which expands coverage of the former Banking Law course to the businesses and regulation of mutual funds, pension funds, and securities firms as well as banks, and began preparing for a new seminar on International Finance that he will offer next year. He also began work on an electronic casebook and multimedia website of resources usable by students of business-organizational and finance-regulatory law.

During the spring semester, Douglas A. Kysar was a visiting professor at Harvard Law School. He presented his paper, “Sustainable Development and Private Global Governance,” at a conference at the University of Texas Law School and at a faculty workshop at Harvard Law School. The paper will be published in the *Texas Law Review* as part of a symposium issue on water law.

Professor Kysar also presented a work-in-progress, “It Might Have Been: Risk, Precaution, and Opportunity Costs,” at the Boston University School of Law’s Law and Economics Work-

An article by Peter W. Martin, the Jane M. G. Foster Professor of Law, entitled “Cornell’s Experience Running Online, Inter-School Courses—A FAQ” was published in a special information technology issue of an international journal on legal education (volume 30, number 1 of *The Law Teacher* at 70 [2005]). The article focuses on Professor Martin’s online Social Security course, which, in its fifth run this spring, enrolled over one hundred students from ten different law schools.

At the annual meeting of the Association of American Law Schools, Professor Martin made two presentations, one addressing the costs of legal education’s “time, place, and manner requirements” and the other exploring the promising role of distance learning in part-time J.D. programs. As director of the Cornell Law School Heritage Project, Professor Martin compiled, edited, and produced a DVD built around interviews with alumni whose experiences reach back to beginning of the last century. He was appointed by the Provost to serve on the University task force on “Wisdom in the Age of Digital Information”—one of three established to pursue strategic areas identified by President Lehman as important to Cornell’s “revolutionary” leadership.

Anne Lukingbeal, associate dean and dean of students, continued to be active as a member of the Board of Directors of the National Association of Law Placement (NALP). She recently attended two board meetings, in Puerto Rico in February, and in Chicago in April. She has agreed to serve during the coming year as the chair of the NALP Bylaws Committee, which will do much of its work during the summer. She also continues her involvement with the Association of American Law Schools (AALS), and attended the annual meeting in San Francisco in January.

In June, Associate Dean Lukingbeal attended the annual meeting of the Law School Admissions Council in Indian Wells, California. She continues as a member of the faculty Admissions Committee, but had not been able to attend the annual meeting for a number of years.

At Cornell, Associate Dean Lukingbeal was asked by President Lehman’s office to chair the Search Committee for a new Judicial Codes Counsellor, and she agreed to do so.

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Bernadette A. Meyler delivered several talks this semester. She was invited to speak in the Burns Lecture Series at Cardozo Law School, where she presented a draft of an article on “The Role of the Jury in the Seventeenth-Century Contest between Law and Equity.” Professor Meyler also gave a lecture on “The History of the Common Law as the Theory of the Common Law” at the Telluride House at Cornell. There she spoke about why Anglo-American common law thinkers from Sir Edward Coke and William Blackstone to Oliver Wendell Holmes have found it necessary to articulate a historical vision of the common law as part of the attempt to provide a theory of its operation.

In March, Professor Meyler gave a presentation at the Law School at the invitation of the Women’s Law Coalition; in that context, she discussed the way in which a rhetoric of dignity emanating from the human rights arena as well as from European jurisprudence has recently infiltrated judicial decisions in the United States, and she articulated several points of ambiguity within the concept of dignity as it stands that may detract from its usefulness for U.S. law.

JoAnne M. Miner, senior lecturer, staff attorney, and director of the Cornell Legal Aid Clinic, continued to teach both externships and in-house clinics, including the Women and the Law clinic. That clinic continued to collaborate with the Advocacy Center, the local agency that serves survivors of domestic violence. The clinic obtains its cases through the Advocacy Center, providing students with the opportunity to explore the complex nature of domestic abuse. Clinic students represented a number of clients in a variety of family and matrimonial matters throughout the spring semester.

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

In May, Ms. Miner attended the annual AALS Workshop on Clinical Legal Education and the bi-annual AALS Law Clinic Directors’ Workshop. She also attended a New York State Judicial Institute conference, “Partners in Justice: A Colloquium on Developing Collaborations Among Courts, Law School Clinical Programs and the Practicing Bar.”

Andrea J. Mooney, lecturer in the Lawyering Program, was a presenter at a conference entitled: “Achieving the Balance—Best Practices for Managing Challenging Behaviour” in Dublin, Ireland in April. Ms. Mooney conducted a mock trial concerning an injury to a child following a physical restraint in a residential childcare agency.

In June, Ms. Mooney was a discussant at a conference entitled: “Examining the Safety of High Risk Interventions for Children,” sponsored by the Family Life Development Center at Cornell’s College of Human Ecology. She discussed a paper on the rights of children to a safe treatment environment, presented by Sheila Suess Kennedy of the School of Public and Environmental Affairs at Indiana University.

An article by Trevor W. Morrison, “Private Attorneys General and the First Amendment,” appeared in the February issue of the Michigan Law Review. The article argues against establishing special First Amendment restraints on the power of legislatures to authorize private attorneys general to enforce false advertising and other speech-related regulations in the public interest.

In April, Professor Morrison presented a paper at a symposium hosted by the Cornell Law Review entitled “The Great Writ: Developments in the Law of Habeas Corpus.” Professor Morrison’s paper, “Executive Detention, the Judicial Function, and the Suspension Clause,” examines issues arising out of the Supreme Court’s recent decision in Hamdi v. Rumsfeld, and considers in particular what role the federal courts should play in ensuring that the detention of alleged “enemy combatants” comports with the constitutional separation of powers.

In February, Muna B. Ndulo, professor of law and director of Cornell University’s Institute for African Development, was a discussant following a screening of the 2005 Oscar-nominated film Hotel Rwanda in Ithaca. The Cornell Black Law Student Association organized the event. He presented a paper entitled “Constitution-Making, Peace Building, and National Reconciliation: The Case of Zimbabwe” to the Law School’s faculty workshop. He also presented a paper entitled “Women and Human Rights in Africa” to a seminar organized by the Alpha Kappa Alpha Sorority at Cornell.

In March, Professor Ndulo spoke to students at Lansing High School in Ithaca. The students were preparing for a state-
wide meeting of the Model United Nations, and Professor Ndulo spoke on “The United Nations and The Role of The Security Council.” The next day, Professor Ndulo traveled to Johannesburg, South African, to attend a board meeting of Gender Links, a leading human rights NGO in Southern Africa.

In April, Professor Ndulo participated in a panel called “State Building: Issues of Design and Implementation” at the American Society of International Law in Washington, D.C. He spoke on “Lessons Learnt from Constitution-Making Processes in Post-Conflict Societies.” He also spoke to Professor Emeritus Robert Kent’s class at Roger Williams University School of Law about the constitution-making process that led to the adoption of the 1996 South African constitution.

During the spring semester, Jeffrey J. Rachlinski published a paper in the University of Pennsylvania Law Review entitled “Can Judges Ignore Inadmissible Information?: The Difficulty of Deliberately Disregarding.” The paper presents data that Professor Rachlinski and two co-authors (Chris Guthrie of the Vanderbilt Law School and Hon. Andrew J. Wistrich of the Central District of California) collected as to whether judges can ignore evidence they rule as inadmissible. Professor Rachlinski also presented these results at the Cornell Law Faculty Academic Retreat in January, and at faculty workshops at Columbia Law School, the University of Loyola-Los Angeles Law School, and the University of Texas Law School.

In March, Professor Rachlinski delivered a paper at the American Psychology-Law Society describing research on the decision-making skills of insurance and reinsurance executives. The paper shows that these executives, who must manage risk on a daily basis, avoid many of the common pitfalls in judgment that plague lay decision-makers. At the same time, however, their expertise makes them vulnerable to a new array of mistakes. In June, Professor Rachlinski attended a conference at the University of Chicago Law School entitled “Homo Economicus, Homo Myopicus, and the Law and Economics of Consumer Choice.” Professor Rachlinski presented a paper at the conference on the role that individual variations in cognitive abilities might play in an assessment of the value of paternalistic legal interventions.

During the semester, Professor Rachlinski completed publication of three other papers. The first, “The Effectiveness of the Endangered Species Act: A Quantitative Analysis,” appeared in the journal Bioscience. The paper presents empirical evidence that the Endangered Species Act has been successful in reducing the likelihood of extinction of those species it protects. The paper was discussed in the journal Nature, and on the National Geographic News.

The second, “In Praise of Investor Irrationality,” was published in an edited collection entitled The Law and Economics of Irrational Behavior. The paper reviews evidence that investors make irrational decisions, and assesses whether it makes sense to restrict individual investors’ access to the markets so as to protect investors from themselves. The paper concludes that financial markets actually benefit from irrational investors, and indeed, that they might be essential.

The third paper, “The Psychology of Conflict of Laws,” appears in an edited collection entitled The Need for a European Contract Law: Empirical and Legal Perspectives. The paper discusses the tendency for legislatures to adopt irrational legislation, and the ability of outside legal cultures to identify such irrationality. The paper concludes that the process of merging legal regimes can thus have the hidden benefit of identifying undesirable legislation.

Annelyse Riles, professor of law and anthropology, and director of the Law School’s Clarke Program in East Asian Law and Culture, served as the Helen Cam Professor at Girton College, Cambridge University, for the Easter Term (April through June). In the spring, she completed an edited collection, Documents: Bureaucratic Authorship, Academic Collaboration, Ethnographic Response, which studies practices of documentation in law, science, bureaucracy, and the arts, and proposes a new agenda for collaboration between law and the social sciences.

Professor Riles also completed three articles on human rights theory: a commissioned article on the future of human rights for American Anthropologist; a commissioned article on ethics in human rights theory for the Finnish Journal of International Law; and the introduction to a special issue of Political and Legal Anthropology Review (co-authored with Iris Jean-Klein) on anthropology and human rights. She also completed an essay on the nature of legal fictions for Triquarterly Magazine, a leading literary journal, and a chapter on socio-legal studies’ contribution to comparative law for an edited volume on the state of comparative law, forthcoming from Oxford University Press.

This spring Professor Riles organized three international conferences and workshops. The first, “New Approaches to the Conflict of Laws,” was held at the University of Toronto Law School. The second, on debates surrounding transparency, was held at the Ecole des Mines, Paris, and the third, on new work in East Asian law and culture, was held at the University of Edinburgh, Scotland. She also presented papers at the University of Cambridge, Oxford University, St. Andrews University, the annual meeting of the American Ethnological Society, and the Hope in...
the Economy Conference organized by the Center for the Study of Economy and Society at Cornell University.

During the spring semester, **E. F. Roberts**, the Edwin H. Woodruff Professor of Law, Emeritus, updated his modest contribution to *McCormick on Evidence*, now going into its sixth edition.

The first quarter of the year was spent in Naples, Florida, where, for a span of time closing in upon a score of years, he has watched the entire coastline sprout a nearly continuous wall of luxury condominium high-rise buildings. Immediately inland, what was scrubland is now covered by posh residential villas orchestrated around golf courses and lakes, more accurately described as big holes dug in the ground by earth-moving equipment and filled with groundwater. A common denominator of all this progress is the notion of the gated community, safe from intrusions by strangers. These improvements have seen land values escalate to the point that real estate taxes work as eviction notices to the natives who work in the shops and restaurants that serve the new gentry. Commutes twenty-five miles each way have become a staple of the lifestyle of these service workers. Professor Roberts cannot help but look upon this phenomenon as a rerun of the expropriation of the common lands in English villages, or the highland clearances in the barbarian lands to the north of England. History may repeat itself, but Marx notwithstanding, its rerun is in no sense comic. One lesson does remain constant: *nam suboribus pauperim praeparatur unde potentiiores saginantur*.

**Faust F. Rossi**, the Samuel S. Leibowitz Professor of Trial Techniques, taught a concentrated two-week course at Central European University in Budapest on “American Civil Procedure.” He also lectured on evidence topics in California, Colorado, Florida, Illinois, Massachusetts, and New Jersey.

Earlier in the semester, Professor Rossi organized and participated in two in-house law firm programs, where he delivered lectures on recent developments in federal evidence. He also drafted a monograph on “Evidence for the Trial Lawyer,” which he will use later this year when giving Continuing Legal Education talks under the auspices of various bar associations in several states.

At the June 2005 reunion of Law School alumni, Professor Rossi spoke to all classes and shared observations derived from his nearly fifty-year association with the Cornell Law School.

As a member of the Cornell University Appeals Panel, Professor Rossi participated in a two-month tenure appeal hearing.

**Emily L. Sherwin** has several new publications: “Reparations and Unjust Enrichment,” which appears in a symposium on reparations published by the *Boston University Law Review*, and “Why We Write: Reflections on Legal Scholarship,” which introduces a symposium on scholarship for the *San Diego Law Review*. Her review of *The Law and Ethics of Restitution* by Hanoch Dagan, entitled “Rule-Oriented Realism,” recently appeared in the *Michigan Law Review*.

This January, Professor Sherwin participated in a roundtable sponsored by the University of Illinois Institute for Law and Philosophy on the moral force of promises.

**Robert S. Summers**, the William G. McRoberts Professor of Research in the Administration of the Law, corrected page proofs of his book *Form and Function in a Legal System—A General Study* to be published by Cambridge University Press. He first lectured on the central themes of this book while the Arthur L. Goodhart Visiting Professor of Legal Science at Cambridge University in 1991–92. Since then, drafts of the book have been the central focus of Professor Summers’s annual fall seminar in American Legal Theory.

Professor Summers continued research and writing on the fifth edition of the volume on the law of sales in the four-volume treatise on the Uniform Commercial Code that he co-authors with James J. White of the University of Michigan School of Law. Work on this volume will be completed in 2005 and it will be published by West Group in 2006. This volume draws on another book co-authored by Professors White and Summers and published in 2005 by West Group: *Revised Article One and Amended Article Two of the Uniform Commercial Code—Substance and Process*.

Professor Summers revised his essay “Form and Function in a Legal System” to be published in June in the *Dutch Journal of the Philosophy of Law*. He also completed a revised version of an essay on the life and work of the late Dr. Geoffrey Marshall, Provost of The Queen’s College, Oxford University. Professor Summers co-authored this essay with Professor Vernon Bogdanor of Brasenose
College, Oxford, and it will be published in the _Proceedings of the British Academy_ in 2006.


During the spring and early summer, Professor Summers gave a number of invited lectures. In May, he lectured at the University of Oregon School of Law in Eugene on “My Years at the University of Oregon as a Student and a Professor,” a lecture given on occasion of the fiftieth anniversary celebration of the graduation of the class of 1955.

Also in May, Professor Summers gave two lectures at the University of Göttingen in Germany (from which he holds an honorary doctorate). The first lecture was on his book, now in press, entitled _Form and Function in a Legal System—A General Study_. The second lecture (and demonstration) was on “The Socratic Method of Teaching Law in the American Law School.”

In June, Professor Summers lectured at the University of Groningen in the Netherlands, on “Naïve Instrumentalism and the Law.” Professor Summers also gave the annual guest lecture on form in the law at the 2005 Meeting of the Dutch Association of the Philosophy of Law.

In February, W. Bradley Wendel presented a lecture at Dong-A University in Busan, South Korea, entitled “The Legalization of Legal Ethics: A Historical Perspective from the United States.” The lecture was given in the context of the adoption by South Korea of a graduate model of legal education similar to that in the U.S. and the consideration of how legal ethics education should be integrated into this new curriculum. Following this lecture, Professor Wendel attended an international legal ethics conference at the University of Canterbury in Christchurch, New Zealand, where he presented a version of a forthcoming paper, “Legal Ethics and the Separation of Law and Morals.” That paper uses the so-called “torture memos,” prepared by lawyers in the Office of Legal Counsel, as a case study to explore the jurisprudential issue of the relationship between moral and legal values in the attorney-client relationship. Professor Wendel also presented that paper at faculty workshops at St. John’s Law School, and at Cornell. The paper will be published next fall in volume 91 of the _Cornell Law Review_.

Finally, Professor Wendel organized a review symposium in the international journal _Legal Ethics_, reviewing a new Canadian casebook, which adopts an economic approach to the subject. His essay, “Economic Rationality vs. Ethical Reasonableness: The Relevance of Law and Economics for Legal Ethics,” will appear as the symposium introduction.

On January 1, David Wippman assumed the newly-created position of Cornell University vice provost for international relations. In that position, Vice Provost Wippman is responsible for fostering the development of academic partnerships with top universities abroad, and with strengthening the university’s international programs and activities. In March, Vice Provost Wippman visited London, Paris, and Rome with Cornell University President Jeffrey Lehman and other senior administrators in order to discuss possible collaborative relationships with universities there. Vice Provost Wippman also traveled to South Africa in May as part of a Cornell delegation exploring a partnership with the Indigenous Knowledge Systems Trust of South Africa.

Despite the demands of his new position, Vice Provost Wippman continues his legal research and writing. In early January, he and co-editor Mathew Evangelista published an edited volume titled _New Laws, New Wars? Applying the Laws of War to 21st Century Conflicts_. In late January, Vice Provost Wippman served as a commentator at a Vanderbilt Law School Roundtable on the law of war. He also presented a paper, “Blueprints for Post-Conflict Reconstruction and the Rule of Law,” at a faculty workshop at Washington University Law School. He gave a similar presentation to the New York Lawyer Chapter of the American Constitution Society in February. The paper is a chapter in a book that Vice Provost Wippman is co-authoring with Jane Stromseth and Rosa Brooks on _Military Intervention and the Rule of Law_, scheduled for publication next year by Cambridge University Press. In April, Vice Provost Wippman chaired a panel on state-building at the American Society of International Law’s annual meeting, and in May, he addressed the Court of Appeals for the Armed Forces Judicial Conference on new developments in the law of war.
Faculty Profile

Professor John J. Barceló III

The length of Professor John J. Barceló III’s title sometimes causes trouble for Law School staff members who have to typeset formal documents within tight space limits. Professor Barceló is the William Nelson Cromwell Professor of International and Comparative Law and Elizabeth and Arthur Reich Director, Leo and Arvilla Berger International Legal Studies Program.

Professor Barceló doesn’t mind. To him, the title signifies the generosity of Law School alumni—generosity that makes it possible for him to devote himself to growing the international law program without worrying about funding it. “I used to have to apply for grants every year,” he says. “We got grants from the Ford Foundation, the Olin Corporation, the Dana Foundation…” Professor Barceló stops to think. “… the Center for International Studies (later the Mario Einaudi Center)…” He is clearly relieved to have seen the program’s financial horizons clear so decisively. The growth of international legal studies at the Law School gratifies him, too: “So many of these projects have come to function on their own as separate structures and programs. People don’t always realize that they came from International Legal Studies.”

Professor Barceló’s interest in international law stems partly from natural childhood rebelliousness. His fascination with other places and other cultures emerged during his youth in New Orleans, a city he says was “strikingly parochial.” “I could see that parochial quality even though I was in it,” he says. “I wanted to see what the world was like. I was always interested in things international, and in languages, other ways of living.”

This was in the nineteen-fifties, and the South was still segregated. “I knew it was wrong, I felt it was wrong,” he said, “but you could never convince older white people that this was so. The minister at our church tried to integrate the church, and half the congregation left. They called him a Communist. It was the Cold War,” he explains, “and that was what they called people in those days whenever they did something objectionable.”

His mother’s family was large, and he grew up with grandparents, aunts and uncles, cousins and second cousins all living within a block or two of the family home. If children went to college, they did not leave Louisiana. And after they graduated, they did not move out of the house into apartments of their own. They lived at home until they were married. And after they were married, they bought homes nearby. “They didn’t expect anyone not to live in New Orleans,” Professor Barceló says. Although he followed his father and older brother to Tulane, he won a Fulbright fellowship to study in Germany after he graduated in 1966, and he jumped at the opportunity to live in a foreign country for a year.

“I could have clerked for Skelly Wright,” Professor Barceló recalls parenthetically. “He was then on the D.C. Circuit Court of Appeals, but he’d been one of the federal district judges in New Orleans who brought about integration, so he was a controversial figure in the South. I greatly admired him. Still, I wanted to go to Germany.”

Professor Barceló knew by then that he was going to make a career in the law, but he had also considered a surprising number of other occupations. “My father was an engineer, and my mother’s brothers were engineers, and my brothers both became engineers. In that sense,” he smiles, “I’m the black sheep of the family. I was quantitative, I liked the precision of engineering, but I was interested in people, too. In fact, the minister of our church wanted me to become a minister, and I even preached a couple of sermons at church as an undergraduate.”

Did he seriously entertain the idea of entering the ministry? “No, although I had friends who did. I also thought about becoming a professional golfer,” he adds, unexpectedly. “My older brother and I played in tournaments all over the country. My brother won the New Orleans Amateur Championship, and I won it two years later, in 1963. I did have some inquiries from businessmen asking me if I was interested in sponsorship. But I wasn’t quite good enough, I thought. And I wondered what the meaning would be of a life spent playing golf. I felt it had no higher purpose.”

So he entered Tulane, and there Professor Barceló took his first course in international law. “I loved it. I had my eyes
opened. I had had no exposure to the legal profession before then. There were no lawyers in my family.” He remembers himself as a student, full of the confidence of youth, trying to explain to older relatives ideas that seemed self-evident to him, to no avail. The idea that banks used multiple deposit accounts and loans to “create” money, for example, was dismissed as improbable. “They never believed me,” he says.

He majored in political science and economics, “which I loved,” he says. “It’s one of the core aspects of my interest in international law. My scholarly work has dealt primarily with global economic integration, which I like to think of as the major pragmatic force advancing the world toward long-term prosperity and peace. Countries that do business with each other enhance their own economic welfare, and, correspondingly, reduce the likelihood that they will make war on each other.”

The Fulbright year in Germany, Professor Barceló felt, would solidify his understanding of civil law. Louisiana, owing to its former status as a French possession, is the only civil law state in the Union, and Professor Barceló looked forward to deepening his study of the civil law traditions of France and Germany in Bonn. “I had a wonderful year there,” he said. “I came back to Harvard, where I got an S.J.D., and I expected to return to Tulane to teach law. But when the offer from Cornell came, I took it. Cornell is really an extraordinary place.”

The move meant, though, that Professor Barceló’s return to New Orleans was postponed indefinitely. Instead, he became as committed a Cornellian as it would seem possible to be. His wife Lucy was a counselor and lecturer in Human Ecology when they met; they were married in the chapel in Anabel Taylor Hall. Their three children were born in Ithaca, and all three graduated from Cornell. Professor Barceló’s mother, though, never gave up hope that he would change his mind and come home. Years after he moved to Ithaca, she continued to remind him regularly of his betrayal.

A generation later, his own children have discovered the joys of living in his family’s old neighborhood. Amy, a graduate of the Law School, is presently clerking for a judge on the Fifth Circuit, and living in the family home in New Orleans. Steven begins studies for a doctorate in engineering at Berkeley in the fall, and is spending several months in New Orleans, too. “They love it,” Professor Barceló says, of their return to the neighborhood and its weekly Wednesday night dinners. “There’s that sense of belonging.”

Lisa, Professor Barceló’s eldest daughter, received her Ph. D. in clinical psychology from UCLA. After her husband, Tyler, completes the same program this summer, they’re moving to Duke for postdoctoral work.

Professor Barceló remembers life when his children were still at home: “I always wanted them to disagree with me—although they say now I didn’t convey that as well as I thought I did,” he concedes. “I wanted them to know, ‘Don’t accept a piece of information just because it’s coming from a credible source.’ That, I think, is the most valuable aspect of legal education. Good legal education teaches you to think for yourself. It teaches you how hard it is to know what is true.”

“I was interested in moral and ethical questions. That’s why I was interested in the ministry. But I was more interested in the real world than the afterworld. I wanted to do something, and not just pray about it. I admire people who go out and do something, who take the bull by the horns. Of course,” he admits, “I’m not out there taking the bull by the horns either. I’m a scholar. But that’s the other part of me: I want to understand. I never stop thinking about things. Even after I’ve written about problems I don’t stop thinking about them,” he says. “I’ve changed my mind about things.”

He continues to learn, too. “My wife had enough college credits to have become a French teacher, should she have chosen to do so, but I didn’t start to study French until I was 50. She still corrects my mistakes sometimes,” he adds. “But I’m getting better. I listen to the news in French on Scola every day while I’m on my exercise bike. That way, I get to exercise, I study French, and I also get to hear the French perspective on the news, which is very different from the perspective in this country.” And that’s just how Professor Barceló spends his spare time. It’s true; a career in golf probably wouldn’t have given him enough of a sense of purpose.

—Antonia Saxon

John J. Barceló III
Francis S. L. Wang ’72

Francis (Frank) S. L. Wang ’72 sharpens the contrast of East and West with two quotes, one by Angus Graham—“...The most striking difference between...the two ends of the civilized world is in the destiny of logic. For the West, logic has been central...”—and the other by Liu Shuhsien—“...it is precisely because the Chinese mind is so rational that it refuses to become rationalistic and...to separate form from content.”

“It’s not as if the two cultures are from different planets,” Professor Wang says, “but they do originate from differing philosophies and perspectives. It is not sufficient just to preach about the rule of law; we need to understand that people are different. If we want to bridge the gap between China and the West, we need to learn more about China’s philosophies and culture so as to understand the way the Chinese organize their world view, and as a consequence their society, and the way they think about law.”

Professor Wang speaks from experience—over thirty years as a lawyer for international clients including those who have business interests in China and Taiwan. The law offices of Wang and Wang, with international offices in Taipei, San Francisco, Beijing, Shanghai, and Napa, work with numerous clients engaged in transnational business transactions and litigation.

Remaining senior counsel at the firm he co-founded, Professor Wang has enthusiastically embarked on an academic career. He is one of the founding members and the senior counsel of the University of California Berkeley War Crimes Studies Center and is a professor of law at the Kenneth Wang School of Law at Soochow University, Suzhou, China. Additionally, he is visiting professor of law and distinguished scholar in residence at the University of the Pacific/McGeorge School of Law, where he teaches International Intellectual Property. Professor Wang also teaches at University of California at Berkeley, where he has appointments in the Department of Rhetoric and at Boalt Hall Law School’s School of Jurisprudence and Social Policy. When not teaching he serves as executive director of the Wang Family Foundation and on the Board of Governors of the International Association of Law Schools. Professor Wang has testified before the U.S. Senate, the U.S. Department of Commerce, the U.S. Trade Commission, as well as the United States Trade Representative’s Office. He has published widely and lectures frequently in the U.S. and Asia on selected aspects of international law and related issues.

In addition to teaching various courses in intellectual property and Chinese law and one on “Foundations of Law—Greece, Rome, and China” (which looks at the relationship between the foundational philosophies of Greco-Roman thought with Chinese thought), Professor Wang has helped develop the Summer Institute on International Business Transactions with Pacific/McGeorge School of Law, the Kenneth Wang School of Law at Soochow University, and Germany’s Bucerius Law School. It is now the largest summer law program of its kind in China. “I am really thrilled that Associate Dean for Academic Affairs and Professor of Law Barbara Holden-Smith will be teaching with us at the Summer Institute this year.” He added: “The Chinese, European, and American students who participate in the program will get a more realistic view of doing business in China. They will be divided into teams and will represent one of the parties in our hypothetical business problem. It will be a team effort as they negotiate, mediate, and litigate against the other teams. It’s a skills course where they learn to work with law students from different cultures and legal systems. It’s great fun for the students as well as faculty.”

Professor Wang believes that one of the most successful models for how to educate lawyers for transnational challenges evolved at the Dongwu Law School at Soochow University Law School in Suzhou, China. He explained: “The law school was founded in 1915 by American missionaries who believed in the importance of the comparative study of law. By comparing traditional Chinese administrative processes to western civil law, they felt that this would bring a better understanding of all the systems and enable China to develop a system of jurisprudence that would resonate with its culture and society. This process continues today with the next permutation of that law school as the Kenneth Wang School of Law.”
In underscoring the importance of the comparative study of law, Professor Wang said: “We (the United States) go about the world preaching democracy and the rule of law, with a governmental structure based upon checks and balances. On the other hand, when it comes to trade negotiations, we put a tremendous amount of pressure on the executive branch of a foreign government to curtail unfair trade practices, such as intellectual property piracy; and we don’t care how it’s done. This puts pressure, and ultimately more power in the hands of that country’s executive branch.”

Keeping up a family tradition, Professor Wang came to Cornell following his brother, Anthony W. Wang ’68. When he was a student at the Cornell Law School, Professor Wang had a keen interest in international law and enjoyed the privilege of taking courses with Professor Rudolf Schlesinger, who founded the comparative law curriculum. “It was only natural that he was one of my very favorite professors,” said Professor Wang; “he was inspirational, humorous, and a great teacher. Both he and my father (Kenneth Wang, a professor of law for more than thirty years at St. John’s Law School in New York, and the scholar for the Kenneth Wang School of Law is named) are the role models I aspire to emulate in my teaching today. My legal education at Cornell was the solid foundation on which I built my professional career. As a student you don’t understand how important it is, but I most certainly do now, and I’m very grateful for the education I received at the law school.”

Both Professor Wang and his wife, Laura Young, share a passion for teaching. Professor Young teaches Chinese law and legal history at Boalt Hall’s School of Jurisprudence and Social Policy, University of California, Berkeley. She is also managing partner at Wang and Wang. They have three children. The younger ones are Morgan, going into seventh grade, and Andrew, going into second grade. Their eldest daughter, Lisa, is a Marshall Scholar, a graduate of U.C. Berkeley and studying this year for her masters in International Humanitarian Law at the London School of Economics. Then, following in the family footsteps, she will start this fall at Yale Law School.

Professor Wang strongly advocates training lawyers of all nations and cultures to have a better understanding of the roots and trajectory of the legal process. “The new association will help define the best practices for educating law students world wide to meet the challenges of a smaller, flatter and vastly more interconnected and complex world.”

As a strong proponent of teaching today’s students about comparative legal systems, Professor Wang admits that much work needs to be done in this area. “A comparative view, in this world of American legal hegemony, would serve the next generation of lawyers well in giving understanding and texture to the ‘rule of law’ as we attempt to harmonize our legal systems,” he said. “It is a vital and necessary ingredient which must be taken into consideration, if we are to train lawyers of all nations and cultures to have a better understanding of the roots and trajectory of the legal process.” Frank Wang is indeed working towards this goal.

—Cynthia Tkachuck

Klaus H. Jander ’64

In a global business environment dominated by billion-dollar deals and multi-million-dollar class-action suits, one needs a knowledgeable advocate who can present the facts and negotiate skilfully. “Knowledge of culture and language, in my view, is a crucial aspect in negotiating with clients in other countries,” said Klaus H. Jander ’64, chair of Clifford Chance’s German Practice Group. Dr. Jander, whose English is almost as fluent as his native German, has masterfully represented several multinational industrial corporations in a wide range of transnational legal matters.

“It is unfortunate that many young lawyers who want to handle multinational negotiations are not fluent in any other languages [besides English],” said Mr. Jander. “International clients are most comfortable throughout the negotiations if they know that you can read and speak their language. When you have command of the language and can appreciate cultural differences, it helps you to understand the nuances of your client’s responses and questions. You also will be able to engage in casual conversation and even share a few jokes.”

Mr. Jander’s career in international law and commerce has spanned more than four decades, and he has represented companies through mergers and acquisitions, strategic alliances and restructurings, as well as antitrust, anti-dumping, and other international trade issues. He also has overseen commercial and antitrust litigation, product liability defense, and insurance matters on behalf of several European companies and their U.S.
subsidiaries. His current clients include Draegerwerk AG, Boehringer Ingelheim GmbH, Merck KGaA, Schott AG, Caterpillar and GfK AG (Germany's first market research institute), as well as many of their subsidiaries and affiliates. Prior to the merger between Rogers and Wells and Clifford Chance in 2000, Mr. Jander was a partner in the law firm Alexander and Green for over fifteen years, and, since 1990, a partner in Rogers and Wells, where he was also a member of the Executive Committee.

Things have changed in transnational business negotiations, according to Mr. Jander. “Now it is much more difficult and complex to negotiate business mergers and acquisitions with companies that operate in different countries,” he said. “Although the conversion to [the Euro] has not made much difference in business negotiations, within the European Union each country has retained its own tax and labor rules, antitrust laws, etc., and the ever-expanding EU has layered additional laws and regulations onto the various national laws. So you have to negotiate one by one through each system. Going back ten or fifteen years, you may have had to deal with five or six different antitrust merger standards and a few labor and other regulations. Today you may have to work through as many as twenty to twenty-five different entities, which takes more time.”

Mr. Jander noted that labor unions in Europe are much more influential and politically empowered than their American counterparts. In many European corporations, the laws require employee representation on the board of directors or the supervisory board. “Then, there are the Workers’ Councils, which often act as advocacy boards and, if there is a conflict, mediation boards,” he said. “If a company wants to shut down a plant or reduce work even temporarily, it must secure approval from the Workers’ Council first.”

Mr. Jander might just as easily have become a corporate executive rather than an attorney. “Everyone was urging me go to business school rather than law school because very few foreign students were studying law in the U.S in the 50’s and early 60’s,” he said. “Most of my compatriots went into business,” he added, “but I was more interested in learning about the law.” He was accepted at various top-notch law schools, but chose Cornell because it offered the intellectual stimulation he was seeking. “Besides, I was an avid skier, and not afraid of the winter,” he said. Mr. Jander formed a close relationship with Professor Rudolf Schlesinger, who founded Cornell’s comparative law curriculum, and Professor William Hogan. Mr. Jander said that these teachers were conducting interesting, cutting-edge research at the time, and that he had an opportunity to assist with their work.

After receiving his B.A. degree in philosophy from the University of the City of New York, Mr. Jander obtained his J.D. degree from Cornell Law School in 1964. He also studied law at the University of the Saarland and is admitted in Germany as a Rechtskundiger (legal consultant). When he graduated from law school, Mr. Jander said that there were not as many prospects for a career in private international business and law as there are today. “It’s like night and day,” he said, and again emphasized the critical value of knowing other cultures and speaking other languages besides English: “Even though the business of the world is done in English, it is very important to have the ability to speak the host’s language. If you deal with people from other countries in their own language, it will be easier to gain their trust and confidence and their ear.”

Based in both Clifford Chance’s New York office and its office in Frankfurt, Mr. Jander serves on various boards of directors of affiliates of German and European companies. He was a member of the board of Pharmaceutical Resources, Inc., a NYSE-listed company, and is chair of the supervisory board of Schütz-Werke GmbH and Co. KGaA, a German corporation. He has also acted as independent counsel to the board of directors of several corporations, including Union Carbide. He has co-authored two books about international business negotiations and published numerous articles on legal issues in English and German.

A loyal and generous alumnus, Mr. Jander has served on the Cornell Law School Advisory Council and endowed a graduate scholarship at the school. He also maintains close ties with Professor John J. (Jack) Barceló, who directs the Berger International Legal Studies Program at the Law School.

Mr. Jander enjoys working with the upcoming generation of lawyers. “This is one of the things that I have done for years, before it became fashionable,” he said. “Each year since 1968, we have had four or five European lawyer trainees and LL.M. graduates in our program,” he added. “These foreign interns spend time working with our practicing lawyers for a three- or four-month training period, which enables them to gain practi-
Mr. Jander said that he still travels to Germany and Europe at least once a month to confer with his clients. “I no longer have major administrative responsibilities,” he said, “so I can concentrate on client relations, which has always been a crucial part of my work, and introduce some of the younger partners and colleagues from the firm and practice group. It also gives me a chance to see and be close to my son, who is currently working and training in Germany.”

Judging by the number of long-time clients who continue to seek out his friendship and his counsel, Mr. Jander will be very active for years to come.

-Cynthia Tkachuck

Kittipong Kittayarak, LL.M. ’83

Dr. Kittipong Kittayarak, LL.M. ’83, has been instrumental in shaping judicial reform in his country, Thailand. “We now have a new constitution in place, our sixteenth, but the first one which was strongly supported by the public. This so-called ‘People’s Charter’ broadens the protection of the rights of the accused and creates constitutional courts as a mechanism for their safeguard,” he said. “We have adopted some important concepts from the Western model, and put in some aspects of Fourth, Fifth, and Sixth amendment items of the U.S. Bill of Rights. These include protection of the accused before and during trial, and the right to effective assistance of counsel.”

Dr. Kittipong received his first law degree from Chulalongkorn University, Thailand, but his commitment to legal reform began when he returned to Thailand after earning his LL.M degree at the Cornell Law School. “When I returned, I worked in the Office of the Attorney General, and was assigned to the criminal law division, even though at that time criminal law was not primarily my field of expertise,” he said. “I soon realized that being a prosecutor was a powerful position. The accused was supposed to have defense counsel, but, in reality, the quality of representation was not up to the standard. I knew that in an adversary system, both sides of the adversary must be equal in their ability to contest in the trial. When a case came to court (in Thailand), I could not do anything to help the accused. I began to feel uneasy, and was afraid that the Thai justice system, from my experience as a prosecutor, was unjust. After several years of practice, I decided to return to the U.S. to further my studies in criminal law.”

As a Fulbright Scholar, Dr Kittipong studied at Harvard Law School, where he obtained another LL.M. degree in 1988, and then at Stanford, from which he obtained a J.S.D. in 1990. “When I returned the second time, in 1990, I focused my time and energy on judicial reform,” he said. “From 1995 on, I have worked to advance the movement to put some of the safeguards on the rights of the accused into the constitution, which was promulgated in 1997, and then make sure of their effective implementation in our criminal justice system.” Not everyone favors the current constitution, according to Dr. Kittipong, especially the police, who have had some of their power curtailed, and some conservative politicians, who wanted to keep the old practices in place. “This is the first time that the people in Thailand have been involved in constitutional reform right from the start,” he said. “Now, the people have spoken of what they want to see in our justice system, and the police and politicians need to give in a little,” he added.

In 2001, Dr. Kittipong was promoted to director-general of the Department of Probation, Ministry of Justice, making him the youngest civil servant serving in this important position. One of his major achievements has been the creation of a new drug rehabilitation program, designed to transform the handling of addicts from criminal punishment to treatment. “Drug addiction is a big problem in Thailand,” he said, “and a few years ago addicts comprised nearly sixty-five percent of the inmate population. In addition, the prison system, which was built to accommodate about 100,000 inmates, swelled to over 250,000 prisoners. As a result of allowing addicts the option of rehabilitation, the prison population has been reduced to about 170,000.”

A gifted scholar, Dr. Kittipong lectures at three major Thai universities as well as the Bar Association of Thailand. He is a frequent visiting expert at the United Nations Asia and the Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) in Tokyo. In 2004, he was appointed to the National Law Reform Committee chaired by the Prime Minister, as well as chair of the Committee on the Reform of Legal Education. He was chosen Man of the Year by the Association...
for the Promotion of Women’s Status Under the Royal Patronage in 2000 for his outstanding work on domestic violence and the advancement of the rights of women, and was awarded the Eisenhower Fellowship in 2001.

Dr. Kittipong believes that the most effective road to reform begins with teaching young students the importance of human and civil rights. “You want to get to the core to create reform,” he said. He noted that Thailand’s constitutional monarchy has been in place since 1932, and the royal family is respected and greatly loved by the people. “The King has always worked very hard for the benefit of the people,” said Dr. Kittipong, “and he has helped guide Thailand from an agrarian culture to its current industrial base, which is facing stiff competition from China. In the 1970s, Thailand experienced mass demonstrations to overthrow the dictatorial regime that had seized control of the government, and the King intervened to settle the contentious and bloody conflict.”

Although he enjoyed studying at Harvard and Stanford, Dr. Kittipong said that attending Cornell Law School was a life-altering experience. “I had never studied abroad until I came to Cornell, and I was told that the Cornell Law School was the best place to come,” he said. “When I arrived at the airport, I thought that it was so small because before I came, I saw pictures of Manhattan, and did not realize that Ithaca, New York, is completely different from New York, New York,” he said. “The size and the atmosphere were just right. All the professors were very friendly and helpful. They taught you to think like a lawyer.” He said that a course taught by Professor Sheri Lynn Johnson “changed my life,” and added: “It was a course on criminal procedure. I realized that there was a better way of doing things, and I still think back on and refer to what I learned in her course about the criminal justice system.”

Dr. Kittipong has recently been selected as a member of the Cornell University Council and the Law School Advisory Council, and tries to visit the campus every time he comes to the U.S. “When I was studying at the Law School, I didn’t have a chance to see and enjoy the entire campus,” he said. “I recently brought my children to see Cornell, and I hope someday that one of them will have a chance to study here. Besides,” he confided, “it is good to come back without having to take exams.”

~ Cynthia Tkachuck

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**Student Profiles**

**Sara D. Greengrass ’05**

A conversation with Sara D. Greengrass ’05 produces a sentence that sums up her approach to life: “I grew up in a family that taught me to care for other people and to act on that.” That ethos led Ms. Greengrass to specialize in peace and conflict studies at Brandeis University; to spend two years in the Peace Corps in Africa; and to come to Cornell to study international law.

Public service is a Greengrass family tradition. Ms. Greengrass’ grandfather is a rabbi. Her father is a clinical psychologist, and her younger sister is in rabbinical school. “She deals in Jewish law, and I deal in American law,” Ms. Greengrass notes. “I’ve been doing community service work since I was a kid,” she recalls. Although her parents both hail from the East Coast, the family lived in Indiana while Ms. Greengrass was growing up.

Brandeis University “had everything on my checklist,” explains Ms. Greengrass, and they also awarded her a scholarship. She studied politics because “it’s one of those areas where you really have to know what you’re talking about in order to effect change.” Ms. Greengrass also served as a teaching assistant for a comparative literature class. “I sometimes wish I had studied more comparative literature, since I think it gives a person a more thorough world perspective,” she says. Between her time at Brandeis and the year she entered the Peace Corps, Ms. Greengrass worked for Sun Life of Canada, then volunteered as an AIDS educator in Boston.

The latter experience was especially helpful to during her Peace Corps stint in Namibia. “As a health educator, you learn to answer any question,” she explains. She was glad for that skill when an eighty-five year-old woman came to a condom demonstration, bringing her daughter, granddaughter, great-granddaughter, and great-great-granddaughter. “She demonstrated the condom and made sure her whole family did it, too,” recalls Ms. Greengrass. “There are women everywhere in the world who are strong and brave.”
Ms. Greengrass had always wanted to join the Peace Corps. “I love to travel,” she explains. “I went to Israel in high school and in college. I also spent some time in London.” The Peace Corps placed her in a tiny village in Namibia, where her tasks included teacher training and educational development at the primary school, and educational development work in the community. “I started a kindergarten, worked on a community garden, and taught English classes with an environmental content,” she explains. Although she was living very simply, “I was wealthy in comparison with the people around me,” Ms. Greengrass says. “People were hungry. Kids couldn’t afford school fees and uniforms.” She continues her interest in the well being of “her” school in Namibia, staying in e-mail and letter contact and working on various other endeavors. One way she helps the school is by referring people to the Deep Roots program, administered by former Peace Corps members, through which you can give scholarships to four children for about $100 (see www.deeproot.org).

Ms. Greengrass chose law school for the same reason she chose to study politics: “You have to understand the system in order to change it. With any governmental system there’s going to be bureaucracy, and law school teaches you how to work your way through that.” Because she was in the African bush, Ms. Greengrass applied to law schools late. Not only was Cornell nice about that, she explains, but they also offered the Public Interest Low Income Protection Plan, which negotiates loan-forgiveness conditions with graduates who go into public interest or public sector law. Finally, Ms. Greengrass explains, “I came to law school ten days after I got back from Namibia, and could not have readjusted quickly to a big city. There’s no better place than Cornell to do your first year in law school.”

At Cornell, Ms. Greengrass is specializing in international law. Her activities include serving as moot court bench editor, note editor for the Journal of Law and Public Policy, outreach coordinator for the Women’s Law Coalition, and campus coordinator for the Universities Allied for Essential Medicine. The latter group works with universities who license drug patents to help develop intellectual property policies that ensure essential medicines are affordable and accessible to poor nations. She also works in the Legal Aid Clinic. “It’s nice to know that you are providing people a voice in a fairly confusing system,” she says. In relation to her work with the Legal Clinic, Ms. Greengrass was recently named co-recipient of the Robinson Appel Humanitarian Award for Civil-Human Rights.

Last year, Ms. Greengrass spent a semester at the University of Cape Town Law School, studying international criminal law and South African law. While she was there, Professor Gregory Alexander invited her to a Cape Town conference where he was the keynote speaker. “That was an incredibly rich educational experience,” Ms. Greengrass recalls.

Last summer, Ms. Greengrass worked for a corporate law firm. “No matter how strong you are, you’re going to have outside pressures, and I needed to be sure that public service law was the better option.” Having reinforced her career choice, Ms. Greengrass is pleased to report that she will be working for the New York County Defender Services office in Manhattan.

The difficulties of her chosen career in public service law don’t intimidate her. “I’d rather be angry than numb. I’m not an angry person, but I can’t turn my back on what I see in the world around me,” she explains. “Having a group of people who you support and who support you, you can make things a little better, and learn along the way. People have enduring spirits.”

—Judith S. Pratt

Jean Paul K. Kandolo, LL.M. ’05

Last fall, LL.M. student Jean Paul K. Kandolo presented a Law School seminar entitled “Protecting Human Rights and Environmental Standards during the War in the Democratic Republic of Congo.” His analysis of efforts to stem the tide of war-induced human rights abuses demonstrates how the patient, deliberate process of the law can be used to counter the headline-grabbing brutalities of the DRC’s thorny conflicts.

“I worked behind the scenes, a man in the dark,” says Mr. Kandolo, in his French-accented English. “We worked not only through the United Nations, but through the International Court of Justice, the African Union, and the International Court of Criminals. We went everywhere. We used legal, diplomatic, and political means to make everyone comply with international standards.”

When asked why the Congo has undergone such strife, Mr. Kandolo’s answer is simple: “Control of mineral resources. The Congo is a gifted country.” Natural resources include copper, cobalt, diamonds, gold, and coltan (used in electronic devices), as well as fertile land and powerful rivers. Secondly, Mr. Kandolo says, “When no one is elected, everyone wants to be chief.” When Belgian rule ended in 1960, the first elected president of the Congo was deposed, and when President Mbutu came to power, he systematically repressed and looted the country. Then the war and genocide in neighboring Rwanda spilled over into the DRC—then called Zaire—and the struggle for resources and power began.
At the beginning of his legal career, Mr. Kandolo did not imagine that he would spend more than five years countering the human rights abuses brought by the complex wars in his country. “When I was studying at the University of Kinshasa, the Congo was a peaceful country, although it was badly managed and corrupt under the old regime,” he says. His parents encouraged their ten children to pursue education. “My brothers and sisters all went to university,” Mr. Kandolo says. “We are two lawyers and one is studying for a Ph.D. in literature. There is a physician, a sociologist, and an architect.”

Based on the European system, law school in Kinshasa consists of two sections covering five years. At the end of each, the student presents a thesis. The second one “is like a dissertation,” Mr. Kandolo explains. “It must be publishable. You defend it before three professors.” Upon graduating in 1988, Mr. Kandolo went to work for Gecamines, the state-owned mining company, where he rose to the position of Legal Department Manager, focusing on international business transactions, corporate accountability, and labor law.

When President Mbutu was deposed by Laurent Kabila in 1997, Mr. Kandolo became a vice-president of Association pour la Renaissance des Droits Humains au Congo (Association for the Restoration of Human Rights in the Congo), a non-profit organization that dealt with humanitarian assistance and human rights issues, before joining the Human Rights Ministry in 1998, as an assistant director dealing with promotion and protection of human rights, including mediation. In 2000, he also worked as the assistant director to the Minister of Foreign Affairs for the DRC, handling the ratification and implementation of international instruments, cooperation agreements, conflict management, and pursuing the peace process through legal means.

When Laurent Kabila was succeeded by his son Joseph in 2001, the peace process got started. In April of 2003, all parties to the war ratified an all-inclusive power-sharing agreement. With DRC elections scheduled for the end of this year, Mr. Kandolo decided to come to Cornell Law School. “I like English and international law,” he explains. “I learned it studying at the American Culture Center in Kinshasa.” French is the main official language of the DRC, along with four other official local languages; Mr. Kandolo speaks two of them.

“I wanted to have an American degree to improve my knowledge of English, and at Cornell I will receive an international degree from a well-known law school,” Mr. Kandolo explains. “It is an honor for me. There is great expertise here, and the standard is high.” He chose Cornell because it is a diverse community, and the program matched his interest in international and comparative law. Also, he adds, “I liked the way they were treating people.” He has profited especially from classes with Professor Muna B. Ndulo, an authority on African legal systems and human rights, and Vice Provost David Wippman, who specializes in international law, human rights, and ethnic conflict.

Mr. Kandolo is here with his wife, who works as an accountant, and his twelve-year old daughter, who attends DeWitt Middle School. His daughter has quickly learned English; his wife is improving her knowledge of the language. The family has adapted well to the Ithaca winters. “With Gecamines, I traveled a lot on business trips to Europe and the U.S. for a short period,” says Mr. Kandolo. “But this is my first time staying for the whole winter.”

After completing his LL.M. degree this June, Mr. Kandolo hopes to work for the United Nations, or a similar agency. “I have a passion for international law and human rights work,” he says.

-Judith S. Pratt
California in January
In early January, Professor Steven D. Clymer was the featured speaker at a Southern California alumni luncheon. James S. Chen ’01, an associate at Gibson, Dunn & Crutcher LLP, hosted the event. Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, attended the event and introduced Professor Clymer, who gave an absorbing presentation about the struggle between the U.S. Congress and the Judiciary over federal sentencing guidelines. Professor Clymer brought a rare combination of academic credentials and real-world legal experience to the podium—at the time of the presentation, he was serving as a U.S. Attorney for the Central District of California.

The following day, alumni and friends of the Law School met in San Francisco for an evening cocktail reception. The reception, held at the San Francisco Hilton in conjunction with the annual meeting of the Association of American Law Schools (AALS), featured guest speaker Charles W. Wolfram, Charles Frank Reavis Sr. Professor of Law Emeritus and former dean of the Law School. Dean Schwab introduced Professor Wolfram, who reminisced about his time at the Law School, and spoke on the benefits of a Cornell Law School degree.

Annual NYC Luncheon
Law School alumni from the greater New York metropolitan area, participants in the annual meeting of the New York State Bar Association in New York City, and students newly admitted to the Law School class of 2008 assembled at the Law School’s annual luncheon in January. This year’s luncheon was held in the Ivy Room at the Cornell Club. Dean Schwab welcomed alumni and introduced the featured speaker, Marcia L. Goldstein ’75. Ms. Goldstein is co-chair of the Business Finance and Restructuring practice and a managing partner at Weil, Gotshal and Manges, where she has practiced for more than twenty-eight years. Ms. Goldstein currently leads the firm’s representation of MCI, Inc. (formerly WorldCom, Inc.), as well as Parmalat spA.

Ms. Goldstein is also deeply involved in the life of the Law School. She is currently on the Law School Advisory Council, and served as co-chair of Cornell Law School’s Dean’s Special Leadership Committee. Ms. Goldstein spoke about the current complexities in international bankruptcy law, and the changes she has witnessed in the legal profession.

Public Service Law Symposium and Celebration
Alumni and students braved blustery February weather to attend the first-ever Public Service Law Symposium and Celebration. The event, held in conjunction with New York University’s Public Service Career Fair, provided an opportunity for current Law School students attending the career fair to network with alumni doing government and public service work. The event was held downtown at the New York County Lawyers’ Association, and featured remarks from Dean Schwab and Karen V. Comstock, assistant dean for public service. The remarks were followed by a panel discussion of our distinguished alumni in government and public service. The panel included: Scott N. Shorr ’95, senior counsel, New York City Law Department, Office of the Corporation Counsel; Douglas H. Lasdon ’81,
executive director, Urban Justice Center; Jean Lin ’93, assistant solicitor general, New York State Attorney General’s Office; Benjie Louis ’91, Legal Services of the Hudson Valley; Monica D. Parikh ’99, New York City Department of Homeless Services; and Mildred M. Whalen ’92, public defender for the Eastern District of New York.

The panelists described their jobs and offered advice to students and alumni interested in careers in government and public service. Together with the Alumni Office, Assistant Dean Comstock is compiling a database of our public service alumni to strengthen our public service profile. Alumni interested in being identified as public service alumni or who are interested in working to strengthen the Law School’s public service programs should contact Assistant Dean Comstock.

Continuing Legal Education on Ethics

Former Cornell Law Association President Charles M. Adelman ’73 hosted a Continuing Legal Education (CLE) program at Cadwalader, Wickersham and Taft LLP’s impressive New York City office. Over 100 Law School alumni and Cadwalader attorneys gathered for a CLE ethics program presented by Cornell Law School Professor W. Bradley Wendel.

The presentation was entitled “New Technology, Old Rules: Legal Ethics in the Modern Legal Practice.” Among other topics, Professor Wendel discussed how current ethics rules and case law deal with ethical obligations related to the use of modern technology.

Young Alumni “Light”

Recent graduates from the classes of 1994 to our newest alumni from the class of 2004 gathered on April 27 at “Light New York,” a lounge in midtown Manhattan, for the annual Young Alumni Reception. As has become the tradition, admitted and accepted students to the class of 2008 also attended to get the inside scoop on Cornell Law School from the experts: our alumni.

A torrential downpour prior to the reception didn’t stop several alumni from showing up, and a good time was had by all.

The class of 2003 had the strongest representation, followed by the class of 2000. Plans are being made for next year’s reception, and we are looking for ways to improve this event. Please contact the alumni office with venue suggestions, or if you are interested in helping with the reception: alumni@lawschool.cornell.edu or 607-255-5251.

Reunion 2005

Over three hundred alumni and guests returned to Ithaca and to Myron Taylor Hall for the annual Law School Reunion, which ran from Thursday, June 9 to Saturday, June 11. This year’s reunion brought back Cornell Law School graduates from all years ending in 5 and 0, from the class of 1940 through graduates from the new millennium with the class of 2000.

Reunion began on Thursday, with the Welcome Cocktail Reception. On Friday, alumni had the opportunity to participate in several academic and social programs and events throughout the day. Two Continuing Legal Education programs were offered, including one on using the Internet to answer professional responsibility questions, presented by the Law Library, and one on alternative dispute resolution (ADR) presented by distinguished alumni Hon. Stewart F. Hancock ’50, former associate judge, New York Court of Appeals, and Gerald F. Phillips ’50, chair of the ADR Committee of the State Bar of California. On the social side, alumni took advantage of the beautiful setting by taking a stroll around Cornell’s picturesque campus, a boat ride on the lake, or a trip to the Cornell Plantations.

At the class dinners on Friday evening, reunion alumni had the opportunity to catch up with the people they shared so much with as law students. For many, the class dinner is the highlight of reunion. Faculty and administrators joining this year’s dinners were Peter W. Martin, Faust F. Rossi, Ernie Roberts, John J. Barceló III, Roger C. Cramton, Charles D. Cramton, Sheri Lynn Johnson, Robert A. Hillman, Kevin M. Clermont, and Cynthia R. Farina.

On Saturday morning, alumni and their guests gathered under the tent on
Gerald M. Amero ‘63 and Bruce A. Coggeshall ‘67 from Pierce Atwood LLP

the courtyard for breakfast and to hear Dean Schwab’s State of the Law School Address. Reunion class volunteers were also recognized and thanked for their efforts. Following the breakfast, Peter W. Martin, the Jane M.G. Foster Professor of Law, former dean of the Law School, and former co-director of the Legal Information Institute, screened his most recent undertaking, “Looking Back: Memories of the Cornell Law School and Some of its People.” This is a documentary-style look at the history of Cornell Law School. It features prominent alumni, faculty and events important to the development and success of Cornell Law School.

Syracuse’s Dinosaur Barbecue is always a hit, and Saturday afternoon, alumni gathered under the tent in Purcell Courtyard to enjoy their ribs, chicken, and delicious side dishes. During the lunch, outgoing president of the Cornell Law Association (CLA) Charles M. Adelman ’73 was recognized for his years of faithful service to Cornell. The CLA also held its annual meeting. President Adelman introduced the new President and members of the CLA Executive Committee: President Andrew Berger ’69, Monica D. Parikh ’99, Colette M. Pollitt ’00, and Scott N. Shorr ’95. Reunion 2005 concluded with the All-Class Cocktail Reception and Dinner Dance. This year’s guest dinner speaker was faculty member Faust F. Rossi ’60. Professor Rossi, the Samuel S. Leibowitz Professor of Trial Techniques, shared some very funny reminiscences of his long tenure, both as a student and faculty member at Cornell Law School, and how the Law School has changed in those years.

Following dinner, alumni had the opportunity to dance the night away to a live band. The music reverberated throughout campus and undergraduate alumni, also on campus celebrating their reunions, joined in the celebration.

Planning is already underway for Reunion 2006, and we look forward to seeing you there. The dates are June 8 through 10, 2006. Photos from this year’s reunion are available online at www.lawschool.cornell.edu/alumni/reunion.asp.

The conclusion of the Reunion tour of Plantations

Class Notes

50 Emlyn I. Griffith retired from active practice in December 2004, after more than fifty years of legal practice. He serves part-time as an attorney of counsel to the Versace Law Office in Rome, New York. Mr. Griffith is currently Regent Emeritus for the New York State Board of Regents, and has served as president of the National Association of State Boards of Education.

54 Western New York Defense Trial Lawyers named William S. Reynolds 2004 Defense Trial Lawyer of the Year. Mr. Reynolds was introduced by Hon. Erin M. Peradotto, justice of the State Supreme Court. Mr. Reynolds is also listed in the 2005-2006 edition of The Best Lawyers in America, and is a Fellow of the American College of Trial Lawyers.

58 Douglas M. Parker has written a biography of poet Ogden Nash. Ogden Nash: The Life and Work of America’s Laureate of Light Verse, published in April, is, as Mr. Parker says, “proof that there is life after the practice of law.” The book has a forward by Dana Gioia, a distinguished poet and critic currently serving as chair of the National Endowment for the Arts. Publishers Weekly commented that Mr. Parker’s book “is a useful, highly readable biography of one of America’s best-loved poets,” and Mark Russell, a political satirist, remarked that “Parker’s superb biography of Nash is the book I would rather find in a hotel drawer than the Gideon Bible.”

60 Lloyd K. Chanin is now “semi-retired” from his practice, but he remains an attorney of counsel to Lamb & Barnosky in Melville, New York, handling a few trusts and estates matters. He says he is “enjoying the freedom to travel and get to know my grandchildren better.”

63 The Best Lawyers in America included Gerald M. Amero of Pierce Atwood LLP in its list. Mr. Amero has been featured in each edition of the book since 1991. He was recognized for his work in public utility law. Also included
from Pierce Atwood is Bruce A. Coggeshall '67, who focuses on corporate mergers and acquisitions, and securities law, as well as public finance law. Mr. Coggeshall, who has been included in each edition since 1993, is a managing partner.

Harry P. Meislahn of Albany, a partner at the law firm of McNamee, Lochner, Titus & Williams, P.C., has been elected a delegate to the New York State Bar Association's House of Delegates, the association's decision and policy-making body. His term runs through June 2006. As one of the members in the House, Mr. Meislahn will meet quarterly and review policy recommendations. At his firm, Mr. Meislahn concentrates in the areas of corporate law, and estate and trust administration.

The U.S. Senate unanimously confirmed Paul A. Crotty as a U.S. district judge for the Southern District of New York, and he will be sworn in on August 1. Judge Crotty's approval, with the support of New York Senators Charles Schumer and Hillary Rodham Clinton, came amid an ongoing battle between the legislative and executive branches of government over the president's other judicial nominees. Judge Crotty, formerly group president for Verizon Communications, also served as housing commissioner for New York City Mayor Edward Koch, and corporation counsel for New York City Mayor Rudolph Giuliani. Judge Crotty has been an active and dedicated alumnus of the Law School, serving as a member of the Cornell Law School Advisory Council, as well as in many other roles. “The entire Cornell Law School community is extremely proud of the appointment of Paul Crotty to the Southern District,” says Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law. “He has the calm temperament and wealth of experience that makes him an ideal appointment. To be unanimously confirmed in this time of tumult over judicial appointments is a great credit to him. We are delighted to have him join the ranks of Cornell alumni serving as federal and state judges.”

The Best Lawyers in America has included F. William Gray III in its annual list of top lawyers as evaluated by their peers. Mr. Gray concentrates in real estate law.

Nestor E. Cruz has been elected to the Virginia Opera Board of Trustees for Northern Virginia. Mr. Cruz is of counsel to Carr, Morris & Graeff, P.C., of Washington, D.C.

Effective December 2004, Stewart A. Merkin joined the Board of Directors for the Singing Machine Company. The Singing Machine Company develops and distributes customer-oriented karaoke machines and music under several brand names. Mr. Merkin practices corporate and securities law, as well as mergers and acquisitions and international transactions.

Guy A. Schmitz has joined the law firm of Armstrong Teasdale LLP. Mr. Schmitz is a member of the firm’s tax, employee benefits, and trusts and estates practice group. He primarily works in the area of partnership taxation and corporation taxation, including reorganizations.

Bruce M. Meisel has been elected chair of the Board of Directors of Pascack Community Bank, headquartered in Westwood, New Jersey.

In February, Eric W. Wiechmann, a partner at Mc-Carter & English, LLP, was elected president of the Foundation of the International Association of Defense Counsel. The Foundation supports positive innovation and change in the civil justice system, and identifies, researches, and reports on critical issues facing the defense and corporate bar. Mr. Wiechmann specializes in sophisticated civil litigation, including toxic tort, antitrust, and professional liability cases.

In 2004, Arthur J. Rynearson was appointed an adjunct faculty member of American University’s Washington College of Law in Washington, D.C. Mr. Rynear-
son taught the course “Congress, Lawmaking, and Foreign Affairs.”

Marion J. Bachrach and her husband, Jon Siefried, hosted a wonderful class of 1977 reception/dinner in honor of Peter W. Hall in February at their home in Manhattan. Mr. Hall has recently become a judge on the United States Court of Appeals for the Second Circuit. Classmates came from London, California, Washington, and even a block away to celebrate with their classmates.

Roberto A. Rivera-Soto took the oath of office to become an associate justice of the Supreme Court of New Jersey on September 15, 2004. Marcie B. Yamell Dodson and Kevan Thomas Slattery attended the ceremonial investiture. Mr. Rivera-Soto has already hired his first law clerk from Cornell for the 2005 term.

Scott L. Spitzer was named senior vice president, general counsel, and corporate secretary of Bowne & Co., Inc., in New York City. Bowne & Co. is a NYSE-listed company that is the world’s largest financial printer. Mr. Spitzer previously served as the company’s vice president, associate general counsel, and corporate secretary.

Dan T. Coenen, a longtime University of Georgia School of Law professor, has been awarded the title University Professor. This honor is reserved for UGA faculty who “have had a significant impact on the university in addition to fulfilling their normal academic responsibilities.” Professor Coenen has been part of the UGA law faculty since 1987, and teaches constitutional law, contracts, and criminal law. He has been given numerous awards over the years, including the Josiah Meigs Award, the university’s highest honor for teaching excellence, the Faculty Book Award, chosen by law students, and the Student Government Association’s Outstanding Professor Recognition Award.

Richard P. Hackett is listed in the latest edition of The Best Lawyers in America. He is an attorney with Pierce Atwood LLP in Portland, Maine, and was recognized for his work in banking law, financial institutions and transactions law. Mr. Hackett has appeared in each edition since 1995.

Effective January 2005, Karen Kolb Fagelson became managing partner of Reed Smith LLP’s three Virginia offices. Ms. Fagelson is a real estate partner in Reed Smith’s Falls Church office, specializing in large-scale mixed-use developments, public-private partnerships, and commercial leasing. She and her husband, John, live in Reston, Virginia, with their two children, Sam and Max.

Governor Jeb Bush of Florida appointed Edward C. LaRose a judge on the Florida Second District Court of Appeals. Judge LaRose began serving on the court in February 2005. The Second District hears appeals from trial courts and administrative agencies in fourteen West Central Florida counties. The new judge is making a smooth transition from the private practice of law.

Dr. Hyun Kim has been appointed executive vice president of the Cornell Club of Korea. His term began in January, and will run through 2006. Dr. Kim also published a book, Korean Construction Precedent Law, in October 2004.

Sharon Friedman recently opened the Sharon Friedman Literary Agency in Jerusalem. After leaving work as a literary agent in New York City and settling in Israel, she took up boxing, and won Israel’s National Featherweight Boxing Championship. She retired from the ring in 2002, when she became pregnant with her fifth child.

Shawn P. Galey has been appointed senior vice president, legal and business affairs, for ESPN Star Sports, a joint venture between the Walt Disney Company and News Corporation. ESPN Star Sports’ television network consists of thirteen cable and satellite channels that are broadcast across Asia in a variety of languages, with a combined reach of nearly 200 million households. Mr. Galey, who was previously with General Electric and CNBC Asia, will continue to be based in Singapore, together with his wife, Katherine, and their children, Fiona and Liam.

Scott H. Blackman was made partner in the Washington, D.C., office of Winston & Strawn in December 2004.

Nicole R. Lefton, her husband Eric Mullen, and their son Ethan (four), are thrilled to announce the birth of Cameron Thomas Mullen. Cameron was born on January 15, 2005. Ms. Lefton is currently the editorial director
Andrew D. Miller is pleased to report that he was appointed senior manager for Housing and Community Development for the City of Portland, Oregon. He manages programs that develop affordable housing, end homelessness, and create economic opportunity for low-income Portland residents. Mr. Miller and his wife, Kristin, live in Portland with their two daughters, Zoe and Maddy.

R. Jeffrey Harris is the minority leader in the Missouri House of Representatives. He was elected to the position following his reelection as state representative in November 2004. As the minority leader, he is the top-ranking Democrat in the Missouri House of Representatives.

Allan D. Hymes reports that he has been an administrative law judge for New York State since 1999.

Ruey-Sen Tsai and his wife, Ya-Wen Yang, are proud to announce the birth of their son, Raymond Tsai. Mr. Tsai also reports that he was named partner in December 2004 by Lee and Li, Attorneys-at-Law, the largest law firm in Taiwan. Mr. Tsai specializes in protection and enforcement of trademarks, copyrights, patents, and related intellectual property. He is also an assistant professor at the Institute of Technology Law, National Chiao Tung University, teaching Intellectual Property Contracts and Licensing.

Nicola O. Goren and her husband Andrew, along with their son Jacob, five, announce that Jacob’s younger brother, Jared Michael, turned two in June. Ms. Goren continues to work as associate general counsel with the Corporation for National and Community Service in Washington, D.C.

Robert Leinwand was named assistant general counsel for Labor and Employment Law at NIKE Inc. He and his wife, Samantha Salenger, also celebrated the birth of their first child, Alexandra, on May 13, 2004. Alex received her first pair of Air Jordans shortly after her birth.

Carla Mascaro McEnroe and her husband are proud to announce the birth of their third child, a daughter, Julia Rose. Julia joins her brothers Owen, five, and Brendan, three. Ms. McEnroe continues as a senior attorney at AT&T Corp. in Bridgewater, New Jersey.

Willkie Farr & Gallagher LLP has elected James C. Dugan to the partnership, effective January 2005. Mr. Dugan is based in Willkie Farr’s New York office.
City to Minneapolis, Minnesota, where “it’s not as cold as everyone thinks it is.” On November 11, the Lamberts welcomed their first child, Ryan Clayton Lambert, who weighed 6 pounds, 12 ounces, and was 20 inches long.

**Toby Holbreich Linder** and her husband, Barry, proudly announce the birth of their son, Charlie. Charlie arrived on November 9, 2004.

**Susan Vak Stewart** and her husband, Mark Stewart, are pleased to announce the birth of their second daughter, Grace. Grace celebrated her first birthday in April, after her older sister Maisie turned four in March. Ms. Vak Stewart notes that she and Mark are looking forward to their class’s ten-year reunion.

In August of 2004, **Julie M. Crotty** became assistant director of mediation at the National Association of Securities Dealers (NASD). She also recently wrote, directed, and produced an award-winning public service announcement promoting mediation.

**P. Christopher Hughey** was promoted to the position of deputy general counsel at the Federal Maritime Commission in September 2004. He has been with the commission since 1997.

**Timothy E. Punke** recently joined the firm Preston Gates Ellis as a partner. Mr. Punke will split his time between the Seattle and Washington, D.C., offices, as well as spend some time in the firm’s Asia offices. In Washington, D.C., his practice will focus on international trade, tax, and market access issues, while in Seattle, he’ll work as a part of the firm’s Asia practice group. Mr. Punke spent the last four years working on international trade issues for the Senate Finance Committee and Senator Max Baucus (Democrat, Montana).

**Kurt M. Rogers** was promoted to partner at Latham & Watkins LLP. Mr. Rogers practices in the area of intellectual property litigation in Latham’s New York office.

**Isabelle Marinov, LL.M.**, reports that in June, 2000, she left the law firm of Arendt & Medernach, where she had practiced banking law. Ms. Marinov has since joined the Media and Telecom Department of Luxembourg’s Ministry of State, where she has been involved in audiovisual policy and Internet-related issues, both on the national and international level.

Effective in January, **Rachel G. Skaistis** was named a partner at Cravath, Swaine & Moore LLP. Ms. Skaistis has been with Cravath, Swaine & Moore since 1997, save for a clerkship with Hon. Shira Ann Scheindlin from August 1999 to August 2000.

**Shana M. Solomon** and her husband, Gene Bernard, are proud to announce the birth of their daughter, Reyna, in August 2004. Ms. Solomon is currently a telecommunications attorney at Qwest Communications. She and her family live outside Denver, Colorado.


**David M. Fine** reports that he’s enjoying practice at Orrick, Herrington & Sutcliffe in New York City. He went to trial twice last year, including once with **Diana L. Weiss ’91**, and felt “well-prepared by Cornell’s excellent trial advocacy program as I went toe-to-toe with a very experienced former AUSA.”

**Irene Oria** joined the Miami office of Hunton & Williams in December 2004. Ms. Oria was previously a judicial law clerk to Hon. Cecilia M. Altonaga, U.S. District Judge for the Southern District of Florida. She will concentrate on complex commercial and business litigation.

**Shamoil T. Shipchandler** and his wife, Jacqueline, recently relocated to the Dallas area. Mr. Shipchandler is an assistant United States Attorney for the Eastern District of Texas, while Ms. Shipchandler is an associate with Haynes & Boone.

**Andres Florez-Villegas** has recently accepted a position as general director of financial regulation at the Ministry of Finance and Public Debt of the Republic of Colombia.

**Megan J. Harris** is now the deputy attorney general for the New Jersey Office of the Attorney General. Her current assignment is Securities Fraud Prosecution.

**Daniel F. Mulvihill** married Marisa O’Connor on August 14, 2004, in Falmouth, Massachusetts. Mr. Mulvihill also joined Latham & Watkins in Newark, New Jersey, in April of 2004. He is part of the firm’s Environment, Land, and Resources practice group.

On May 29, 2004, **Devon J. Zastrow** married Mark Newman. Ms. Newman also reports that she changed occupations last year to work in medical professional liability defense litigation in private practice.

**On January 8, 2005, S. Shujaat Ali** and Sarah Ahmed married in Uniondale, New York. Mr. Ali is an associate with Thacher Proffitt & Wood in Manhattan, and his wife is a second year law student at Touro Law Center.
Attending the wedding were classmates Heather M. Clark and Lillian Tsu, along with Rena M. Varghese ’03. The happy couple resides in Queens, New York.

Michael W. Christopherson reports that he has switched firms in order to switch practice areas from litigation to real estate. He now works for Mayer Brown Rowe & Maw LLP in Los Angeles.

The October 2004 issue of the American Arbitration Association’s Dispute Resolution Times featured an article on ICDR Young & International, of which Martin F. Gusy is the founder and executive board member. Mr. Gusy gave a presentation about ICDR Young and International to Professor Barceló’s International Commercial Arbitration class at the 2004 Summer Institute of International and Comparative Law in Paris, France. Mr. Gusy currently works in the Paris office of Shearman & Sterling LLP in their International Arbitration group.

Rachana R. Trivedi married Apurva Munshi over two separate ceremonies in 2004. The first ceremony took place in India on November 16, 2004, and the second was held in Randolph, New Jersey on November 27, 2004. Classmates in attendance were Christina N. Davilas, with her husband Scott Ferguson, and Ginny Edwards.

Christian Sutter, LL.M. is part of a new law firm, BLUM Attorneys at Law. Located in Zurich, Switzerland, BLUM Attorneys at Law focuses on international business and private client-related legal services. Their specialties include intellectual property law, sports law, financial market law, and public law. Mr. Sutter focuses on a variety of areas, including contract law, art law, and civil and criminal procedure law.

Victoria J. Hadfield, J.D. LL.M., married Peter Botticelli on July 11, 2004, in a ceremony officiated by Glenn G. Galbreath, a staff attorney in the Cornell Legal Aid Clinic and a local village justice.

The alumni office receives information for the class notes section from various sources. All information is subject to editorial revision. In the past the office has at times received and used information about alumni from another source. The office is reviewing its process for verifying information used in the class notes section.

Please be aware that the Forum is produced a few months in advance of when readers receive it. Class note information received after production has begun will be included in the next issue.

Send information you would like reviewed for possible inclusion in future issues of Forum to the alumni office at 382 Myron Taylor Hall, Ithaca, NY 14853 or via e-mail to alumni@lawschool.cornell.edu. The office can also be contacted by phone (607 255-5251) or fax (607 255-7031).
Congratulations to the Law School’s New Alumni

The J. D. Class of 2005

The LL.M. Class of 2005

The Cornell Law Forum is published three times a year by the Cornell Law School. Business and editorial offices are located in Myron Taylor Hall, Ithaca, N.Y. 14853-4901 (phone: 607 255-7477; e-mail: ker8@cornell.edu).

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Save the Dates: June 8–10, 2006

Events are already starting to be planned to celebrate returning alumni from the classes of:


Please call the alumni office if you are interested in helping plan your class reunion.
607-255-5251 or e-mail: alumni@postoffice.law.cornell.edu