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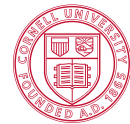
Lawyers in the Best Sense

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Lawyers in the Best Sense

Spring 2008



Professor Theodore Eisenberg, “Grandfather
of Empirical Legal Studies”

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Spring 2008

Science on Trial

Clarke International Consortium

Faculty Team Provides Model

Laws for Africa

Alumni Present Real-life Experiences

in Dean’s Class

Defending the Underdog:

Alumni Honored for Social Justice

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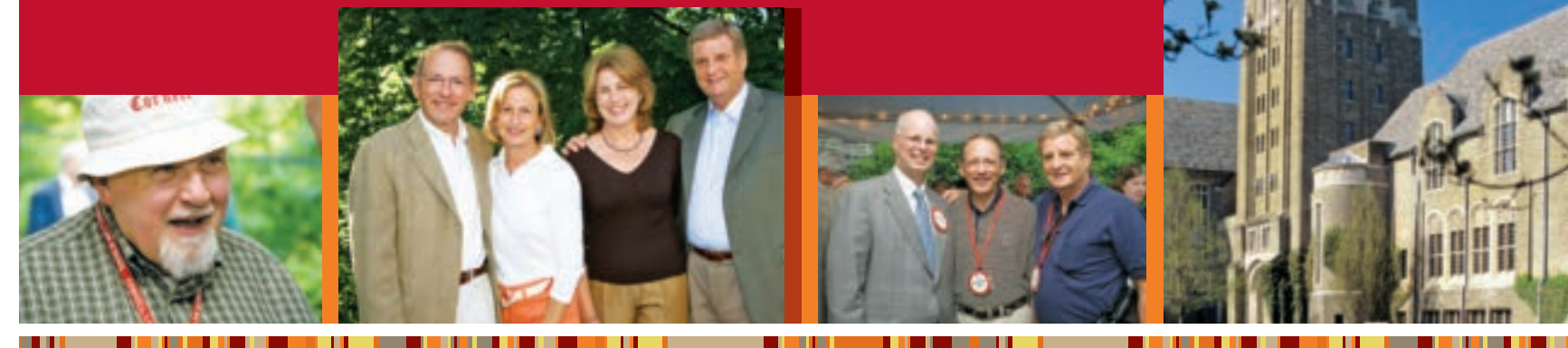


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Visit Cornell Law School's Web site to see examples of how A. D. White's founding hope that the Law School would educate "lawyers in the best sense" has become reality. The site provides the latest news of the Law School and spotlights the vibrancy of our intellectual community, inspired teaching, and innovative scholarship.

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Reunion Weekend 2008 will be a wonderful opportunity for you to return to Ithaca to visit with the professors and classmates you remember with great fondness and to see the changes that the Law School has made since you were last here. There is a great selection of programs for you to choose from during this special weekend. Please visit our Web site or call to make your reservations now. The Law School community looks forward to welcoming you back to Myron Taylor Hall.



CORNELL LAW SCHOOL

REUNION WEEKEND 2008

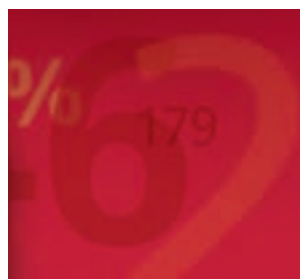
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FORUM

Spring 2008
Volume 34, No. 2



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an editor for the
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A Note from the Dean

Dear Friends and Alumni:

Cornell Law School is an acknowledged leader in law and social science. This issue of the *Forum* demonstrates some of the exciting scholarship our faculty is doing to give us that high reputation. Professor Valerie Hans is one of the country's foremost experts on American juries, and in this issue provides us with a sample from her new book, *American Juries: The Verdict*, coauthored with Neil Vidmar. Her article showing how juries react to science is an important resource for court lawyers. Our cover story describes the success of the *Journal of Empirical Legal Studies*, which was founded here at Cornell Law School and is edited by Cornell faculty. *JELS* is an important outlet for significant statistical research, providing facts instead of assumptions for discussions about law and legal policy. The scholarship published in *JELS* is both cutting-edge within the legal academy and, at the same time, of immediate relevance to lawyers and other policy makers. We are lucky to have such an important group of empirical scholars coalescing at Cornell Law School. Next fall we will host the third annual meeting of the Society of Empirical Legal Studies.

International and comparative law has a longer tradition at Cornell Law School. Indeed, the building I write from, Myron Taylor Hall, was built around the theme of "world peace through law." This is most clearly seen in the 1932 carving over the west arch of our Peace Tower that shows people from different nations meeting together for "world peace." Today's issue of the *Forum* shows how far the Law School has come in promoting international law. Items in this issue talk about our conversations and cutting-edge work with Rwanda, Beijing, Taiwan, and Tokyo. It was our privilege this fall to host the biannual meeting of the American Society of Comparative Law (ASCL), allowing international



Together we carry forth the vision of our founders, most particularly A. D. White, that Cornell Law School would provide graduates who would become "a blessing to the country, at the bar, on the bench, and in various public bodies." I see this coming true in the people highlighted in this issue and in the many alumni returning for Reunion and other events and in our globally minded and public-spirited student body.

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scholars the opportunity to meet and discuss each other's differences and their similarities. I was especially pleased that the ASCL paid tribute to our own Professor John Barceló and Jack Clarke, LL.B. '52, for their work in promoting comparative law. Jack Clarke has been especially generous to the Law School, providing the means for us to expand our international and business focus. And Jack Barceló has been exemplary in leading us forward into international waters everywhere, through our Berger International Legal Studies Program and our connections with various law schools around the globe.

I am pleased to announce the continuing expansion of our already excellent faculty. Professors Liivak and Jacobson are increasing our business law expertise. Oskar Liivak joins us as a specialist in the ever-changing world of patent law, particularly in biotechnology, while Bill Jacobson, as director of our new Securities Law Clinic, is providing a valuable service to our community. I am also thrilled to report that three senior faculty scholars will be joining our ranks this coming year: Sherry Colb from Rutgers School of Law-Newark, Michael Dorf from Columbia Law School, and Laura Underkuffler from Duke Law School. They will bring increased renown to our talented faculty.

I look forward to talking with you and sharing the Law School's concerns and successes. Together we carry forth the vision of our founders, most particularly A. D. White, that Cornell Law School would provide graduates who would become "a blessing to the country, at the bar, on the bench, and in various public bodies." I see this coming true in the people highlighted in this issue, in the many alumni returning for Reunion and other events, and in our globally minded and public-spirited student body. I am proud to be dean of this illustrious institution.

Happy reading!

A handwritten signature in dark ink, reading "Stewart J. Schwab". The signature is fluid and cursive.

Stewart J. Schwab

The Allan R. Tessler Dean and
Professor of Law

dean@lawschool.cornell.edu



Our many illustrious alumni include a few who appeared as guest speakers in Dean Schwab's "Law and Ethics of Business Practice" seminar during the fall semester (see also news item on page 26). They provided real-life experience and engaged in fruitful dialogue with both law and M.B.A. students.

TOP: Franci J. Blassberg '77, partner with Debevoise and Plimpton

ABOVE: Craig B. Klosk '84, cofounder of the Wicks Group

LEFT: David S. Litman '82, cofounder of Hotels.com and Consumerclub.com

Science on Trial



Professor Hans

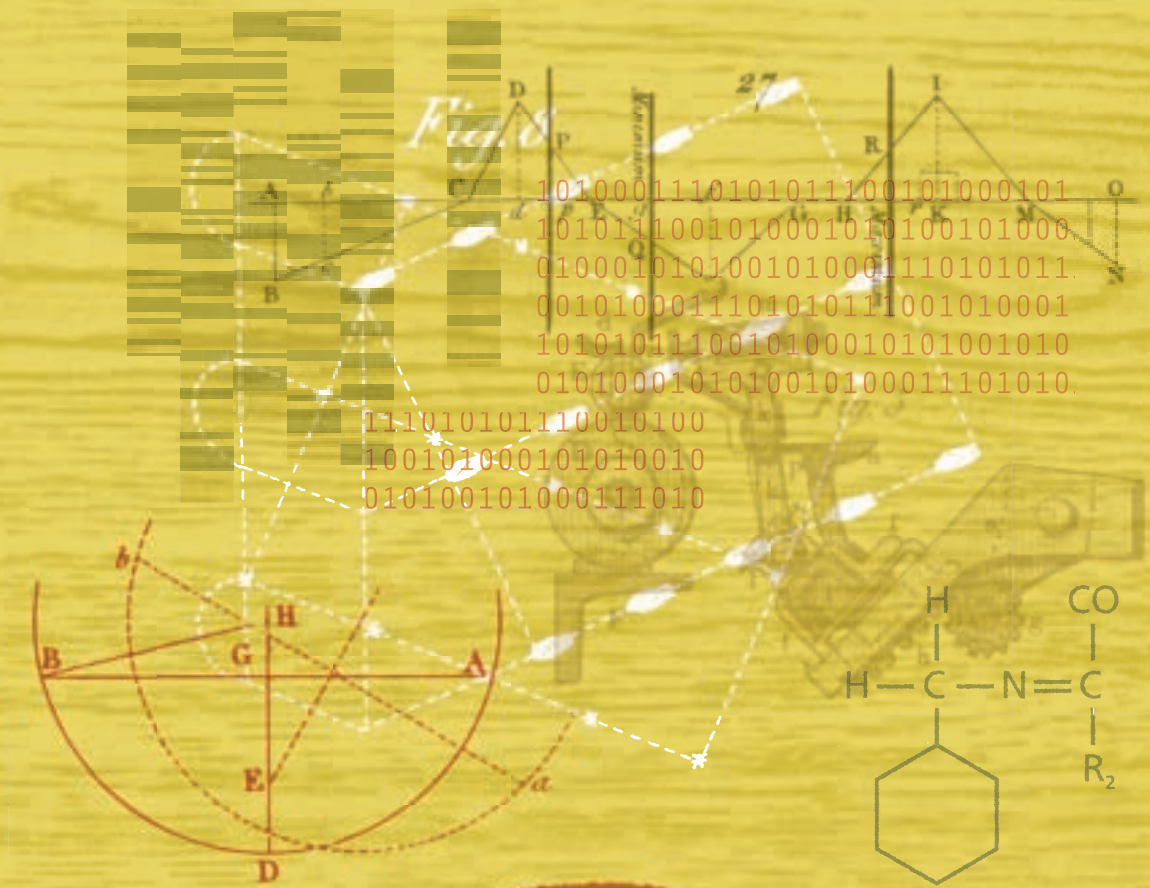
by VALERIE P. HANS

Juries entering courtrooms today are much more likely than juries in years past to confront testimony offered by scientific and technical experts.

In a San Diego courtroom last year, experienced patent attorney and Cornell Law School alumnus William F. Lee, J.D./M.B.A. '76, faced the federal jury that would decide a multimillion dollar case between two giant computer manufacturers. His client, Broadcom, chip maker for Apple's video iPods and high definition DVDs, was defending itself against a patent infringement lawsuit by Qualcomm. As the case developed, the complexity of the technical evidence became more and more apparent. Jurors in the case had to master enough of the specialized testimony about the video compression process to be able to assess the competing claims of the two adversaries. Reporters attending the trial characterized the forty-plus hours of technical and scientific evidence as "akin to a graduate-level college course on video compression."¹ Could a lay jury handle the challenge? In fact, the jury reached its verdict exonerating Broadcom in just six hours. The foreman observed after trial that, although the jurors were not "all electrical engineers,"

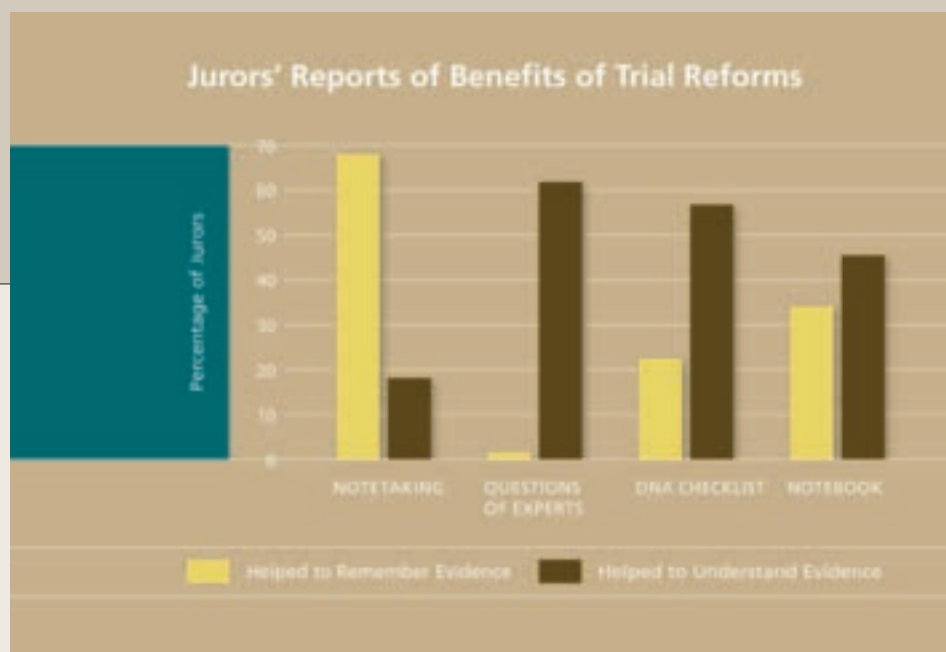
they listened carefully to the evidence, took notes, and entered the deliberation room with a solid comprehension of the evidence.

The Qualcomm-Broadcom patent case is distinctive because of its size and national significance. Yet it illustrates a growing reality. The increasing complexity of both criminal and civil jury trials raises a host of issues for lawyers and judges. For the litigator, the first question is whether a jury can be trusted with a case that turns on highly technical evidence. Should lawyers routinely opt for judge trials in complex cases? If a jury trial is chosen, how should expert witnesses be prepared so they can testify most effectively? Are some prospective jurors so hostile to science that they are unlikely to hear expert evidence with an open mind? For the trial judge, there are decisions about the admissibility of expert testimony, whether it is based on sound science, and whether a jury is likely to be misled by scientific claims. Should the judge permit jury innovations such as note



The increasing complexity of both criminal and civil jury trials raises a host of issues for lawyers and judges. For the litigator, the first question is whether a jury can be trusted with a case that turns on highly technical evidence.

To study jurors' responses to scientific evidence and whether trial reforms could improve jury comprehension and use of scientific evidence, our research team conducted a mock jury study using a case with scientific evidence.



taking, question asking, and juror discussions of evidence during the trial, hoping to increase jury comprehension of the scientific claims being advanced by the experts?

Over the past several years, I've been investigating the topic of jurors and scientific evidence in the courtroom. I've studied how jurors confront the task of understanding expert testimony that is outside their knowledge and experience. I've also explored whether jury trial innovations can help jurors master complicated scientific and technical material. Most recently, I've had a chance to ask similar questions about judges' reactions to scientific evidence in the courtroom. Results from these studies are reported in a series of articles and in a recent book I coauthored with Duke Law School professor Neil Vidmar, *American Juries: The Verdict* (Prometheus Books, 2007) [see sidebar].

A central piece of my research on juries and science came from a collaborative project conducted with the Arizona state court trial judge B. Michael Dann (now retired), a true

jury-centric judge and a tireless advocate for making jury trials more like educational settings. To study jurors' responses to scientific evidence and whether trial reforms could improve jury comprehension and use of scientific evidence, our research team conducted a mock jury study using a case with scientific evidence (the Jury MtDNA Study). The mock trial was adapted from a real criminal case in Connecticut. Our version included dueling scientific expert testimony about mitochondrial DNA (mtDNA) evidence that linked hairs from the sweatshirt of a fleeing robber to the defendant in the case.

Typically, forensic DNA testing employs strands of nuclear DNA, but when the quantity or quality of nuclear DNA is insufficient for analysis, mitochondrial DNA analysis may be used. It has been employed for a variety of purposes, including confirming the last of the Romanovs as well as identifying remains at the World Trade Center following the 9/11 disaster. The two types of DNA differ. Compared to nuclear DNA, the mtDNA sequence is shorter and fewer base pairs are

used in the analysis of a match. Furthermore, mitochondrial DNA is passed through the maternal line of descent, so everyone in the same maternal line has identical mtDNA. For these reasons, mtDNA matches are not as definitive as nuclear DNA matches, although it has proven to be useful forensically and is now routinely accepted in U.S. courts.

At the time of the Jury MtDNA Study, mitochondrial DNA was not widely used in forensic contexts and many people knew little about it. This allowed us to examine how jurors respond to novel scientific evidence. Yet mtDNA bears a resemblance to the more familiar nuclear DNA. Does that provide a useful context or are jurors confused?

In the Jury MtDNA Study, 480 members of a Delaware jury pool (who were not needed for a trial that day) met in groups of eight at the courthouse and watched a videotape of the mock trial. The study varied whether mock jurors were able to use specific trial innovations. Jurors answered true-false and other questions regarding the scientific evidence about mtDNA presented by the adversarial experts. We examined jury comprehension of the scientific evidence, and whether innovations helped the jurors.

The American Bar Association's *Principles for Juries and Jury Trials* (2005) encourages the use of a number of jury trial innovations to improve juror comprehension of evidence. The ABA's recommendations are based on substantial research showing positive effects

**Two innovations—
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showed small
yet statistically
significant
benefits on juror
comprehension as
measured by the set of
true-false questions.**



on jury decision making. The Jury MtDNA Study examined whether specific innovations could help jurors comprehend and use complex scientific evidence. It varied whether the jurors could employ note taking, ask questions about the scientific evidence, employ a checklist, use a jury notebook, or use multiple innovations. Some jurors were able to employ just one of these techniques, other jurors were allowed two or more, and some jurors were allowed none of the innovations, serving as controls. We asked jurors whether the innovations helped them remember and understand the expert evidence. We also tested whether using any of these innovations positively affected their comprehension on the true-false questions.

Reassuringly, jurors performed reasonably well on the true-false tests examining their comprehension of basic biological facts about mtDNA, including questions about the location of the mitochondria within the cell, the sequence of base pairs, and the maternal heritage of mtDNA. Questions were also

included about the inferences that could be drawn from an mtDNA match. Solid majorities of jurors responded correctly to most items about the scientific material presented during the expert testimony. Jurors appeared to have somewhat more difficulty dismissing exaggerated claims made by opposing counsel, for example, that mtDNA evidence was “completely irrelevant” because a number of other people could be potential sources. Jury deliberation significantly improved comprehension.

Jurors were very positive about being permitted to use the trial techniques. They reported that they benefited from employing the innovations. The true-false test showed mixed results for the jury reforms. Two innovations—checklists and jury notebooks—showed small yet statistically significant benefits on juror comprehension as measured by the set of true-false questions. The Jury MtDNA Study did not confirm comprehension

benefits from note taking or question asking, although other researchers have concluded that both can be effective techniques. Jurors in the MtDNA study reported that note taking was primarily helpful as a memory aid, and the experiment was much shorter than a typical trial. Only a small number of jurors posed questions about the scientific testimony (answered by experts via cell phone) so that may explain why questions produced no discernible impact on overall juror comprehension.

The jurors’ reasonably good comprehension of the scientific evidence, and the fact that some of the innovations produced significant improvements, suggest that a jury trial is a sound choice for a complex case, and that trial innovations are worthwhile. However, the Jury MtDNA Study also indicates that we should explore a wider range of innovations that judges and lawyers could employ in especially complicated cases.

A recent presentation to federal and state judges provided an intriguing opportunity to extend this study of juries and science in the courtroom to judges. Sixty-five of the judges attending a judicial conference agreed to participate in a mock trial study based on the juror mtDNA study (the Judge MtDNA Study). After reading a summary of the nonscientific evidence (there was not time to watch the entire videotaped trial), judges watched video clips of the prosecution expert, the defense expert, the attorneys’ closing arguments in the case, and the judge’s final instructions.

The jurors' reasonably good comprehension of the scientific evidence, and the fact that some of the innovations produced significant improvements, suggest that a jury trial is a sound choice for a complex case, and that trial innovations are worthwhile.



They then answered some of the same questions put to the jurors. The Judge MtDNA Study permitted an opportunity for a direct contrast between judge and jury responses to the same scientific evidence.

Comparing judge and jury responses revealed a pattern of overall similarity and occasional divergence. Before watching the video of the mock trial, both judges and jurors rated the reliability of different forms of evidence. They both expressed similarly strong beliefs in the high reliability of DNA testimony (4.49 for judges, and 4.56 for jurors, on a 1 to 5 point scale where 5 represents extremely reliable). Judges reported feeling more comfortable with the expert scientific testimony presented in the mock trial. However, comparable numbers of judges (17 percent) and jurors (21 percent) admitted that it was difficult to follow the testimony. Furthermore, judges did not differ significantly from jurors in their expressed confidence that they understood the expert evidence.

On the true-false tests, judges and jurors again overlapped. Reassuringly, majorities of both groups answered most items correctly. Of eleven items tapping knowledge of mtDNA, judges and jurors performed about the same on eight. Judges did significantly better on two of the remaining items, and jurors did significantly better on one. Judges appeared to have the edge with items that explored the significance of some adversary claims, whereas jurors excelled at an item that was discussed in virtually all jury deliberations.

Some differences emerged on how judges as a group and jurors as a group evaluated the mtDNA evidence offered by the prosecution in the trial. Although majorities of both judges and jurors saw the evidence as reliable and the likelihood it was contaminated as low, jurors expressed more concern than judges about reliability and contamination.

There are limitations to the generalizability of this judge-jury comparison, since it contrasted one national group of judges attending a conference with one group of jurors from a single jurisdiction. Nonetheless, it is intriguing that in terms of scientific evidence, the two groups show substantial overlap. A pattern of basic similarity along with specific areas of divergence between judges and jurors has been found in other research projects.

With complex evidence, it's worth thinking about how to make the courtroom more like a classroom, albeit one with lessons that have a vibrant adversarial twist. In a jury trial, litigators would be wise to anticipate that the presiding judge and the jury will take distinctive approaches to some of the evidence. The jury's command of material is fostered by the court's encouragement of active decision making with innovative trial techniques, and by litigators who take diverse perspectives into account in their case presentation. ■

Valerie P. Hans is a professor of law at Cornell Law School.

1. Kathryn Balint and David Washburn, "Qualcomm Loses Its Patent-rights Case," *San Diego Union-Tribune*, January 27, 2007.

AMERICAN JURIES: THE VERDICT

by Neil Vidmar and Valerie P. Hans

published by Prometheus Books, 2007

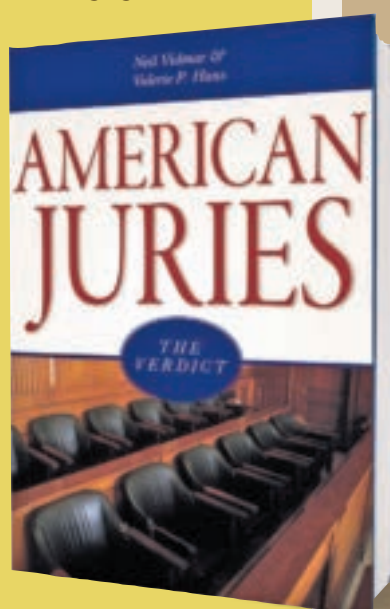
From the book jacket: Although the right to trial by jury is enshrined in the U.S. Constitution, in recent years both criminal and civil juries have been criticized as incompetent, biased, and irresponsible. For example, the O.J. Simpson criminal jury's verdict produced a racial divide in opinions about that trial. And many Americans still hold strong views about the jury that awarded millions of dollars to a woman who spilled a cup of McDonald's coffee on herself. It's said that there are "judicial hellholes" where local juries provide "jackpot justice" in medical malpractice and product liability cases with corporate defendants. Are these claims valid?

This monumental and comprehensive volume reviews over fifty years of empirical research on civil and criminal juries and returns a verdict that strongly supports the jury system. Rather than relying on anecdotes, Vidmar and Hans—renowned scholars of the jury system—place the jury system in its historical and contemporary context, giving the stories behind important trials while providing fact-based answers to critical questions. How do juries make decisions and how do their verdicts compare to those of trial judges and technical experts? What roles do jury consultants play in influencing trial outcomes? Can juries understand complex expert testimony? Under which circumstances do capital juries decide to sentence a defendant to die? Are juries biased against doctors and big business? Should juries be allowed to give punitive damages? How do juries respond to the insanity defense? Do jurors ignore the law?

Finally, the authors consider various suggestions for improving the way that juries are asked to carry out their duties. After briefly comparing the American jury to its counterparts in other nations, they conclude that our jury system, despite occasional problems, is, on balance, fair and democratic, and should remain an indispensable component of the judicial process for the foreseeable future.

Neil Vidmar is both the Russell M. Robinson II Professor of Law at Duke University School of Law and a professor of psychology at Duke University. He has published over one hundred research articles and is the author, coauthor, or editor of four books including Professors Hans and Vidmar's widely acclaimed *Judging the Jury*, and *Medical Malpractice and the American Jury*, and *World Jury Systems*.

Valerie P. Hans is a professor of law at Cornell Law School. She has published more than ninety research papers and articles and is the author, coauthor, or editor of five books including *Business on Trial*, *Judging the Jury*, and *The Jury System*. She also serves on the editorial boards of major professional journals in the field of law and social science.



"A highly readable account of the history of this fascinating, unique, and controversial institution—and more important, a sophisticated distillation of the many empirical studies that reveal its true nature and behavior. Anyone who wants to engage seriously in the debates over the jury's social functions, legitimacy, and actual performance must read this book."

—PETER H. SCHUCK, SIMEON E. BALDWIN PROFESSOR OF LAW, YALE LAW SCHOOL

"Truly the most comprehensive and best researched treatise on the American jury ever written!"

—JO-ELLAN DIMITRIUS, TRIAL CONSULTANT

Finding the Facts that Challenge Our Assumptions about the World

by LINDA BRANDT MYERS

The *Journal of Empirical Legal Studies* has upended people's assumptions on everything from class action awards to how foreigners fare in court.

In the early 1980s, if you stopped people on the street and asked if civil rights cases were clogging the courts, with litigants making a bundle while other kinds of cases languished, chances are they would have agreed.

The problem was it wasn't true.

Theodore Eisenberg, the Henry Allen Mark Professor of Law at Cornell Law School, and his students did their first empirical study on that very subject, publishing an article about it in the *Cornell Law Review* in 1982. In their study they counted the number of civil rights cases and found there were far fewer in reality than in the popular imagination. They also looked at the outcomes of those cases and noted most litigants had done poorly.

"I've been doing empirical legal work ever since," says Professor Eisenberg. "I began studying all other classes of litigants anytime I could get a hold of good data."

Empirical legal research applies rigorous social science methodology to subjects that

have a legal component but can involve areas as wide-ranging as criminal justice, corporate law, healthcare, and securities regulation.

"I like to let the data tell their own story, not try to superimpose one," says Professor Eisenberg. "As in any good scholarship, you check your assumptions. If you don't have the real facts, people will make them up or follow the headlines."

In 2001, Professor Eisenberg, who had long wanted to start a peer-refereed, faculty-edited journal on empirical legal research, got the blessing of then Law School dean Lee E. Teitelbaum. "The dean told me he didn't see why our school couldn't support such a journal, so I approached publishers, selected Blackwell from those interested in doing it, and lined up an editorial board," says Professor Eisenberg. "Since then I've been constantly behind," he jokes.

From its first issue in 2004, the *Journal of Empirical Legal Studies* (JELS) shook things up.

"I like to let the data tell their own story, not try to superimpose one," says Professor Theodore Eisenberg. "As in any good scholarship, you check your assumptions. If you don't have the real facts, people will make them up or follow the headlines."



A study on class action awards in that issue, by Professor Eisenberg and New York University law professor Geoffrey Miller, contradicted the popular wisdom that such awards were out of control and showed instead that they had remained steady over ten years, as had the attendant lawyers' fees.

But even with the facts on hand, "it's hard to dissuade people who have preconceptions," observes Professor Eisenberg. Indeed, the finding didn't stop Congress from passing the Class Action Fairness Act (CAFA) the following year, which placed restrictions on class action settlements.

Still, the study gained much public attention through such major media as the *New York Times*, which wrote in January 2004: "The new study undermines ... criticisms [by politicians] of jackpot justice, with attorneys collecting

a windfall." The article, by Jonathan Glater, also quoted David Casey Jr., then president of the Association of Trial Lawyers of America: "The whole effort by what I call the tort reform industry is based on myth and fabrications. I'm glad there are empirical studies being done."

"Why enact CAFA in the face of the data?" asks Cornell law professor Jeffrey J. Rachlinski, a coeditor of *JELS*. "Well, legislation is sometimes enacted for symbolic purposes—for the ideology it reflects, not for the reality it represents."

And when researchers on different sides "provide good evidence for a position, but it's not necessarily a slam dunk, studies can polarize attitudes," with people favoring the findings consistent with their views, he says. As proof he cites an experiment by Stanford psychologist Lee Ross, who gave people with diverse views two sets of studies: one

showing that the death penalty reduces crime; and the other that it has no effect on crime. The result: those initially in favor of the death penalty remained in favor of it, and those initially against it remained against it.

But Professor Eisenberg believes that well-done empirical research must be bias free. To those critics on the Right who claim his class action study had a politically progressive slant, he notes that other studies of his have produced findings that favor the conservative agenda. For example, one study showed that the state of Texas is average, not at the top, in the rate of death sentences it hands out; and another showed that black prisoners are underrepresented, not overrepresented, on death row, despite their greater numbers in prison in general. "Sometimes the facts are more interesting than any assumption," he comments.

When researchers on different sides “provide good evidence for a position, but it’s not necessarily a slam dunk, studies can polarize attitudes,” with people favoring the findings consistent with their views, says Professor Jeffrey J. Rachlinski.



And sometimes when the facts are truly indisputable, as they are in “The Vanishing Trial” study by Marc Galanter, professor of law at the University of Wisconsin-Madison, they can shed light on societal problems and even inspire needed change.

The centerpiece of *JELS*’s November 2004 issue, Professor Galanter’s study showed that fewer and fewer federal civil cases are being resolved by trial in the United States, despite the fact that court filings have increased. The most startling findings: a 60 percent decline in the absolute number of trials since the mid-1980s; and a decline in trials in every category, including civil, criminal, and bankruptcy.

The study was commissioned by the American Bar Association (ABA) Section of Litigation’s Civil Justice Initiative and was presented in December 2003 at a symposium of scholars and practitioners, who then

looked at the myriad issues that the findings raised. *JELS* published much of their related research and commentary in the same 2004 issue in which the Galanter study first appeared in print.

In that issue’s introduction, Patricia Lee Refo, an Arizona law partner who chairs the ABA’s American Jury Project, wrote: “The trends are clear enough. We must start asking what the diminishing trial means for our justice system and our society, and what, if anything, the organized bar should be doing about it.”

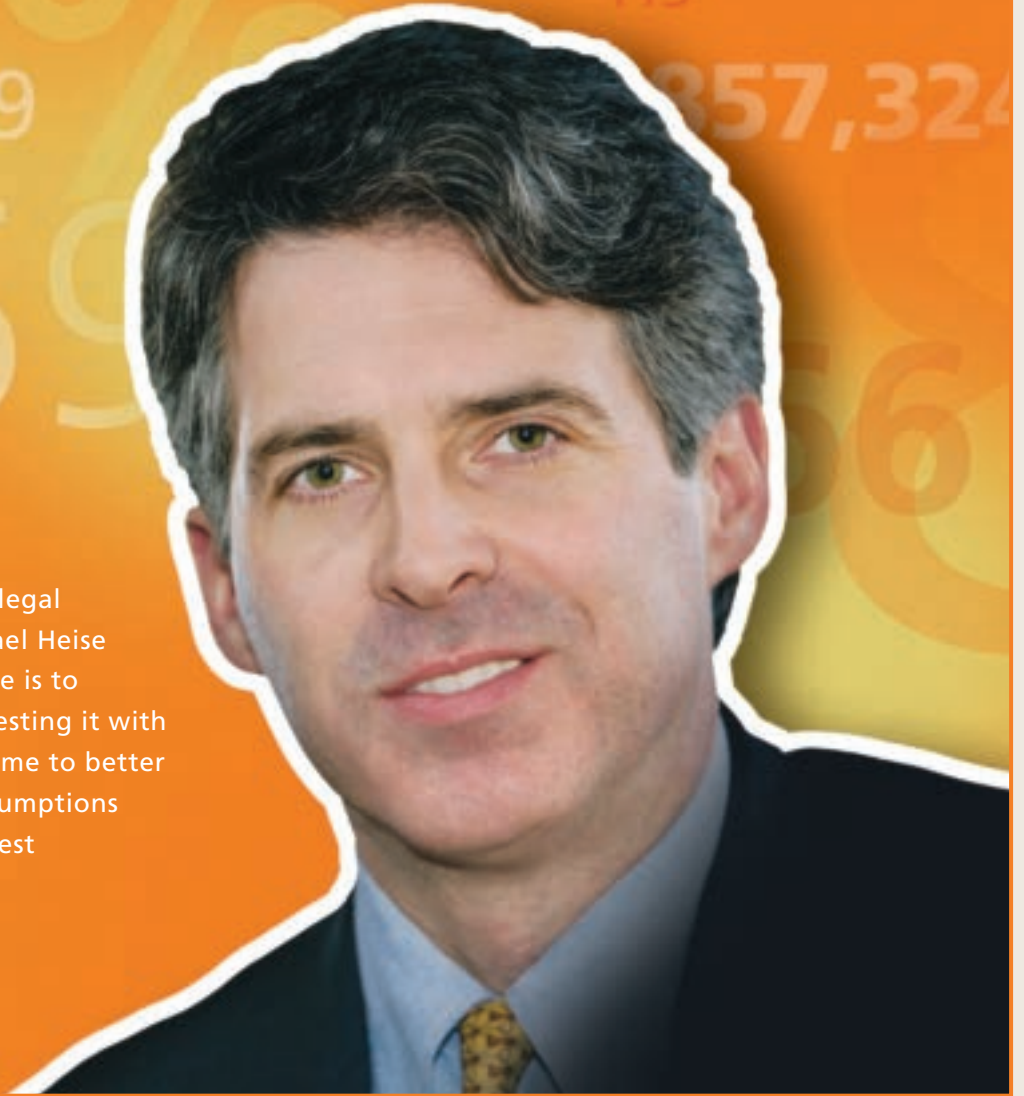
The issue includes the findings of a related study by Stephen Burbank of the University of Pennsylvania Law School showing a parallel rise in summary judgments as trials decline; an evocation by Gillian Hadfield of the University of Southern California that “the trial lies at the heart of the American

legal system [with] the life of the law fought out in courtrooms;” and a fear voiced by Stephan Landsman of DePaul University College of Law about losing what juries provide best, “a counterbalance to the potential biases of judicial officers.”

The Galanter study’s findings were cited in the *New York Times* by Adam Liptak, who lamented the replacement of trials with plea bargains and “summary judgments, in which judges evaluate evidence submitted to them on paper,” and quoted one judge who said the trend represents a disavowal of “the most stunning and successful experiment in direct popular sovereignty in all history.”

Other studies published in *JELS* that have gotten noticed include one in the March 2007 issue on identifying malpractice-prone physicians; and one co-written by Cornell’s Kevin M. Clermont, the James and Mark

"Facts and data matter to legal scholars," Professor Michael Heise asserts. "What engages me is to see if a theory works by testing it with real live data. This allows me to better assess whether critical assumptions on which law and policy rest are valid."



Flanagan Professor of Law, and Professor Eisenberg in the July 2007 issue showing that foreigners fare better in federal courts than homegrown defendants do.

Findings in the field of law that make use of empirical research date as far back as the mid-1930s, according to Professor Eisenberg. What has changed lately is the emergence of empirical legal research as a hot new field, one that has broadened to include faculty at all major law schools and produce journals like *JELS* and its counterparts at places like Yale and the University of Chicago law schools.

"We are at the dawn of the greatest age of empiricism the world has ever known," wrote John O. McGinnis, a fellow at the Hoover Institution, in the June-July 2006 issue of *Policy Review*. "The driving force is the accelerating power of information technolo-

gy and the resulting rich vein of data and stream of studies analyzing those data."

Other reasons for the rise in empirical legal studies, says Professor Miller, are "more courses on empirical methods at law schools, more and better software, and the fact that nearly every law student has a laptop capable of performing statistical calculations."

"Data sources on the legal system are improving in quality and accessibility," the introductory page of the *JELS* Web site notes, citing the RAND studies of jury verdicts in California and Chicago, the Wisconsin Civil Litigation Research Project data, and the Federal Judicial Center's archives of all federal court cases. "A major goal of *JELS* is to make these and other worldwide data sets more widely known and used."

"In a relatively short time, *JELS* has earned a reputation for excellence among scholars in empirical legal studies and law practitioners," notes Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, whose name appears on the journal's masthead as a co-editor. "In a real sense it is helping to develop the field."

"*JELS* fills an important niche by providing a forum where people can get feedback on their work," says Cornell law professor Valerie P. Hans, who coauthored a study on how jurors respond to mitochondrial DNA matches that is slated for the journal's next issue (see also her article in this issue of the *Forum*). "It's great to submit papers to because the editors and peer reviewers are empirically trained and give careful analysis and substantial feedback. And Ted [Eisenberg] makes a fantastic contribution through his editorial guidance."

"JELS arrived at a unique moment in time and contributes mightily to an important movement toward empirical legal studies within the academy," says Cornell law professor Michael Heise, whose study on juries, judges, and punitive damages with Professor Eisenberg and others showed that juries give greater awards in financial injury cases, while judges award more in bodily injury cases. "Facts and data matter to legal scholars," Professor Heise asserts. "What engages me is to see if a theory works by testing it with real live data. This allows me to better assess whether critical assumptions on which law and policy rest are valid. Although scholarship won't always change policy, I certainly hope it will inform it."

JELS is now published four times annually—a year's output is close to one thousand pages. It also helped supply the impetus to form the Society for Empirical Legal Studies (SELS), which sponsors a yearly Conference on Empirical Legal Studies (CELS). JELS editors were involved in an international empirical legal studies conference at Humboldt University in Berlin last summer and are helping to plan another in Taiwan this June that is being organized by Cornell Law School alumnus Francis (Frank) S. L. Wang '72.

While the acronyms can get confusing, the impact is impressive. About four hundred people attended the second annual conference at New York University (NYU) last November; almost double the number at the first conference at the University of Texas at Austin the previous year. Only about one in four who submitted papers were selected to be among the one hundred plus presenters. Among the disciplines they represented were law and accounting, economics, finance, health policy, political science, psychology, and sociology.

Professor Eisenberg, who was a visiting professor at NYU this past fall, moderated a session on empirical analysis, was a panelist on empirical methods, and led a discussion on the demographics of tort reform at the conference. Other Cornell Law School participants included Professors Hans, Heise, and Rachlinski, and professors John H. Blume, Trevor W. Morrison, and Martin T. Wells.

"It's delightful that the conference has been highly successful, reflecting in some sense that the time is right," says Bernard Black, a

professor at the University of Texas at Austin and CELS cofounder who researches law and finance.

"Ted is a huge figure in this field," adds Professor Miller. "His contributions both in forming the Society for Empirical Legal Studies, in editing JELS, and in being part of the organizing committee for the conference are absolutely invaluable."

In October, some of the faculty who do empirical research at the Law School, among them Professors Clermont, Hans, Heise, Rachlinski, and Emily L. Sherwin, presented Professor Eisenberg with a plaque honoring him as the "grandfather of empirical legal studies." Belying the title's geriatric implications, he is now hard at work with Law School colleagues planning next year's conference, which will take place at Cornell Law School in September.

But empirical research is not necessarily all nose to the grindstone. In October, Professor Heise alerted ELS (Empirical Legal Studies) Blog readers to a study colleagues told him about titled "Fudging the Numbers," which found students who are given chocolate before filling out course evaluations may give their professors higher ratings than they otherwise would.

"I've started serving chocolate to my NYU seminar students this semester," jokes Professor Eisenberg, "but it's purely in the interest of science to help evaluate the Greenwich Village chocolate shops."

For information on JELS, visit <http://www.blackwellpublishing.com/jels>; for information on the 2008 Conference on Empirical Legal Studies, see <http://www.lawschool.cornell.edu/cels2008/index.cfm>. ■

Recent findings published in JELS:



The Death State: Texas prosecutors and juries are no more apt to produce death sentences than those in the rest of the country.

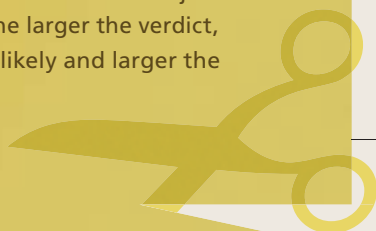
Empirical Analysis of Software License Agreements:

Almost all online software licenses display a net bias, relative to relevant default rules, in favor of the software company (the contract writer).



Do Defendants Pay What Juries Award?

Most medical malpractice jury awards received “haircuts.” Seventy-five percent of plaintiffs received a payout less than the adjusted verdict (jury verdict plus prejudgment and post-judgment interest), 20 percent received the adjusted verdict (within 2 percent), and 5 percent received more than the adjusted verdict. Overall, plaintiffs received a mean (median) per-case haircut of 29 percent (19 percent), and an aggregate haircut of 56 percent, relative to the adjusted verdict. The larger the verdict, the more likely and larger the haircut.



Do Citizens Care about Federalism? Citizens are not single-mindedly interested in policy outcomes; trust in state governments and federalism beliefs, on the urging of political elites, reduce their willingness to support a federal ban on physician-assisted suicide.



Project Safe Neighborhoods: A Chicago program designed to bring law enforcement together with researchers and community agencies to reduce gun violence is associated with a 37 percent drop in monthly homicide rates.



Partisanship, Ideology, and Senate Voting on Supreme Court Nominees:

Partisanship has played an increasing role over time, and the effects of ideology are contingent on partisanship.

Liability Pressure on the Supply of Obstetrician-Gynecologists:

Results suggest that most OB/GYNs do not respond to liability risk by relocating out of state or discontinuing their practice, and that tort reforms such as caps on noneconomic damages do not help states attract and retain high-risk specialists.

Who Pays for Medical Errors?

On average, the sampled hospitals generated injury-related costs of \$2,013, and negligent-injury-related costs of \$1,246, per discharge. However, hospitals bore only 22 percent of these costs. Legal reforms or market interventions may be required to address this externalization of injury costs.

Caps on Title VII Sexual Harassment Damages:

Even though the Civil Rights Act of 1991 amended Title VII to limit damages, litigants can sidestep these limitations by asserting federal claims under section 1983, claims for violations of state civil rights laws or other state-law tort claims.

Job Satisfaction among Lawyers:

Women lawyers earn substantially lower incomes than men, but most of the difference can be eliminated by accounting for time taken away from paid work for childcare, among other factors. Both black and Hispanic lawyers make significantly less money than majority lawyers fifteen years after graduation.



Reimagining Our World through Conversations on Law and Social Justice



Annelise Riles is Cornell Law School's Jack G. Clarke Chair in Far East Legal Studies, a Cornell University professor of anthropology, and serves as director of the Clarke Program in East Asian Law and Culture at the Law School.

by LINDA BRANDT MYERS

Everyone is talking about China these days, and the conversations are not only about the summer Olympics in Beijing.

Some of the most interesting legal reforms in the world are taking place in China, the world's most populous country, spurred by economic growth, reports Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies at the Law School.

Cornell Law School's Clarke Program in East Asian Law and Culture, which Professor Riles directs, is poised to play a leading role in those projects, thanks to an idea involving cross-cultural conversations that may alter the way law and society are studied around the globe, she says.

This spring, the Clarke Program rolled out a new Clarke International Consortium on Law and Social Justice in Emerging Markets (Consortium). Its goal is to "move us away from old models of area studies—just knowing the facts about East Asia, for example"—toward a new model in which ideas are continually exchanged among scholars of places where societies are changing and laws revised, says Professor Riles. "We have much to learn from each other," she asserts.

The strategy, which is unique to Cornell Law School and takes advantage of its small size and Cornell's historic and current links with China, is "to identify particular individuals who we think represent the future in East Asia, and develop much deeper ties than just an institutional relationship," says Professor Riles. She is especially excited about the spillover to the Law School. "We hope to offer a diversified, enhanced curriculum in Chinese law that will make our program one of the richest of any at an American law school," she says.

The Consortium grew out of two successful conferences involving the Law School and the law program at Peking University, familiarly known as Beida. One of them, held at Beida in June 2007, was about property law and came at a time when new laws were being



Law in Context: New and Interdisciplinary Approaches to Law

JUNE 8-10, 2008

A project of the Clarke International Consortium on Law and Social Justice in Emerging Markets, the conference will begin with a dinner on Sunday evening. Conference workshops will run from 10 a.m. to 5 p.m. on Monday, June 9, and from 10 a.m. to 1 p.m. on Tuesday, June 10, in the Johnson Museum of Art Lynch Conference Room.

Workshop participants will include deans and professors from Peking University Law School, Tel Aviv University's Buchmann Faculty of Law, Cornell University, and Cornell Law School.

For more information, please visit the conference Web site at http://www.lawschool.cornell.edu/international/clarke_program/conferences/June-2008-Conference.cfm.

drafted in China, following the Communist country's recent economic successes.

The format, a conversation around a table with no tape recorders, allowed people to speak freely, which led to an animated, sometimes contentious but still respectful debate about people's scholarship, says Professor Riles. Gregory S. Alexander, one of several Law School faculty members who took part, adds: "It was unbelievably exciting."

A third conference using that format, "Law in Context: New and Interdisciplinary Approaches to Law," will take place at Cornell June 8, 9, and 10 [see sidebar].

"We hope that a long-term intellectual collaboration will emerge out of these gatherings," says Professor Riles, who wants the conversation to continue in such far-flung places as Tel Aviv and Tokyo as well as Beijing and Ithaca. "That will give us a chance to speak to diverse audiences and think about problems in different contexts. There's something that makes the conversation different when it takes place in China than when it is held in the United States or Europe," she says.

Another Clarke Program initiative involves bringing high-profile Chinese scholars and rising young researchers to Cornell Law School through the Wang Distinguished Visitor Pro-

gram, supported by a gift from Anthony W. Wang '68. They will be joined by a scholar from the United States or Europe who seeks to specialize in Chinese law but needs one to two years for research and to learn the profession, says Professor Riles. "The team of three will teach and research Chinese law, learn from each other, create synergies and develop personal relationships at a very high level, which will be a good thing for our students and faculty," she says.

Cui Zhiyuan of Tsinghua University in Beijing, whom Professor Riles describes as a leading public intellectual in China, is the first Wang Distinguished Visitor this spring and was a visiting professor last year.

"Cui thinks broadly about what the political future of China should be and how the legal system might conform," notes Professor Riles. He is involved with a group of scholars at Fudan University's Center for New Political Economy who reject both Marxist and radical free-market economic solutions and, instead, advocate for a more moderate "third way," she explains.

Future Wang Distinguished Visitors will include Chenguang Wang, dean of Tsinghua Law School in Beijing, coming in spring 2009; and Suli Zhu, dean of Beida, arriving in spring 2010.

Jeffrey Shi, a venture capitalist who owns one of the largest private equity firms in China, will deliver the prestigious Clarke Lecture at the Law School this April. He is also among the speakers at the small conference that will follow, "Law, Markets, and Social Equity," which will include faculty affiliated with the Center for New Political Economy as well as Consortium participants from the University of Tokyo and the University of Tel Aviv.

Guo Li, a junior faculty member at Beida whose interests are in economic and commercial financial law, will be the Law School's first Wang Visiting Assistant Professor, in 2008-09.

And Professor Riles will be the first Law School faculty member to be a visiting professor at Beida, in 2009.

All of those developments "will help us reimagine our society and world, which I find very exciting, invigorating, and empowering to think about," she says. ■

Women in Leadership Roles at Cornell Law School

SOME OF THE WOMEN LEADERS AMONG THIS YEAR'S STUDENT BODY INCLUDE (front row, left to right):

Jessica L. Felker '08, editor in chief of the *Journal of Law and Public Policy*; Kerry J. Begley '08, editor in chief of the *Cornell International Law Journal*; Jennifer E. Roberts '08, editor in chief of the *Cornell Law Review*; and (back row, left to right): Amanda J. Klopf '08, chancellor of the Moot Court Board; Victoria L. Bourke '09, copresident of the Ms. JD board; Heidi A. Guetschow '08, editor in chief of the *Legal Information Institute Bulletin*; Erin K. Wiley '09, copresident of the Ms. JD board; and Kristina T. Geraghty '09, president of the Women's Law Coalition.

by JUDITH PRATT

This year at Cornell Law School, women hold almost every leadership role. This includes all four journal editors in chief, the chancellor of the Moot Court Board, the president of the Cornell Law Association, and the chair of the Law School Advisory Council.

The leader of the Advisory Council is Marcia L. Goldstein '75, a partner at Weil, Gotshal, and Manges. "Women have always had a prominent role at Cornell," she says. "It's nice that some kind of change is happening, and that it's here at Cornell."

Women presently make up about 48 percent of Cornell law students, which is on the high side of the national average. In 1978, that average was only 25 percent. At Cornell Law School in the early 1970s, Ms. Goldstein recalls, "we were a distinct minority. Although I didn't feel discriminated against in any particular way, it was clear that women were not customary. But once I started my career, I worked hard and felt I had the same opportunities."

Today, however, only 17 percent of law firm partners are women, and that number has changed little over the past twenty years. Also, nearly a third of women associates leave firm law practice, compared to 20 percent of their male counterparts. Work-life balance was one of the top three reasons cited by both women and men for selecting their employer, and is an important issue cited when leaving firm practice. These statistics have convinced many law firms to come up with innovative ways to retain associates.

Katherine P. Ward Feld, M.B.A. '82/J.D. '83, who leads the Cornell Law Association, sees this as a positive trend. "Law firms should have family-friendly hours," she notes. Ms. Feld always gets home for dinner; then puts in a few hours afterwards. If you have a family, she says, "maybe you don't work for an investment bank and travel the globe 24/7, but there are opportunities."

Ms. Feld serves as vice president and corporate counsel for Prudential Financial. "I think that women should continue to feel confident that they can find jobs with a good work-life balance,"



"I'm incredibly happy that for a year we are all women. It's one of those things that make you smile—the way things have changed in the past thirty years," says Jessica L. Felker '08, editor in chief for the *Cornell Journal of Law and Public Policy*.

she says. "I have two children, and have always worked full time. And I wouldn't have done anything differently, not for a second."

Today's crop of Cornell Law School leaders has built on the success of lawyers like Ms. Feld and Ms. Goldstein, but they don't take those opportunities for granted. While all five of the interviewed students say that gender issues have been nonexistent for them at the Law School, their concerns about the profession vary.

Amanda J. Klopff '08, chancellor of the Moot Court Board, puts it this way: "I'm very lucky

that as I enter the field, firms are making a great effort to retain women. I don't feel like if I have a child, my career will end." Kerry J. Begley '08, editor in chief of the *Cornell International Law Journal*, adds that "being a woman in law school hasn't had an effect, and I'm very happy about that. After law school, I think that the work-life balance is not something just women need to worry about. Men will be working a lot of hours, too."

However, Jennifer E. Roberts '08, editor in chief of the *Cornell Law Review*, has some concerns. "Being a woman in law school is fine, but I don't know how it'll be when I'm jug-

gling work and children," she says. Heidi A. Guetschow '08, editor in chief of the *LII Bulletin*, notes, "It's tough to navigate the large number of roles women lawyers are expected to fulfill." But, she continues, "I consider myself lucky that the office I'm headed to has many female attorneys who seem to have figured things out, and I hope to learn from them."

Jessica L. Felker '08, editor in chief for the *Cornell Journal of Law and Public Policy*, compares her Cornell Law School experience with her time as an undergraduate at MIT. "None of the professors were women," she says. "In law school, there are more women professors. You can picture yourself through them, what life is going to be like as a lawyer."

While work-life balance and representation in firm leadership may remain concerns, seeing women in prominent roles at the Law School has become customary. "I'm incredibly happy that for a year we are all women," says Ms. Felker. "It's one of those things that make you smile—the way things have changed in the past thirty years." ■



LEFT to RIGHT:

Professor Taylor (left) with Swithin J. Munyantwali, executive director of the African Center for Legal Excellence in Uganda and Rwanda, discussing details of the Rwandan code project

Dean Zhu of Peking University Law School

Professor Hans autographing her new book

Faculty Team Provides Model Laws for Africa

In a project that may provide a model for East African countries, Cornell Law School professors Robert S. Summers, Muna B. Ndulo, and Winnie F. Taylor joined Don Wallace of Georgetown University Law Center in working pro bono to update a major portion of Rwanda's laws, some of which date back to the 1800s. A key meeting took place at the Law School on November 27 and 28, which included consultation with two Rwandan judges and other experts about how to best modernize Rwanda's code of contract law, which deals with sales and other commercial transactions. "The main thing was to have these participants from Africa tell us their view of their country's needs," says Professor Summers, the William G. McRoberts Professor of Research in the Administration of the Law and one of the principal participants in the project. "That way, we should be able to improve this code significantly."

Rwanda has a European-style civil law that Belgium had imposed as a colonial power. Now the Rwandan government is transitioning to more of a common law model, used in the United States and most of East Africa. A common law code—especially one specifically adapted to Rwanda's needs—will help the country increase trade and rebuild its economy, says Professor Ndulo, director of Cornell's Institute for African Development and a project adviser. "You can't have economic development without legal development to support it."

Rwanda's government enlisted the help of Professor Summers, who advised Russia and Egypt on revision of their civil laws and is coauthor of *The Uniform Commercial Code*, the leading treatise on the largest body of private law ever adopted in the United States and now cited in more than two thousand court

"There are other African countries hovering in the background watching this," Professor Summers says. "They are apparently eager to consider it for their own jurisdictions. This embryonic project could have a substantial impact beyond Rwanda."

cases. Professor Summers is co-drafting Rwanda's contract code with Professor Wallace of Georgetown University Law Center. They're modeling the new code on the Restatement of Contracts, which outlines the general principles of U.S. contract law. "There are other African countries hovering in the background watching this," Professor Summers says. "They are apparently eager to consider it for their own jurisdictions. This embryonic project could have a substantial impact beyond Rwanda."

Law School Initiates Exchange Program with Peking University Law School

In its first formal agreement with the premier law school in China, Cornell Law School will launch a student exchange program with Peking University beginning in the fall. The initiative represents the first exchange program developed between the Law School and a university in mainland China. "China is one



Cornell Students Study Abroad in Ever-Increasing Numbers



In a continuation of an upward trend of recent years, more than one-third of the Cornell Law School class of 2008 will have participated in a Cornell study or extern program abroad upon graduation—70 of 193 (36 percent). Of this number, almost one in five students will have spent a semester or more abroad—37 of 193 (19.2 percent). The Law School has three one- or two-year abroad dual degree programs and fifteen semester abroad partner schools. The most recent partnerships are with Peking University and Tel Aviv University.

of the most important legal systems in the world,” says Annelise Riles, director of Cornell’s Clarke Program in East Asian Law and Culture. “Its importance is only going to grow as its economy grows. The exchange program is going to give our students an opportunity to experience something they probably are going to need no matter what career path they go into.”

The program is the culmination of the growing ties between Cornell Law School and Peking University Law School, which has already resulted in two joint academic conferences held in Beijing in 2006 and 2007. Cornell will host the third joint conference, focusing on interdisciplinary approaches to law, in June.

Four students from each university will participate in the exchange program for one semester during each of the next three academic years. Cornell students will take courses in either English or Chinese, depending on their Chinese-language competence. In addition, a faculty member from Peking Uni-

versity will teach classes in Chinese corporate law at Cornell next year while Professor Riles will teach at Peking University in 2009-2010.

Peking University will become the fifteenth partner school around the world that has instituted student exchanges with Cornell Law School. “This has the potential to be one of our most significant exchange relationships because it is with the top law faculty in China,” says Larry S. Bush, executive director of the Law School’s Clarke Center for International and Comparative Legal Studies. “It is an opportunity for our students interested in Chinese legal studies to have access to the heart of the Chinese legal system.”

Judging the Jury: Does the American Jury System Work?

Americans may not join bowling leagues as often anymore, but one pillar of civil life still is quite strong: the jury. Every day, in every community across the nation, average citizens gather in courthouses to make decisions

about their fellow citizens in civil and criminal proceedings. But do juries work? Do they make decisions that are better than judges could make solely? Is the institution thriving or does it need to be improved?

Professor of law Valerie P. Hans addresses these questions, and many more, in her groundbreaking new survey of the field of jury studies, *American Juries: The Verdict*. She wrote the book with her longtime collaborator, Neil Vidmar, professor of law and psychology at Duke University. *American Juries: The Verdict* surveys the thirty-year-old field of jury studies. The authors summarize many studies and comment on jury reforms. In general, they find that the jury system is healthy.

“By and large,” says Professor Hans, “juries work very well for the system. They have a lot of purposes and functions that go beyond the finding of facts in any one particular case.” She notes that while juries may look like a wild card in the justice system, studies actually show they are usually predictable. “Quite a bit of their decision is determined by the case that the lawyers present to them. One of the key points of the book is that what seems like a wild card, in fact, follows rules. The strength of the evidence in the case will give you a good sense about what a jury is going to do.”

The one exception, Professor Hans notes, is in capital cases. It’s not clear that juries are the best way to decide to impose the death penalty, because of an inherent flaw in the system. People who oppose the death penalty are not allowed on capital juries. “The strength of the jury is a diversity in decision making, which makes for a very robust process,” says Professor Hans. “And you’re less likely to have that in a capital case because of the selection process.” Despite the fact that juries don’t function well for capital cases, Professors

Briefs

LEFT to RIGHT:

Sherry F. Colb

Michael C. Dorf

Laura S. Underkuffler



Hans and Vidmar still advocate using them, as they see no other alternative.

On February 11, the Law School celebrated the new book with a symposium, featuring Professors Hans and Vidmar. Commentators on hand at the celebration included Cyrus Mehri '88, founding partner of Mehri and Skalet, a class action and complex litigation firm in Washington, D.C.; Catherine M. Sharkey, professor of law at New York University Law School; and Jeffrey J. Rachlinski, professor of law at Cornell Law School. Mr. Mehri discussed what the book offers to the real-world practicing lawyer. Ms. Sharkey, an expert in torts, offered remarks about juries and their role in deciding damage awards. Professor Rachlinski, who holds both a J.D. and a Ph.D. in psychology, addressed the book's comparisons of judge and jury decision making, which in his view revealed some of the distinctive values of trial by jury. Professors Hans and Vidmar reflected on the ways in which contemporary juries face more challenges than juries in earlier times, and on the developments in jury scholarship that allowed them to present a rich portrait of the contemporary American jury system.

Clinic Will Protect Upstate New York's Small Investor

Small investors facing problems with securities investments have few places they can turn for help in upstate New York. "There are almost no lawyers in the area who both practice securities law and represent the public," says William A. Jacobson, associate clinical professor at Cornell Law School.

That's starting to change as Cornell Law School opens a Securities Law Clinic. The clinic started in January to provide legal services to small investors. "Bill Jacobson is a skilled

"The idea is to educate people, so that when they're approached to buy an illegal investment, they'll ask the right questions," says William A. Jacobson, the Securities Law Clinic director.

attorney with extensive experience in securities law," says Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law. "I am pleased that Cornell students will have such a valuable clinical opportunity in this field."

Services include evaluation of whether a client was sold an inappropriate security and legal representation if the claim requires arbitration. Public education is another focus, says Professor Jacobson, the clinic's director. "The idea is to educate people, so that when they're approached to buy an illegal investment, they'll ask the right questions."

At the same time, the clinic will give Cornell law students valuable hands-on experience interviewing potential clients, assessing their claims, preparing pleadings, and negotiating settlements. The clinic is part of a course in which students will study securities law and arbitration.

To set up an appointment with the Securities Law Clinic at Cornell Law School, potential clients can call (607) 254-8270 or visit the Securities Law Clinic's Web page at <http://www.lawschool.cornell.edu/academics/clinicalprogram/securities-law/index.cfm>.

Dean Schwab Continuing a Trend of Hiring Top Scholars

Cornell Law School announces three senior appointments to its faculty: Sherry F. Colb from Rutgers University, Newark; Michael C. Dorf from Columbia University (both of whom will start in fall 2008); and Laura S. Underkuffler, presently at Duke Law School, who will start at Cornell Law School on January 1, 2009. "Each of them is a superb scholar and dedicated teacher; collectively they will bring great excitement and energy to Cornell," says Dean Schwab.

Professor Colb, professor of law and Judge Frederick B. Lacey Scholar at Rutgers, has taught courses in criminal procedure, evidence, mental health law, and feminist legal studies. She has published articles in areas such as Fourth Amendment privacy, Fourteenth Amendment liberty from physical confinement, and the role of personal character in criminal culpability. Additionally, she is the author of *When Sex Counts: Making Babies and Making Law*, which analyzes a range of issues affecting women, both pregnant and non-pregnant, through a lens that highlights rather than obscures the role of pregnancy in reproduction.

Presently the Isidor and Seville Sulzbacher Professor of Law at Columbia, Professor Dorf's academic writing frequently brings insights from comparative, foreign, and international law to bear on questions of U.S. constitutional law. His latest book is *No Litmus Test: Law versus Politics in the Twenty-First Century*, a look at the U.S. Supreme Court from *Bush v. Gore* to the war in Iraq in which he defends the possibility of principled legal decision making against the attacks of both the Right and the Left.

Akio Komorida, director of the Institute of Social Science at the University of Tokyo and Hirokazu Miyazaki, associate director of Cornell University's East Asia Program, after the signing of the new agreement between Cornell University and the University of Tokyo



Professor Underkuffler, the Arthur Larson Distinguished Professor at Duke Law School, has published widely in the United States and abroad in the fields of property theory, constitutional law, and the role of moral decision making in law. Her book, *The Idea of Property: Its Meaning and Power*, discusses the nature of property as an idea and how that idea interfaces with competing public interests. Professor Underkuffler has been involved in international projects concerning property rights and regime change, and the problem of corruption and democratic governance.

"We are absolutely delighted to be joining the vibrant and extraordinarily collegial intellectual community you have built," wrote Professors Dorf and Colb in an e-mail to Dean Schwab. Professor Underkuffler reports that she is "looking forward to becoming a part of the outstanding human and scholarly community that makes Cornell the terrific place that it is." These new appointments follow the recent appointments of Cynthia Grant Bowman, Valerie P. Hans, and Chantal Thomas to senior faculty positions at the Law School.

Cross-cultural Research between Cornell and Tokyo

Scholars in Tokyo, Japan, and Ithaca, New York, are poised to work together on a unique form of cross-cultural research, thanks to an agreement between Cornell University and the University of Tokyo. Cornell Law School's Clarke Program in East Asian Law and Culture played a key role in setting up the agreement that was formally signed in December.

The East Asia Program at Cornell will partner with the Institute of Social Science at the University of Tokyo to create a network of scholars that will sponsor joint research, con-

ferences, and short- and long-term faculty exchanges tied to workshops in Ithaca and Tokyo. Its initial focus will be on law, labor, and the economy, and publishing the resulting research in both countries.

Until now, most U.S./Japan collaboration in the social sciences has focused on Japan studies. But the agreement aims to help scholars reach beyond that familiar territory, says Hiro Miyazaki, interim director of the East Asia Program. "We'd like to start a much broader, more general conversation about how to build models for international collaboration in the social sciences."

The network's first conference, "New Forms of Equality and Inequality in the Labor Markets," will take place at the University of Tokyo on October 14 and 15 and will be sponsored by the Clarke Program in East Asian Law and Culture. The University of Tokyo's Institute for Social Science is home to a range of scholars, from philosophers to economists to sociologists. Its lawyers take an interdisciplinary approach to pressing social problems, such as questions of labor and employment law and constitutional law reform. "That's quite unusual—and exciting," says Clarke Program director Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies. "It's what makes them a good fit for partnering with our law faculty, because our Law School is so interdisciplinary. Like many top American law schools, we think of law as a tool for addressing social problems—and that's the approach that the institute takes."

Taiwan's Prosecutors-in-training Coming to Cornell

For the first time, Cornell Law School will formally host two scholars from Taiwan, linking the Law School to a nation undergoing

groundbreaking judicial changes. "The legal system in Taiwan at this moment is at a fascinating crossroads," says Annelise Riles, director of Cornell Law School's Clarke Program in East Asian Law and Culture. "Their supreme court has issued a number of very interesting rulings on matters of constitutional rights and election law. The judiciary is increasingly recognized for its independence. And most relevant to this exchange, there have been important procedural reforms regarding the rights of the accused in the criminal justice system. These legal reforms are being eyed as a model throughout Asia."

The scholars are prosecutors-in-training at the Taiwanese Ministry of Justice's Judicial and Prosecutorial Training Institute, a highly prestigious institution that prepares those who have passed Taiwan's grueling bar examination for careers as judges or prosecutors. They will spend one academic year at Cornell Law School beginning in the fall. During their stay, they will conduct legal research, present lectures, take courses, and participate in scholarly workshops with faculty and students. The program will continue for two years and then will be evaluated for possible renewal. It is the first time Cornell Law School has instituted a formal international program for prosecutors to study at the university.

Cornell is one of four American universities—along with Yale, Harvard, and New York University as well as institutions in London and Tokyo—at which prosecutors-in-training will study, thanks to an agreement with Taiwan's Ministry of Justice. Larry S. Bush, executive director of the Law School's Clarke Center for International and Comparative Legal Studies, says the visiting prosecutors will provide several benefits for the Law School. "We will have an institutional tie with the Ministry of Justice in Taiwan, which is the highest level in

Briefs

LEFT to RIGHT:

ASCL participants enjoy a discussion about comparative law

Winnie F. Taylor



their law enforcement system. It will bring professional prosecutors from Taiwan to the Law School, where they can interact with both students and faculty. It simply opens a door to the legal community in Taiwan for us."

Scholars Study Law around the World during Annual Meeting of the ASCL

Legal systems and practices vary among and within societies. Every country has its own normative order, and the ideas contained within tell a tremendous amount about its culture, values, and priorities. Approached from another direction, culture (broadly conceived) and ways of thinking (*mentalités*) by legal professionals shape how legal institutions are situated within their social contexts. Law and culture are intertwined. Moreover, legal systems are dynamic, interacting and influencing each other all over the world. It's a rich topic for study, as was seen in the discussions that took place during the annual meeting of the American Society of Comparative Law (ASCL) at Cornell Law School.

On November 8, 9, and 10, Cornell Law School hosted the ASCL's annual meeting with a companion conference addressing comparative law and culture. More than 130 top international scholars gathered to discuss how a cross-cultural analysis of law and legal practices can deepen understanding of wide-ranging legal questions. Co-organized by Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies, director of the Clarke Program in East Asian Law and Culture, and professor of anthropology; and Mitchel Lasser, the Jack G. Clarke Professor of Law, the conference fittingly culminated in a tribute to two tireless advocates of the study of comparative law at Cornell Law School: Jack G. Clarke, LL.B. '52, and John J. Barceló, the William Nelson

Cromwell Professor of International and Comparative Law and Elizabeth and Arthur Reich Director of the Berger International Legal Studies Program. Cornell Law School deeply appreciates the visionary work of Jack Clarke and Jack Barceló, whose respective efforts have shaped much of Cornell graduates' thinking and careers. This conference was an exceptional occasion to honor two of the Law School's most distinguished members.

The conference also lent a unique flavor to the ASCL annual meeting. "Participants engaged in a dynamic, interdisciplinary approach to comparative law that evolved and deepened over the course of the two days of study," says Professor Riles. She notes that it was particularly appropriate for Cornell Law School to host the conference because one of the preeminent scholars of comparative law, Rudolph Schlesinger, spent a significant part of his career at the Law School. "Many participants commented that Professor Schlesinger likely would have appreciated how dramatically the study of comparative law has evolved since his pioneering scholarship," says Professor Riles. This year's presented papers sparked vibrant discussion of how culture affects questions across the legal spectrum, from globalization to regional integration processes, from the genocide in Darfur to American relations with Iran, revealing insights from the variability of economics' influence on law, to the idea that a formalistic approach to law may not be an apt tool for embracing legal phenomena in the globalized world.

Professor Riles praised the invigorating intellectual spirit that the conference generated among its participants and is enthusiastic about the possibilities that comparative legal scholars' engagement with a cultural approach to the law may bring to the field: "The quality

More than 130 top international scholars gathered at Cornell Law School to discuss how a cross-cultural analysis of law and legal practices can deepen understanding of wide-ranging legal questions.

of the papers was extremely high. The discussions following the presentations were particularly animated and consequential. All in all, one had the sense of a kind of renaissance in the field, with new questions, new approaches, and new topics at the forefront. It was an exciting moment, and I am proud that Cornell could play a role in bringing the discipline together in this way."

Asian Law Research Workshop at the Law Library

On November 11, a special Law Library workshop on Chinese, Japanese, and Korean (CJK) legal research was held in conjunction with the American Society of Comparative Law (ASCL) annual conference held at Cornell Law School. About forty scholars attended presentations by Bill McCloy and Rob Britt, experts in East Asian law at the University of Washington Law Library. The speakers discussed online legal resources in the original languages and in English translations, including free and fee-based resources.

LEFT to RIGHT:

Professors Liivak,
Jacobson, and Kang



PowerPoint slides and handouts prepared by the speakers will provide welcome assistance in conducting CJK research. The workshop was organized by Thomas W. Mills, research attorney and lecturer in law at the Law Library, and Beth S. Katzoff, head of public services at Kroch Library's Asia Collections. It was sponsored by the Law Library Bitner Fund, the Clarke Program in East Asian Law and Culture, and Cornell University Library.

The Legacy of Martin Luther King Jr. by Professor Taylor

As the recent controversy over Hillary Clinton's remarks about Martin Luther King Jr. show, he is still a powerful symbol for Americans and his ideas have great relevance today. On Monday, January 21, Cornell Law School commemorated Martin Luther King Jr. Day with a talk by professor of law Winnie F. Taylor about the history of the civil rights movement led by Dr. King, the Cornell University connection to this movement, and the unfinished business left for the lawyers of tomorrow in his legacy.

During her talk, Professor Taylor focused on the role of lawyers in the civil rights movement. "I discussed," she said, "how lawyers can advance the causes about which Dr. King felt so passionate, and how we should pursue humanistic interests as our primary objective." Professor Taylor also talked about ways Dr. King's life and ideas will challenge lawyers.

Professor Taylor is the first African American woman to be a tenured professor at Cornell Law School. Her path to professorship began with a girlhood in segregated schools in Louisiana and included degrees from Grambling State University, State University of New York at Buffalo, and University of Wisconsin Law School.

"Professor Winnie Taylor is an especially appropriate speaker for this event," says Anne Lukingbeal, associate dean and dean of students. "The success that she has achieved in her own life is reflective of the goals and dreams of Martin Luther King."

Cornell Law School Adds Specialists in Patent Law and Securities

Cornell Law School's faculty has been greatly enriched this year by two new professors who bring significant and timely real-world experience to the school. Oskar Liivak, a specialist in biotechnology patent law who is also a scientist, brings his expertise to students who are interested in exploring this quickly growing legal field. William A. Jacobson, a skilled securities litigator specializing in the rights of small public investors, joins at a time when the welfare of those investors is particularly precarious.

Oskar Liivak, who was a visiting professor last year, now joins the faculty as an assistant professor of law. Professor Liivak researches patent law, focusing on the dynamic field of biotechnology. "Cornell is particularly suited for this type of research," he says, "because of the immense depth found in both the Law School and in Cornell's research departments. On all manner of legal questions, I have greatly benefited from the support and advice of my Law School colleagues. Similarly, when faced with a scientific question, experts can be found just a short walk across campus."

Professor Liivak is uniquely qualified for his field, holding not only a Ph.D. in physics from Cornell University, but also a J.D. from Yale Law School. He has worked as a post-doctoral scientist for the Quantum Information Group at IBM's Almaden Research Center in San Jose, California; as a patent agent in the Boston

office of Fish and Richardson; and as a law clerk to Judge Sharon Prost on the U.S. Court of Appeals for the Federal Circuit. At the Law School, he will teach a course on patent law and trade secrets and a course on copyright.

William A. Jacobson has joined the permanent faculty as associate clinical professor of law and director of the Securities Law Clinic [see page 22]. While directing the clinic, which will teach students to advocate for the rights of individual investors, Professor Jacobson will draw upon his many years of experience in securities litigation. "The Securities Law Clinic," he says, "will provide students with a unique real-world opportunity to explore the legal and investment challenges facing small public investors. Students will learn the skills necessary to evaluate investment fraud, to put the problems facing investors in a legal context, and to put those skills to the test in representing investors who have been harmed."

Visiting Law School Professors Teach Election Law, Chinese Law, and Transnational Law

Each year, professors from law schools all over the world visit Cornell to offer courses. Visiting professors to Cornell Law School in spring 2008 help deepen the Law School's interests and offerings in essential concerns of the faculty. Several visitors specialize in the social sciences, while others address transnational law, Chinese law, and election law. Together, they offer students a rare chance to learn from outside experts.

At a timely moment when the United States is in the midst of an especially interesting presidential election and questions of voting machines and voter I.D. legislation are hot topics, **Michael S. Kang** of Emory University School of Law visits to present a course in

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LEFT to RIGHT:

Professors Nickel,
Feigenson,
and Blumenthal



election law. It is the first time this course has been taught at Cornell Law School. "Election law is a fascinating cutting-edge field at the intersection of law and politics that I think students appreciate," says Professor Kang. "Those who take the class get a great deal out of it. The material almost teaches itself, because it's so rich, timely, and interesting." Professor Kang is widely published, with work appearing in the *University of California* in Los Angeles, *Iowa*, *George Washington*, *Washington University*, and *University of Chicago* law reviews. He has a J.D. from the University of Chicago Law School and expects to receive a Ph.D. in government from Harvard University later this year.

Rainer Nickel, a German expert in transnational law, is serving as a visiting assistant professor of law and as the Schlesinger fellow. Professor Nickel, who is an associate professor teaching German and European public and constitutional law at the University of Frankfurt, will teach courses on comparative law and transnational constitutionalism while at Cornell. "Cornell is a very good place for me to visit," says Professor Nickel, "because the Law School is open to transnational thinking. A number of the scholars are creative and publish in this field, including Mitchel Lasser, Annelise Riles, and Chantal Thomas." He is also working on finishing a book on European administrative and governance law titled *Participatory Governance in the EU—New Legal Benchmarks for the New European Legal Order*, writing a long article about international courts networking to develop transnational constitutionalism, and hopes to be able to enjoy some cross-country skiing near his temporary home in Trumansburg. Professor Nickel has practiced law in Germany and New York City, and has taught in Germany, Italy, and Florida.

Neal Feigenson, who is a professor of law at Quinnipiac University School of Law, will join the faculty to teach evidence and civil procedure. In his academic work, Feigenson investigates how social and cognitive psychology apply to legal decision making, especially to judgments of responsibility for accidents, and the role of visual communication and rhetoric in law. "In addition to working with great students," he says, "I'm looking forward to exchanging ideas with faculty, including those who do work in law and psychology and other areas of empirical legal studies." Professor Feigenson is the author of *Legal Blame: How Jurors Think and Talk about Accidents* and has taught previously at New York University Law School, the University of Chicago Law School, and the University of Connecticut School of Law.

Jeremy A. Blumenthal, a law professor from Syracuse University, is a researcher in law and psychology who is teaching first year criminal law. His skills in the social sciences complement a department that already has quite a bit of depth in this area. He's pleased to be interacting with such talented colleagues, and also to be teaching students of such a high caliber. "I'm very impressed with the students," he says. "I came in with high expectations and they have all met them so far. What's nice is their willingness to open up and talk. Students are thinking about the material and bringing in their own insights." Professor Blumenthal has also taught at the Seton Hall School of Law. He has a J.D. from the University of Pennsylvania Law School and a Ph.D. in social psychology from Harvard University.

Walter G. Bubl  is spending his second year as a visiting assistant clinical professor of law in the Lawyering Program, where he teaches lawyering. In the course, he emphasizes rigorous analysis and organized writing. "I

ask my students to present complex legal concepts in a logical, step-by-step manner that a reasonably bright, legally trained person can understand," says Professor Bubl . "At the end of this course, I expect the students to be able to examine a problem for the first time, find the law that resolves the problem, and write about it in a concise, nuanced way." Professor Bubl  received his B.A. in 1979 and M.A. in sociology in 1991 from Fordham University, and his J.D. from Cornell Law School in 1999. In 2006, he served as an academic support counselor at the Law School.

A visiting professor from Tsinghua University in China, **Zhiyuan Cui** is spending his second spring in Ithaca as a visiting professor of law. His presence enriches the already strong Cornell Law School connection with China. Professor Cui will teach a course in Chinese legal systems and a seminar titled "Law and Economics Meets Radical Imagination." "Both courses try to go beyond both western centralism and cultural relativism in our effort to understand the rule of law and in implementing legal-institutional reform," says Professor Cui. Since 2004, he has been a professor in the School of Public Policy and Management at Tsinghua University. Previously, he taught at the Institute for Advanced Study in Berlin, Germany; Harvard Law School; the East Asian Institute at the National University of Singapore; and the Massachusetts Institute of Technology. Professor Cui received his M.A. and Ph.D. degrees in political science from the University of Chicago and his B.S. in math from the National University of Defense Technology in China.

Alumni Present Real-life Experiences to Dean's Class

Each week in the fall semester, law and M.B.A. students enrolled in Dean Schwab's

LEFT to RIGHT:

Professors Publé
and Cui

Robert B. Diener '82
and David S. Litman '82
with Dean Schwab



Law and M.B.A. students enrolled in Dean Schwab's innovative "Law and Ethics of Business Practice" seminar get a rare chance to meet Cornell faculty and alumni speakers who have achieved significant success in the business law world. These distinguished guests present a wide range of real-life business law problems for students to analyze and discuss, helping them hone their business ethics skills in preparation for their upcoming careers.

innovative "Law and Ethics of Business Practice" seminar get a rare chance to meet Cornell faculty and alumni speakers who have achieved significant success in the business law world. These distinguished guests present a wide range of real-life business law problems for students to analyze and discuss, helping them hone their business ethics skills in preparation for their upcoming careers. And the students get valuable experience talking across their disciplines.

On August 27, the course began by featuring law professor **W. Bradley Wendel**, an expert on applying moral and political philosophy to problems of legal ethics. Professor Wendel teaches courses on regulating the legal profession and torts. He joined Cornell Law School in 2004. Previously, he taught at Washington and Lee Law School from 1999 to 2004. Before entering graduate school and law teaching, he was a product liability litigator at Bogle and Gates in Seattle and a law clerk for judge Andrew J. Kleinfeld on the U.S. Court of Appeals for the Ninth Circuit. Professor Wendel has degrees from Columbia University Law School, Duke University Law School, and Rice University.

September's first visitor was **Jeffery H. Boyd '81**, who took time out from serving as the president and chief executive officer of Priceline.com to address the class. Priceline.com is an innovative Internet-based service offering travel, personal finance, automotive, and telecommunications products. Mr. Boyd joined Priceline.com in 2000 and has risen quickly through the ranks, serving as executive vice president and general counsel and chief operating officer. Previously, he held positions at Oxford Health Plans; Lord, Abbett and Company; Robinson and Cole; and Sullivan and Cromwell.

On September 17, **Robert B. Diener '82** and **David S. Litman '82**, cofounders of Hotels.com and Consumerclub.com, spoke to the class. The two friends, who have been in business together since 1984, founded one of the most viable and profitable online travel services, Hotels.com. The Internet hotel reservations service based in Dallas, now a subsidiary of Expedia.com, generated nearly \$1 billion in revenue last year and employs 1,200 people. Currently, they are focusing on Consumerclub.com, an online business that offers deals to consumers while offering another way for retailers to market their products.

Later in September, **Raymond J. Minella '74**, managing director and head of healthcare investment banking for Jefferies and Company, met with the students. Since 2002, Mr. Minella has worked for the company, which is the principal operating subsidiary of Jefferies Group, Inc., a full-service investment bank and institutional securities firm employing more than 1,200 people worldwide. Previously, he was chair of Berenson Minella and Company, a Wall Street investment-banking firm. He began his career with Merrill Lynch, where he participated in virtually every leveraged transaction in which Merrill Lynch was involved from 1985 to 1990. With total transaction values exceeding \$100 billion, he has worked on some of the largest and most complicated transactions, including those for RJR Nabisco, Viacom, Time Warner, Borg Warner, GAF, and the IPO Liz Claiborne.

On October 1, the class enjoyed a visit from **Thomas A. Russo, J.D./M.B.A. '69**, executive vice president and general counsel of Lehman Brothers, a long-standing global finance corporation. Mr. Russo joined the firm in 1993 and supervises its corporate advisory division and serves as counsel to its executive committee. Previously, he was a partner at Cadwalader, Wickersham and Taft; director of the division of trading and markets for the Commodity Futures Trading Commission; and an attorney in the division of market regulation of the Securities and Exchange Commission. He has written many articles and textbooks in his field and is a member of numerous advisory boards.

The guest on October 15 was **Robert F. Mancuso '73**, founder of the Dellacorte Group. The Dellacorte Group is a middle-market private equity and financial advisory firm. Mr. Mancuso has twenty-three years of experience in investment banking. He was the first

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LEFT to RIGHT:

Craig B. Klosk '84

Franci J. Blassberg '77
talking with a student after
the Dean's class

Judge Richard C. Wesley '74

Stephen Goldstein



president and chief executive officer of Merrill Lynch Capital Partners and the founder and managing partner of Mancuso and Company. He has led fourteen leveraged buyout transactions ranging in size from \$60 million to \$2.2 billion, involving more than \$7.5 billion in financing. Mr. Mancuso has served on the board of directors of companies including Pathmark Supermarkets, Dictaphone Corporation, and Denny's Restaurants.

Craig B. Klosk '84 joined the class on October 17. Mr. Klosk cofounded the Wicks Group in 1989 and now is the managing partner, where he focuses on financing. He serves on the board of directors for all of its operating companies. The Wicks Group is a private equity firm specializing in communications, media, and information companies. Previously, Mr. Klosk was an attorney with Paul, Weiss, Rifkind, Wharton, and Garrison.

On November 5, Dean Schwab welcomed back **Marcia L. Goldstein '75**. Ms. Goldstein is a partner at Weil, Gotshal, and Manges in New York City, where she co-chairs the business, finance, and restructuring department and is a member of the management committee. Weil, Gotshal, and Manges provides international legal services and has more than 1,200 lawyers worldwide. Ms. Goldstein has been with the firm for more than thirty years, specializing in domestic and international debt restructuring, crisis management, and corporate governance. Her clients have included WorldCom, Inc., Euro-tunnel, Atkins Nutritionals, Regal Cinemas, and many others. She has been a lecturer at Yale Law School and Columbia Law School. Currently, she chairs the Cornell Law School's Advisory Council and is a member of the Dean's Special Leadership Committee.

Students suffering World Series withdrawal were happy to meet **Robert A. DuPuy '73**, president and chief operating officer of Major League Baseball, who visited the class on November 19. Since 2002, Mr. DuPuy has been responsible for all aspects of Major League Baseball. He's been involved with the organization since 1989, when he was brought in as outside legal counsel. Over the years, he has helped settle grievances and consolidate operations. Previously, Mr. DuPuy worked for Foley and Lardner and taught at Northwestern Law School, the University of Wisconsin Law School, Marquette University Law School, and the National Institute of Trial Advocacy.

Franci J. Blassberg '77, a partner with Debevoise and Plimpton of New York City, returned to the Law School as Dean Schwab's guest on November 12. The *American Lawyer* named Ms. Blassberg "Dealmaker of the Year" in 2006, recognizing her role in leading the \$15 billion Hertz acquisition. It's only one of many honors she's received in her twenty-five year career at Debevoise and Plimpton, a private equity law firm. Ms. Blassberg co-chairs the firm's private equity group, is a member of the mergers and acquisitions group, and edits several publications for the firm. Ms. Blassberg co-chairs the annual Advanced ALI-ABA Course of Study on Corporate Mergers and Acquisitions sponsored by the American Law Institute-American Bar Association Committee on Continuing Professional Education.

On November 26, **Stuart J. Hendel '83**, global head of prime brokerage for Morgan Stanley, joined the class discussion. At Morgan Stanley, a global financial services firm, Mr. Hendel is responsible for the equities and fixed income divisions. Mr. Hendel began at Morgan Stanley in 1989 and has held a number of senior management positions there.

He took a leave from the firm in 2004 to 2006 to serve as chief operating officer of Eton Park.

Professor Emeritus Kent Honored at Boston

Robert B. Kent, who taught at Cornell Law School from 1981 to 1992, was honored in May 2007 at the Boston University School of Law with a professorship named after him. Professor Kent taught at the Boston University School of Law for thirty years before he came to Cornell Law School. The Robert B. Kent Chair in Civil Procedure was endowed by his former student Richard C. Godfrey, who is a partner at Chicago's Kirkland and Ellis. The chair will provide full research and salary support for a professor.

"Professor Kent is both a treasured alumnus of B.U. Law and a former professor who influenced generations of students," says Maureen A. O'Rourke, dean of the Boston University School of Law. "Professor Kent particularly influenced students through his teaching of civil procedure, and he helped to produce a generation of lawyers with great respect for both the power and the limits of the judicial process."

During his highly esteemed career, Professor Kent also taught at Harvard Law School, Roger Williams University School of Law, Trinity College at the University of Cambridge, University of London, University of Oxford, and University of Zambia. He is an expert in alternative dispute resolution, civil procedure, conflict of laws, constitutional law, federal courts, and international litigation. He has degrees from Harvard College, Boston University School of Law, and Roger Williams University School of Law.



Judge Richard C. Wesley '74 Visits Contracts

On October 22, Richard C. Wesley '74 visited the Law School as a guest lecturer in Robert S. Summers's contracts class. There he shared interesting reflections on hearing and deciding contracts appeals. In response to questions, he also commented on some of the common mistakes inexperienced lawyers sometimes make when arguing an appeal: failure to reach the really hard problem in the case early enough, taking too much for granted about how the key issue should be defined, and not devoting enough time to the strongest point that opposing counsel has.

When deliberating on a case, Judge Wesley said he often considers the reasons on both sides of an issue with a special eye for "which reasons can translate into the best rule." In the drafting of opinions, he said he and his clerks place great emphasis on what he called careful and precise "wordsmithing." He also emphasized the great assistance that his law clerks provide when he is deciding how to resolve issues and when doing related research. He was emphatic that one of the "best things about being an appellate judge" is the regular flow of young clerks through his office. He remarked that he gets phone calls regularly from former clerks updating him on what they are doing or asking advice.

Judge Wesley practiced with Harris, Beach, and Wilcox and with Streb, Porter, Meyer, and Wesley. He served in the New York State Assembly for the 136th Assembly District, and while there, sponsored several significant legislative measures. In 1986, he was elected to a fourteen-year term as a justice of the New York Supreme Court. From 1991 for several years, he served as the supervising judge of the Criminal Courts in the Seventh Judicial

When deliberating on a case, Judge Wesley said he often considers the reasons on both sides of an issue with a special eye for "which reasons can translate into the best rule."

District where he supervised the operation of over 280 criminal courts in an eight-county area. In 1994, Governor Cuomo appointed Judge Wesley to the Appellate Division of the New York Supreme Court for the Fourth Department. In 1996, Governor Pataki appointed him to the New York Court of Appeals. In 2003, President Bush appointed him to the U.S. Court of Appeals for the Second Circuit where he now sits. He also serves on the Cornell University Council and the Cornell Law School Advisory Council. He has received numerous honors and awards for his distinguished public service.

Goldstein Returns to Teaching at Cornell Law School

For three weeks during the fall semester, Stephen Goldstein was again a visiting professor at Cornell Law School. During his visit, he taught a two-hour session each week for three weeks in Robert S. Summers's seminar on jurisprudence and legal theory.

He addressed several general jurisprudential issues of a procedural nature, with comparative focus on major differences between common law and civil law systems. Among

the major themes were: the differing litigiousness of various legal systems and the possible explanations; the nature and importance of procedural justice, mainly in civil cases, and how it differs from other ends; goals that common law and civil law procedure in civil cases have in common; possible conflicts between procedural justice and other goals such as dispute resolution; trends of legal systems in encouraging settlements; the special problems that arise in different systems when presiding judges at trial seek to induce settlement of civil disputes; the different roles of principles and of legal rules in common law and in civil law procedure in civil cases; the appropriate bearing of constitutional norms; and the general features that an ideal procedural system would have.

At Cornell Law School, Professor Goldstein has served as an adjunct professor for a number of years including, in 2004, as the Marc Goldberg Distinguished Visiting Professor. When not at Cornell, Professor Goldstein is the Edward S. Silver Professor of Civil Procedure, Emeritus, in the Faculty of Law at the Hebrew University of Jerusalem (1976 to 2004), where he also served as dean for three years. Professor Goldstein is expected to return to Cornell this fall to teach in the same capacity in Professor Summers's seminar on jurisprudence and legal theory. He hopes to do so because, as he puts it, he much enjoys this association with Professor Summers and the students in the seminar and he believes he has learned a lot in what he describes as an exciting atmosphere.

Telling the Story: Death Penalty Advocates Study the Art of Narrative

Truth is in the telling, so the saying goes. When a litigator stands before a court or writes a brief to appeal a death penalty con-



Barry Latzer

viction, he or she is also telling a story—and the way he or she tells the story can reveal unknown factors and shape opinions. John H. Blume, director of the Cornell Death Penalty Project, knows this well. That’s why he organized, along with Anthony G. Amsterdam of New York University Law School, “The Persuasion Institute: Advanced Training Program Workshop in Narrative Construction for Postconviction Litigators.” The workshop, which was sponsored by the Administrative Office of the U.S. Courts Office of Defender Services and Habeas Assistance and Training Program, took place at Cornell Law School on September 28 through 30.

“What made this program special is that it brought together academics, professional writers, and capital defense attorneys in a small intimate setting to discuss narrative techniques and strategies which can be used by lawyers for death sentenced inmates to craft more persuasive pleadings,” says Professor Blume.

During the conference, participants learned how to use narrative techniques (such as plot, character, and scene) in order to enhance their legal writing. They discussed novels, newspaper articles, and legal briefs about death penalty appeals in order to learn how to better tell their own clients’ stories.

“The idea of looking at each of my cases as containing a compelling story was not new,” says lawyer Dennis Balske from Portland, Oregon, who attended the conference. “However, providing us with the tools to tell the compelling story more effectively was terrific. I’ve already benefited from the process. On my flight home to Portland, I re-analyzed the story I am telling in one of my briefs and came up with a whole new subplot that will hopefully better demonstrate the ‘villain’s’ treachery against my client.”

More information about the Cornell Law School’s Death Penalty Project can be found at <http://library2.lawschool.cornell.edu/death>.

A Debate on Racism in Capital Cases

The issue of whether racism influences death penalty cases generated a lively debate between Barry Latzer, a professor at the John Jay College of Criminal Justice, and Sheri Lynn Johnson, professor of law and assistant director of the Cornell Death Penalty Project, at Cornell Law School on November 8.

Professor Latzer, author of *Death Penalty Cases* (Butterworth-Heinemann, 2002), asserts that the death penalty has a greater impact on black defendants because of the high black murder rate, which is seven times the rate for whites. But he argues, “There is no sufficient proof of systematic racial bias in death penalty cases.” He suggests that there are fewer death sentences for murderers of black victims because of an increase in the number of black jurors, who tend to reflect attitudes of the larger black community, which does not show strong support for capital punishment. Since only 38 percent of blacks favor capital punishment, Professor Latzer says, black jurors are less likely to impose the death penalty.

But Professor Johnson, an expert on the interface of race in criminal procedure, argues that racism is still a prevalent force in death penalty cases. She points out that anecdotal evidence, such as racist comments made by jurors, and the racial stereotypes that affect them, explain why jurors tend to impose the death penalty less frequently when the victim is black. “Most people would contend those images permeate our culture so much that most if not all of us are influenced by them,” Professor Johnson says.

The presentation was co-sponsored by The Federalist Society for Law and Public Policy, a

Professor Johnson, an expert on the interface of race in criminal procedure, argues that racism is still a prevalent force in death penalty cases.

student group that supports conservative and libertarian principles. Craig D. Minerva ’08, a third-year law student who is the society’s president, says Mr. Latzer “provided a point of view that otherwise would have not been represented if we had not brought him here.” Other co-sponsors of the event included the Law School and the Graduate and Professional Student Assembly Finance Commission.

Killers for Hire: Law Students Investigate Mercenary Armies

During a week when unjustified killings of innocent civilians by military contractors in Iraq led headlines, Cornell law students organized a panel about the legal issues surrounding the U.S. government’s use of private military companies in Iraq, Afghanistan, and New Orleans. The keynote event of “Military Contractor Awareness Week,” organized by the Cornell chapter of the National Lawyers Guild (NLG) and attended by over ninety people, was a panel discussion on “Killers for Hire: An Investigation of Mercenary Armies” that took place in Myron Taylor Hall on November 13.

“Democracy and human rights do not gel with private armies available to the highest bidder,” says Michael J. W. Siegel ’09, president of the

LEFT to RIGHT:

Panelists discussing killers for hire included: James L. Saeli '10, Air Force veteran; Matthew A. Evangelista, director of Cornell's Peace Studies Program and professor of government; Montse Ferrer '09, research assistant to Vice Provost Wippman; Judith V. Reppy, Cornell professor of science and technology studies; and David Wippman, Cornell's vice provost for international relations and professor of law.



Cornell chapter of NLG. "Private military companies allow governments to wage war without the accountability inherent in operating a professional army."

Event speakers included Cornell's vice provost for international relations, David Wippman, and faculty members Matthew A. Evangelista and Judith V. Reppy. Montse Ferrer '09 and James L. Saeli '10, a veteran of the U.S. war in Afghanistan, were the student speakers. The event was also sponsored by Cornell Advocates for Human Rights, the Military Law Task Force of the National Lawyers Guild, the *Bully Pulpit*, the Watermargin Cooperative, Cornell Law Student Association, and Cornell's Graduate and Professional Student Assembly Finance Commission.

Religion, Government, and Reproductive Justice

On February 11, Lori Lipman Brown was a guest speaker for the Cornell Law Students for Separation of Church and State (CLSSCS) and the Cornell Law Students for Reproductive Justice (CLSRJ). As an active congressional lobbyist and a leading advocate in the politics of church-state separation for the Secular Coalition for America, Ms. Lipman Brown's past and current work make her an ideal speaker for both of these groups. A former private practice lawyer, she taught constitutional law, American history, and education law for the University of Phoenix, and women's studies for the University of Nevada, Las Vegas. During her visit, Ms. Lipman Brown discussed major issues involving the relationships between government, religion, and reproductive justice.

While Ms. Lipman Brown was only here for the one evening, CLSSCS and CLSRJ are here to stay. CLSSCS is the brainchild of first-

year law student Jonathan B. Stroble '10, who sought to create a group that could discuss the dynamic interactions between government and religion. The group began as the Cornell Law Advocates for Secular Humanism (CLASH), but as the goals of the group became more focused, the name was changed and the catchy CLASH acronym lost (at least for administrative purposes). CLSSCS strives to promote awareness of current issues involving religion and public policy and to advocate policies that reflect and reinforce the importance of a "wall of separation" between church and state. The group is extremely happy to be hosting their first speaker, Ms. Lipman Brown, and to be sharing the evening with CLSRJ.

CLSRJ is a chapter of the Law Students for Reproductive Justice (LSRJ)—a national non-profit network of law students and lawyers that educates, organizes, and supports law students to ensure that a new generation of advocates will be prepared to protect and expand reproductive rights as basic civil and human rights. CLSRJ aims to bring LSRJ goals to Cornell and spread awareness of reproductive justice not only amongst the Law School community, but also to the Cornell community at large. Last semester the group successfully hosted law professor Cynthia Grant Bowman who led a discussion about the major issues in the Reproductive Justice movement including access to contraception, abortion, fetal protection, surrogate motherhood, and reproductive technology.

Hess Joins Career Services

Suzanne C. Hess '04 is the new assistant director of Cornell Law School's career services. Ms. Hess, who just earned her master's degree in higher education administration from the University of Rochester, will



The final round of this year's Winter Cup Moot Court Competition was won by James P. Rogers '08 [with trophy above], arguing before Hon. A. Wallace Tashima, U.S. Court of Appeals, Ninth Circuit; Hon. Peter W. Hall '77, U.S. Court of Appeals, Second Circuit; and Hon. Richard D. Cudahy, U.S. Court of Appeals, Seventh Circuit. John R. Mills '08 [see profile on page 58] was the tournament finalist. Derrick F. Moore '07 [not pictured] was the winner of the best brief award. The judges commented afterwards how well-argued the competition was by both participants.

guide students as they seek jobs. She helps students develop a search strategy, reviews materials with them, and conducts mock interviews. She will also host employer receptions and organize career education.

"I am so pleased to be joining the Law School staff because I feel tremendous pride in the legal education I received from Cornell," says Ms. Hess. "It sincerely feels like a privilege to be able to return here in a professional capacity."

From 2004 to 2006, Ms. Hess was a litigation associate with Willkie Farr and Gallagher in New York City. In 2002, she was a judicial intern for Hon. Jonathan Feldman of the U.S. District Court in Rochester. While a student at Cornell Law School, she was associate and articles editor of the *Journal of Law and Public Policy*. She earned a B.A. in English from Haverford College in 2001.

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

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

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

Now it also offers the LII's Title 26.

"LII's version of the U.S. Code is hugely popular, highly ranked in Google, and one of the things we're proudest of," says Mr. Bruce. "But this was the first time we were ever directly approached by a U.S. agency requesting pub-

While the Government Printing Office (GPO) also makes the U.S. Tax Code available online, it is a slow read. The LII version is not only more readable, but also provides a table of recent updates to the law and a link to the GPO site; its materials can be easily downloaded or printed.

lished data for redistribution on such a large scale," continued Mr. Bruce. "We have a long history of use by federal agencies and a strong tradition of outreach, but this was something new." The six staff members at the LII are pretty knowledgeable when it comes to fielding queries for information on their Web site. After all, the institute has an international reputation as a leading provider of free, user-friendly public legal information on everything from divorce settlements to off-shore corporate tax codes. In fact the LII Web site accounts for 25 percent of all Cornell Web traffic, much of it from international legal searches. Some ten million hits a week from more than two hundred countries make the LII a local Internet hot spot.

The IRS produces twenty-six thousand of its Tax Product CD/DVD packages, which are sent free of charge to thousands of tax preparers and other interested parties, usually lawyers. The package goes to each member of Congress; to such free tax clinics as those run by the American Association of Retired

Persons; to members of the IRS Corporate Partnership (companies who make tax information freely available on company intranets); to libraries; and to IRS employees at IRS walk-in offices.

"We work in a disconnected environment, and employees like easy access to products," says Paul Showalter, the IRS staffer who produces the Tax Products and placed the call to Mr. Bruce. "The Tax Products package is a great off-line research tool, and that's why it was created."

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

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

Founded in 1992 by Mr. Bruce and Peter W. Martin, the Jane M. G. Foster Professor of Law at Cornell, the LII was the first site to provide open-access legal information on the Web. It also wrote the first Web browser for Microsoft Windows—Cello—in 1993, as most lawyers at the time used Microsoft PCs.

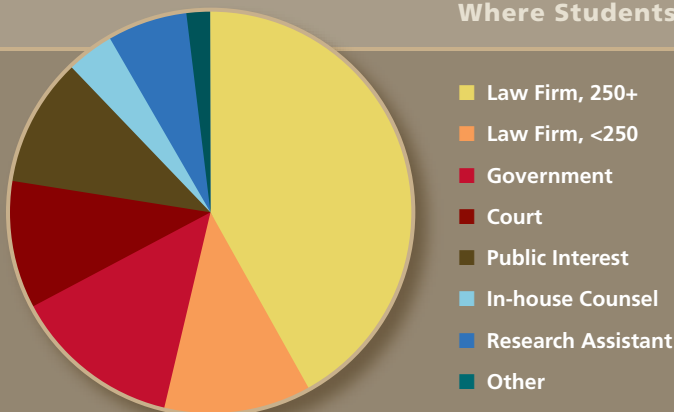
Top search queries on the LII site include the U.S. Constitution, First Amendment, Federal Rules of Civil Procedure, Federal Rules of

Legal Research Survey

In October, the Law Library conducted its annual student summer employment survey, and some initial results are available. Of the 151 students who responded, 77 of them are 2Ls, and 74 are 3Ls. Approximately 55 percent of the respondents worked in law firms, with more than three quarters of this group working for large firms of at least 250 attorneys. Sixteen respondents held court positions, while twenty-one worked in government positions. Slightly more than 10 percent of respondents served public interest organizations, and another 10 percent worked for in-house counsel or as faculty research assistants.

The subjects researched ran the gamut from administrative law to torts, with significant numbers of respondents working in bankruptcy, corporate law, criminal law, securities, and immigration. A particularly interesting statistic is that half of the respondents spent more than half of their work time doing research. The numbers also show that both online and print materials were used, with online sources used more heavily. All of the data, as well as the extensive comments provided, help the Law Library in assessing the legal research curriculum. The results are tracked every year.

Where Students Worked



Evidence, Uniform Commercial Code, U.S. Code, and Supreme Court cases.

To access LII's user-friendly version of Title 26, visit http://www.law.cornell.edu/uscode/26/usc_sup_01_26.html. The LII also makes general tax information accessible at http://www.law.cornell.edu/wex/index.php/Income_tax.

Public Policy Networking with Cornell Law School Alumni

Twelve of the Law School's most accomplished alumni returned to campus for a two-day symposium on careers in public interest law.

The third annual symposium, held on January 24 and 25, highlighted the experience and advice of attorneys who have committed their lives to the public good.

"Cornell Law is fully committed to encouraging all of our students to explore public interest work," says Anne Lukingbeal, associate dean and dean of students. "This career symposium is a major opportunity for students to open their eyes to the many facets of public interest work. No one can inspire current law students more readily than alumni who have dedicated their careers to improving the world through public service. These twelve panelists

fully embody our motto of Lawyers in the Best Sense."

Chosen by Karen V. Comstock, assistant dean for public service, the four panels illustrate the variety of employment opportunities in civil rights litigation, public policy and legislative affairs, criminal law practice, and international law and policy. "Each of these presenters has a strong sense of justice and a deep commitment to social change," says Assistant Dean Comstock. "Careers develop and evolve over time, and often lawyers find themselves working jobs they never even knew existed. These alumni represent the enormous array of options available to lawyers working in the public interest, and they're here to answer questions about how they've reached this stage in their lives."

The symposium began with a focus on careers in civil rights, moderated by JoAnne M. Miner, clinical professor of law and director of the Legal Aid Clinic. This first panel featured James M. Bogin '84, who represents state prisoners in cases of guard brutality and violations of First Amendment rights; Namita Gupta '06, who represents involuntarily committed psychiatric patients and convicted sex offenders in civil appeals; and Karen M. Phillips '05, who litigates housing discrimination claims in Rochester and five surrounding rural counties.

On Thursday evening, Associate Dean Lukingbeal moderated a discussion on public policy and legislative affairs with panelists Matthew J. Faiella '05, who defends the rights of the lesbian, gay, bisexual, and transgender (LGBT) community; Navoneel Dayanand, LL.M. '04, who lobbies the federal government for legislation to protect wildlife and global biodiversity; and Martha L. Raimon '85, who monitors child welfare reforms in New Jersey.

Briefs

Student award winners were also recognized at the public service award ceremony, including: (Back row, left to right) Kimberly E. Silver '08, Assistant Dean Comstock, Andrew W. Cowan '08, Lisa M. Newstrom '08, and Quinten Steenhuis '08 (Front row, left to right) John R. Mills '08, Elizabeth R. Rabe '08, Jocelyn E. Getgen '08, Molly Curren Rowles '08, and David A. Kagle '08



The symposium resumed Friday afternoon with a panel led by John H. Blume, professor of law and director of the Cornell Death Penalty Project, which brought together Michael J. Satin '02, supervising attorney in the Public Defender Service, Washington, D.C.; Christina B. Dugger '94, deputy chief of the criminal division of the U.S. Attorney's Office in Brooklyn; and Hon. Margaret L. Clancy '80, Bronx County Supreme Court justice.

Moderated by Larry S. Bush, executive director of the Clarke Center for International and Comparative Legal Studies, a panel on international law and policy concluded the symposium later that afternoon with Eric H. Blinderman '99, who participated in the prosecution of Saddam Hussein; Tina M. Foster '00, who serves as lead counsel for detainees in Bagram, Afghanistan; and Catherine M. Shea '83, who provides technical support for civil society organizations around the world.

"This is a fabulous way for students to get a lot of substantive information about the range of possibilities in public interest law," says Assistant Dean Comstock. "It's a great way for them to network with alumni, but more importantly, it's a crucial part of their education. They learn black letter law in the classroom. They learn how to represent clients in the clinic. Here at the symposium, they learn how to think about their careers." More information about this symposium can be found at the Law School Web site at http://www.lawschool.cornell.edu/publicservice/lectures_programs/symposium.cfm.

Defending the Underdog: Alumni Honored for Social Justice

From monitoring elections in Afghanistan to representing the indigent victims in New Hampshire, Cornell Law School alumni dem-

onstrate steadfast commitment to social justice and underserved communities around the world. To recognize that commitment, the Law School honored seven alumni at the third annual Public Service Alumni Award presentation on February 7 at the Cornell Club in New York City.

More than 125 Cornell Law School alumni and friends gathered at the Cornell Club for the formal presentation of the awards, hosted by Karen V. Comstock, assistant dean for public service, and JoAnne M. Miner, clinical professor of law and director of the Legal Aid Clinic. The event recognized the following seven Cornell Law School alumni, nominated by their peers and selected by the Law School's faculty-student public service committee for their outstanding contributions to the field of public service law.

This year's alumni recipients include Saman Zia-Zarifi '93, who has monitored elections in Afghanistan, the treatment of Buddhist monks in Nepal, and the first military commission for Guantánamo Bay detainees as Asia research director for Human Rights Watch. Closer to home, New Hampshire public defender Lisa L. Wolford '02 represents indigent victims—adults and children—of sexual abuse and untreated mental illness while, also in New Hampshire, John E. Tobin '74 is the executive director of New Hampshire Legal Assistance in Manchester. And Shannon Minter '93 litigates national cases on employment, marriage, and parental rights for gay, bisexual, and transgendered people as legal director of the National Center for Lesbian Rights. Additional recipients include Jamie L. Andree '79, managing attorney with Indiana Legal Services in Bloomington; Joseph J. Iarocci '84, senior vice president for strategic support for CARE, in Atlanta; and Rosemary Pye '74, regional director of the National Labor Relations Board in Boston.

All of these alumni recipients represent the Cornell Law School's success in producing Lawyers in the Best Sense for careers in public service, says Assistant Dean Comstock. "Cornell Law has long recognized the important role public-service lawyers play in securing individuals' liberties and contributing to the public welfare. We are dedicated to providing the support public-service-minded students and alumni need to realize their commendable goals." Each expressed deep gratitude for the honor as well as fond memories of their law school years, many acknowledging the positive influence of specific classroom and clinical professors. Class of 2008 winners of the Freeman Award for Civil-Human Rights, the Stanley E. Gould Prize for Public Interest Law, and the Seymour Herzog Memorial Prize were recognized as well (see following).

Special surprise recognition was given to the public service committee's chair, Professor Miner, who is retiring this spring after a thirty-two year public service career—twenty-two years with Cornell's Legal Aid Clinic preceded by ten years in civil legal services and other poverty law work. Barbara J. Holden-Smith, associate dean for academic affairs and professor of law, presented Professor Miner with a plaque which read in part, "To honor a career spent in service to law in the public interest. 'Memories of our lives, of our works and our deeds will continue in others.' Rosa Parks."

Student Advocates for Human Rights and Public Interest

Cornell Law School has a long tradition of encouraging students to work for the civil and human rights of all people. These students, who often devote significant amounts of time to public interest projects and go on to work in these fields, are honored each year with a

trio of awards endowed by alumni. On February 7, twelve students were recognized for their public service at the third annual Exemplary Public Service Awards celebration at the Cornell Club in New York City.

This year, the Freeman Award for Civil-Human Rights was given to Andrew W. Cowan '08, Jocelyn E. Getgen '08, John R. Mills '08, and Lisa M. Newstrom '08. This award commends students who work to support civil and human rights and honors the late professor emeritus Harrop A. Freeman '30, J.S.D. '45.

The Stanley E. Gould Prize for Public Interest Law was awarded to Molly Curren Rowles '08, David A. Kagle '08, Nicole S. Pence '08, Elizabeth R. Rabe '08, and Kimberly E. Silver '08. It highlights students who are dedicated to serving public interest law and honors alumnus Stanley E. Gould '54.

The Seymour Herzog Memorial Prize was won by Kiernan E. Joliat '08, Bryn Lovejoy-Grinnell '08, and Quinten Steenhuis '08. This award is for students who excel in their studies, are committed to public interest law, and also show a love for sports. It is named for the late alumnus Seymour Herzog, LL.B. '36.

"For many years, Cornell Law School has been proud of the diversity of experience among its students," says Anne Lukingbeal, associate dean and dean of students. "Without exception, all of this year's public interest prize winners had demonstrated a commitment to the public sector even before enrolling at Cornell Law. During three years of law school, each has expanded and refined his or her original career goal but not a one has abandoned the original commitment to use his or her law degree to improve the world upon graduation. We should all be proud of the growing diversity of career paths chosen by our graduates."

From monitoring elections in Afghanistan to representing the indigent victims in New Hampshire, Cornell Law School alumni demonstrate steadfast commitment to social justice and underserved communities around the world. To recognize that commitment, the Law School honored seven alumni at the third annual Public Service Alumni Award presentation.

James S. Yoon '03 Receives Pro Bono Award

For some lawyers, an intense career in the U.S. Department of Justice would seem like a great contribution to public service. But it's not enough for James S. Yoon '03, formerly an honors attorney with the antitrust division and now with the criminal division specializing in the prosecution of international crime. He also does significant pro bono work with the D.C. Bar Pro Bono Program and the Washington Legal Clinic for the Homeless. On November 28, the Washington Council of Lawyers gave Mr. Yoon their Government Pro Bono award. That's in addition to winning Department of Justice pro bono service awards in 2005, 2006, and 2007.



A scene in the film *I Now Pronounce You Chuck and Larry* shows a university-approved replica of a Cornell Law School degree in the background. Universal Pictures requested that Alex McDonough, portrayed by Jennifer Biel above, be a Cornell lawyer.

In his pro bono work, Mr. Yoon focuses on the rights of the disenfranchised. He's helped immigrants avoid eviction, tenants fight for needed repairs to their public housing, and parents fight for child custody.

Mr. Yoon admits it is quite difficult to find the time to do pro bono work—he visits clients and writes motions in the evenings and on weekends. But he notes that the Department of Justice is committed to pro bono work, having begun a formal pro bono program in 1996. "I believe that pro bono work is an obligation for lawyers," says Mr. Yoon. "Law is not a profession for the privileged; but it is one of privilege. We need to give back." ■

Faculty

Professor Alexander participated in a conference on property, constitutionalism, and culture, along with Professors Riles and Peñalver and members of the Peking University Law School faculty in May.



Gregory S. Alexander, the A. Robert Noll Professor of Law, participated in a conference on property, constitutionalism, and culture, along with Professors Riles and Peñalver and members of the Peking University Law School faculty in May. After the conference, Professors Alexander and Riles participated in a conference at the Chinese University of Hong Kong and gave lectures at several Chinese universities, including in Suzhou, Xi'an, and Shanghai.

In June, Professor Alexander was the co-organizer, with Alain Pottage of the law faculty of the London School of Economics, of an international conference on the topic property and instrumentality. The conference was held at the London School of Economics and drew scholars from North America, Europe, Africa, and Asia. Later that same month, he participated on a panel with Professors Riles and Peñalver at the annual meeting of the Law and Society Association, in Berlin. The topic of his talk was "The Social Obligation Norm in American Property Law." Professor Alexander is currently completing an article under the same title and working on two other papers.



A paper by **John J. Barceló**, the William Nelson Cromwell Professor of International and Comparative Law, entitled "Anti-Foreign-Suit Injunctions to Enforce Arbitration Agreements" was published online in the SSRN working paper series at <http://lsr.nellco.org/cornell/lsrcp/papers/87>. In the paper, Professor Barceló argues that courts should be willing to issue an anti-foreign-suit injunction to prevent breach of an agreement to arbitrate in a given jurisdiction if the parties have chosen that jurisdiction's law to govern their arbitration agreement, and if the competing forum does not have strong public policy reasons for considering the subject matter to be non-arbitrable.

Professor Barceló served as co-chair of the fourteenth annual Cornell-Université Paris 1 Summer Institute of International and Comparative Law in July, and taught a condensed course on international commercial arbitration. Also in July, he organized a panel devoted to arbitration issues held at the Court of Arbitration of the International Chamber of Commerce in Paris.

Professor Barceló gave a lecture introducing international commercial arbitration to the students in the Cornell summer program in Suzhou, China, at the end of July. He also served as a panelist for other presentations in the Suzhou program.

In September, Professor Barceló traveled to McGill University Faculty of Law in Montreal as an outside consultant to evaluate McGill's unique Institute of Air and Space Law.

In October, Professor Barceló was appointed to the board of advisors of the newly formed Scheinman Institute on Conflict Resolution located primarily in the School of Industrial and Labor Relations on campus. The

Scheinman Institute will feature cooperation between the Law School and the ILR School in the field of national and international arbitration and alternative dispute resolution.

At a special reception held at the Johnson Museum of Art in November, in conjunction with the annual meeting of the American Society of Comparative Law, Professor Barceló was honored for his many years of leadership and devoted service in building the international and comparative law program at the Law School. One of the Law School's and the international program's principal benefactors, Jack G. Clarke '52, was also honored at the same event.

From November 20 to December 6, Professor Barceló taught a condensed course on international commercial arbitration at the Bucerius Law School in Hamburg, Germany, one of the law faculties with which Cornell has a cooperative exchange relationship and with which Cornell cooperates in presenting the summer study program in Suzhou, China.

Throughout the fall semester, Professor Barceló planned two major conferences to take place in April. The first will be held at the Law School April 3 through 5 and will be devoted to "Process and Procedure in WTO Dispute Resolution." The conference will honor professor Yasuhei Taniguchi, J.S.D. '64, who retired from the World Trade Organization (WTO) Appellate Body in December. Most of the sitting members of the WTO Appellate Body will participate in the symposium. The second will be held in Miami, April 10 through 12, and will address "Globalization in Latin America: Business Climate and Dispute Resolution." This meeting will include the Law School's first-ever gathering of its Latin American alumni.

As Elizabeth and Arthur Reich Director of the Berger International Legal Studies Program, Professor Barceló planned and moderated a number of events in the Berger Program's fall lecture series at the Law School. He also served as a member of Vice Provost Wippman's International Studies Advisory Council and as a member of the steering committee of the Institute for European Studies on campus.



In August, **John H. Blume**, professor of law and director of the Cornell Death Penalty Project, gave a presentation on Supreme Court developments at the National Federal Habeas Corpus Seminar in Nashville. The seminar was attended by several hundred lawyers from around the country who represent indigent inmates sentenced to death. The same month, he also published the nineteenth edition of the *Federal Habeas Corpus Update*, an annual compendium of habeas corpus developments.

In September, Professor Blume, along with Professor Johnson, members of the Cornell Death Penalty Project, and Anthony G. Amsterdam of New York University School of Law and the Defender Services Division of the Administrative Office of the United States Courts, hosted the Persuasion Institute. The Persuasion Institute is an intensive three-day program designed to familiarize capital defense lawyers with narrative techniques and strategies.

Professor Blume, along with Jordan Steiker of the University of Texas School of Law, is the editor of the volume in Foundation Press's Law Stories Series that will be published this year. Professor Blume presented his chapter, which discusses the case of *Gilmore v. Utah*, at the Capital Punishment Stories Conference in Austin in November.

That same month, Professor Blume gave a presentation at the Conference on Empirical Legal Studies at New York University School of Law on the problem of wrongful convictions. In December, Professor Blume attended the Upstate/Western New York Regional Clinical Conference and gave a presentation on "The Carnegie Report, 'Best Practices,' and the Future of Legal Education: Where Should We Go from Here?"

Professor Bowman has a contract with Oxford University Press for a book on the legal treatment of heterosexual cohabitation.



Cynthia Grant Bowman, the Dorothea S. Clarke Professor of Law, is completing a book for Northwestern University Press about the life of Dawn Clark Netsch, one of the first women to work as a lawyer at a major law

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firm, one of the first women law professors, a longtime Illinois state senator, and the first woman to run for governor of Illinois. She also has a contract with Oxford University Press for a book on the legal treatment of heterosexual cohabitation.

Professor Bowman is beginning programming for the Dorothea S. Clarke Chair, which focuses on issues of law and women. The first Dorothea S. Clarke visiting scholar-activist, Joana Foster, arrived in February and is in residence for the spring semester. Ms. Foster is a longtime women's rights activist from Ghana and has most recently been the Senior Gender Advisor for the UN in Liberia. She will spend the semester doing research and evaluation concerning gender mainstreaming in UN peacekeeping activities. Professor Bowman has also been planning joint programming for the spring semester with Cornell's interdisciplinary Feminist, Gender, and Sexuality Studies program and with a new student organization she serves as advisor, Cornell Law Students for Reproductive Choice.



In early October, **Thomas R. Bruce**, research associate and director of the Law School's Legal Information Institute, attended a small "summit meeting" of organizations

that want to increase public access to law. Principals from smaller private-sector publishers (Loislaw, Fastcase, Justia) met with representatives from public interest organizations (the Electronic Frontier Foundation, the Internet Archive, the Digital Library Federation, AltLaw, and PublicResource.org) to map strategy for the placement of large volumes of previously unavailable caselaw into public online distribution. This joint effort has most recently resulted in the release of 1.8 million pages of caselaw into the public domain.

Later that month, Mr. Bruce attended the 2007 Conference on Law via the Internet in Montreal, where he spoke on issues of legal-information overload, and chaired the closing plenary session. He continues his work as a principal member of CERL, the Cornell e-rulemaking project, and as a member of the American Bar Association Administrative Law Section's Special Committee on the Future of Electronic Rulemaking.



Charles D. Cramton, assistant dean for graduate legal studies, continues to concentrate his efforts on the Graduate Legal Studies Program (LL.M., J.S.D., visiting doctoral students, and post-doctoral fellows) at the Law School. Over the summer, he planned for the arrival of the LL.M. class of 2008 and the incoming J.S.D. and visiting doctoral students.

Throughout the fall semester, Assistant Dean Cramton worked with the Cornell LL.M. Association in planning and coordinating events and seminars for the international students, including all facets of the career services for the LL.M. students. He also continued the J.S.D. Colloquium for the J.S.D. and visiting doctoral students. The colloquium meets regularly throughout the year to discuss the students' research and methodology, and provides the students with the opportunity to present their work.

Last June, Assistant Dean Cramton completed his third and final term as chair of the New York State Bar Association's Committee on Legal Education and Admission to the Bar. In that capacity, he interacted frequently with the New York State Board of Law Examiners and other state bar leaders on matters related to legal education and admission to the bar. He continues as a regular member of the committee.

Assistant Dean Cramton is also a member of the association's special committee on the bar examination, which is studying the overall effectiveness of the bar examination in New York. The special committee is in the final stages of its work and is now planning on submitting a final report to the president of the New York State Bar Association this spring.

In the fall, Assistant Dean Cramton provided input to the newly formed Winery Task Force created by the New York State Commissioner of Agriculture and Markets on possible amendments to the state's Alcoholic Beverage Control Law as it affects wineries in New York State.



Roger C. Cramton, the Robert S. Stevens Professor of Law Emeritus, participated in a dinner held in New York City for those who had played important roles in the adoption by the New York State Bar Association of a new and completely revised Code of Professional Conduct for Attorneys. Professor Cramton served as the reporter for the subcommittee that was responsible for drafting about one-third of the new rules, including many of the most important and controversial rules, e.g., the scope and exceptions of professional confidentiality of client information and representing an organization.



Glenn G. Galbreath, clinical professor of law, was selected to participate in the New York State Judicial Institute's committee developing the curriculum for training newly elected town and village justices, as well as continuing advanced training for experienced justices. The enhanced emphasis by the Judicial Institute arises out of Chief Justice Kaye's action plan for the New York courts, particularly as it relates to improving town and village courts.

In addition to planning, Professor Galbreath made presentations in November to seventy recently elected judges from around the state on a variety of topics: "What is the Law,"

Professor Galbreath was selected to participate in the New York State Judicial Institute's committee developing the curriculum for training newly elected town and village justices, as well as continuing advanced training for experienced justices.

"Criminal Procedure," "Criminal Arraignment" (demonstration and discussion), and "Selected Topics on Substantive and Procedural Criminal Law." Shortly thereafter, he also made a presentation to fifty central New York town and village justices on the topic of judicial ethics.

Professor Galbreath also gave lectures and trial demonstrations in Albany in September and December for child protective services workers in order to prepare them for regularly testifying in trials involving child abuse and neglect. These programs were presented through the Center for Development of Human Services, State University of New York in Buffalo.



In July, **Claire M. Germain**, the Edward Cornell Law Librarian and Professor of Law, received the Chevalier de la Légion d'Honneur medal from the French government in

recognition of her efforts to bridge the American and French legal cultures. In the summer, she co-taught an Introduction to French Law during the Cornell Paris summer institute offered at the Sorbonne with the Université Paris 1. She also published "Legal Information Management in a Digital and Global Age: Revolution and Tradition" in the *International Journal of Legal Information*.

In August, Professor Germain traveled to Cape Town and Durban, South Africa, as the official representative of the American Association of Law Libraries (AALL) to the International Federation of Library Associations. She attended a conference on library performance measurements and, at the annual meeting of the AALL, she was elected secretary of the newly formed Section on Law Libraries.

Professor Germain, in September, presented remarks on what it means to be a citizen of two worlds at the opening of a major exhibition at Cornell's Kroch Library celebrating the 250th anniversary of the birth of General Lafayette.

The following month, she co-organized a workshop at Cornell Law School on the topic "Tapping into the World of Electronic Legal Research" with Radu Popa, New York University School of Law, under a grant from the Starr Foundation. Law librarians were invited from Botswana, Brazil, China, Namibia, Nigeria, Tanzania, and the United States. She spoke on the authentication of digital legal information and the need to ensure that official legal information (cases and statutes) in digital form is as secure and trustworthy as the print medium, has not been tampered with, and will be accessible a long time from now.

In November, Professor Germain traveled to Paris to represent Cornell at the thirtieth

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anniversary of the dual degree program between the Université Paris 1 and King's College London. She spoke about the benefits of the Franco-American dual degree program between Paris 1 and Cornell Law School, which allows students to receive a J.D. and French master after four years of study in Ithaca and Paris, sit for the New York and Paris bar, and become true global lawyers. While in Paris, she also attended a meeting of law librarians, Juriconnexion, on French legal databases, as a special invited guest.

Professor Germain was the featured speaker at several law alumni events, in Rochester, Buffalo, and Paris, where she discussed the dedication of the Cornell Center for Documentation on American Law at the Cour de cassation, as well as providing a general update on the Law School.

In December, Professor Germain attended the annual meeting of the International Association of Law Libraries in Mumbai, India. She is the Web director for the association.



Valerie P. Hans took her scholarly work on the road during 2007. In addition to teaching a class in the Paris summer institute, she spoke about her research on juries to sociologists of law at the Sorbonne, and to an international group of law and society scholars in Berlin.

Professor Hans took advantage of a fall sabbatical to make a two-week research trip to Japan, where she interviewed judges, lawyers, and research scholars about the 2009 introduction of citizens as decision makers in serious criminal cases in Japan. Unlike the American jury, which consists exclusively of citizens, the Japanese Saiban-in Seido will include six citizens and three professional judges, who will deliberate together to decide verdicts and sentences in serious criminal cases. Professor Hans lectured to university audiences in Nagoya and Kyoto, and to bar association groups in Tokyo, Osaka, and Kobe, about American jury research and the introduction of Japan's new system.

Her book *American Juries: The Verdict*, which she coauthored with Neil Vidmar, was published in November by Prometheus Books.



George A. Hay, professor of economics and the Edward Cornell Professor of Law, returned from his semester-long sabbatical in Melbourne to teach torts and his undergraduate course, Economics and Law. He also resumed his position as co-chair of the University Hearing Board.

In November, Professor Hay traveled to Paris to be the keynote speaker at the Organization for Economic Cooperation and Development Competition Conference, where all the

Professor Hay gave expert evidence in Australia's biggest-ever antitrust case, pitting the various media owners against one another over the pay-TV rights for two major Australian sports—rugby and Australian rules football. In July, the trial judge issued his decision, adopting much of Professor Hay's analysis and siding with his client.

member countries met to discuss local developments in various aspects of competition law. His article "Predatory Buying: The Weyerhaeuser Decision and Its Implications for Australia" was published in the *Competition and Consumer Law Journal*.

As mentioned in an earlier issue, Professor Hay gave expert evidence in Australia's biggest-ever antitrust case, pitting the various media owners against one another over the pay-TV rights for two major Australian sports—rugby and Australian rules football. In July, the trial judge issued his (1100-page) decision, adopting much of Professor Hay's analysis and siding with his client. Professor Hay was subsequently interviewed by the *Australian Financial Review* regarding his role in the case. In another antitrust case in which Professor Hay had been involved as an expert, his client, American Express, received \$2.1 billion from Visa; it is believed to be the largest settlement ever received in an antitrust case.



During the fall semester, **Michael Heise** participated in, along with numerous Cornell Law School colleagues, an empirical legal studies conference in Berlin cosponsored by the *Journal of Empirical Legal Studies* (JELS) and Cornell Law School. The timing of the JELS conference was coordinated with Law and Society's annual meeting, also held in Berlin. At the Law and Society conference, Professor Heise presented one paper and commented on another. He also participated in the second annual Conference on Empirical Legal Studies at New York University School of Law as a paper discussant. Finally, Professor Heise presented a working paper, "Appealing Settlements: An Empirical Perspective," at a faculty workshop sponsored by the Boston University School of Law.

Recent publications by Professor Heise include "Litigated Learning, Law's Limits, and Urban School Reform Challenges," which recently appeared in the *North Carolina Law Review*. In addition, a paper cowritten with Professor Eisenberg, "Plaintiphobia in State Courts? An Empirical Study of State Court Trials on Appeal," was recently selected for publication by the editors of the *Journal of Legal Studies*.



In September, **Robert A. Hillman**, the Edwin H. Woodruff Professor of Law, as reporter for the American Law Institute's

As reporter for the American Law Institute's project "Principles of the Law of Software Contracts," Professor Hillman published *Preliminary Draft No. 4* (with Maureen O'Rourke).

project "Principles of the Law of Software Contracts," published *Preliminary Draft No. 4* (with Maureen O'Rourke, dean of Boston University School of Law). Professor Hillman and Dean O'Rourke presented the draft to the project's advisors and consultative group members in Boston. They then drafted a new Council draft in December for presentation to the American Law Institute Council in Philadelphia.

Professor Hillman contributed a chapter entitled "Online Boilerplate: Would Mandatory Web Site Disclosure of e-Standard Terms Backfire?" to a new book, *Boilerplate: The Foundation of Market Contracts*, published by Cambridge University Press. Professor Hillman's chapter is a revision of his article of the same name that was published in the *Michigan Law Review*.

Professor Hillman has begun drafting two new articles on contract law in the electronic age. One deals with vendor warranties and disclaimers and the other with open-source software licensing practices. Professor Hillman also has completed drafts of three chapters of a new book for undergraduates about law. The book's coauthors are Professors Clermont, Johnson, and Summers.

Professor Hillman is serving as chair of the faculty appointments committee for the Law School this year.



FORUM Spring 2008

Robert C. Hockett took advantage of his first research leave by spending most of the summer and autumn completing two book projects and a number of articles. The books are slated for imminent publication, as are two of the articles. Professor Hockett will be submitting the other articles for publication later in the winter and in early spring.

Professor Hockett also took part in several faculty workshops and symposia at other schools over the course of the autumn semester, in addition to preparing, toward the end of that term, for his forthcoming spring courses.



Sheri Lynn Johnson, professor of law and assistant director of the Cornell Death Penalty Project, recently published "Race and Recalcitrance: The Miller-El Remands" in the *Ohio State Journal of Criminal Law*. In *Batson v. Kentucky*, the Supreme Court held that a prosecutor may not peremptorily challenge a juror based upon his or her race. Although *Batson* was decided more than twenty years ago, some lower courts still resist its command. This article demonstrates that two of those subsequent cases, *Hightower v. Terry* and *Snyder v. Louisiana*, reflect race-based resistance to the Supreme Court and considers possible sources of that resistance, as well as steps likely to eradicate or at least ameliorate such resistance.

Faculty

Professor Kalantry is director of the International Human Rights Clinic, a new Law School clinic which she initiated in the fall.



Sital Kalantry, assistant clinical professor of law as well as codirector of the Asylum and Convention Against Torture Appellate Law Clinic and director of the International Human Rights Clinic, initiated this latter clinic in the fall semester. In that clinic, students worked on a wide variety of international litigation and rule of law projects including drafting a party brief for the Federal Court of Appeals for the Third Circuit and an amicus brief for the European Court of Human Rights on behalf of the UN Special Rapporteur on Health.

In August, Professor Kalantry participated in a panel presentation for Cornell freshman about Nadine Gordimer's novel *The Pickup*, a book all Cornell freshman this year were required to read during the summer. Her talk, entitled "Globalization, Economic Development, and Migration Law in Nadine Gordimer's *The Pickup*," was simultaneously webcast and telecast on cable TV in Ithaca.

Professor Kalantry also gave a number of talks on refugee law, including one at the University of Delhi Faculty of Law in August and one for the Finger Lakes Bar Association in November.



During the fall semester, **Douglas A. Kysar** was a visiting faculty member at the University of California, Los Angeles (UCLA) School of Law. He also presented his work in progress, tentatively entitled "Regulating from Nowhere: Environmental Law and the Search for Objectivity," at workshops at the University of Southern California Gould School of Law, the UCLA School of Law, the Center for Nanotechnology in Society at Arizona State University, and the Loyola Law School in Los Angeles.



Anne Lukingbeal, associate dean and dean of students, spent most of the fall semester focusing on her responsibilities as the dean of students at the Law School. She did, however, find time to attend the November meeting of the National Association for Law Placement Board of Directors in Sedona, Arizona. At this meeting, she presented the recommendations of the Task Force on Women's Leadership, a group she chairs. The board accepted many of the task force's recommendations for more visible support of women in volunteer leadership roles.

Associate Dean Lukingbeal also moderated a program for alumnae in New York City in October, "What You Never Learned in Law School: How to Navigate the Hidden Rules

of Law Firms." The program was very well attended and featured as speakers Franci J. Blassberg '77, Jacqueline Duval '92, Yvette G. Harmon '69, and Laura A. Wilkinson, M.B.A. '85/J.D. '86.

At Cornell, Associate Dean Lukingbeal agreed to serve on a university-wide committee that is exploring modifications in Family Educational Rights and Privacy Act (FERPA) policy and modifications in the language used to inform the community about FERPA. She also served once again on the university's Truman Scholarship Selection Committee. For the twentieth year, Associate Dean Lukingbeal moderated the Cornell University Prelaw Advisory Network's program on law school admission. Finally, in September, she spoke to the Women's Law Society, a relatively new undergraduate group, on issues in legal careers for women.



Peter W. Martin, the Jane M. G. Foster Professor of Law, continued his series of papers dealing with effects of digital technology on law and legal institutions. In October, he presented one entitled "Possible Futures for the Legal Treatise in an Environment of Distributed Online Primary Sources (Some Free, Some Fee)" at the Eighth International Conference on Law via the Internet in Montreal.

Professor Martin continued his series of papers dealing with the effects of digital technology on law and legal institutions.

Professor Martin's article "Finding and Citing the 'Unimportant' Decisions of the U.S. Courts of Appeals" launched the Legal Information Reports series (see <http://chrome.law.cornell.edu/liid/wex/papers/lir2007-1>). He also revised and updated his online Social Security Law treatise, available at <http://www.law.cornell.edu/socsec/martin>.



Bernadette A. Meyler presented a work in progress on the topic "Daniel Defoe and the Written Constitution" at the annual American Society for Legal History conference, at the University of Pennsylvania Constitutional Law Workshop, at the faculty workshop of the UCLA School of Law, and in the University of Arizona James E. Rogers College of Law Faculty Enrichment Series. She also published two pieces on religious liberty—a symposium article on "The Limits of Group Rights: Religious Institutions and

Religious Minorities in International Law," which appeared in the *St. John's Journal of Legal Commentary*, and a response entitled "Religious Expression in the Balance," which came out in the *Yale Law Journal Pocket Part*.



JoAnne M. Miner, clinical professor of law and director of the Cornell Legal Aid Clinic, was a co-planner of the first Upstate Regional Clinical Teachers Conference, held in December at Syracuse University College of Law. Clinical faculty from Albany Law School, University at Buffalo Law School, Cornell Law School, and Syracuse University College of Law convened for the event, which focused on the recommendations of two recent reports on legal education: the Carnegie Foundation for the Advancement of Teaching's "Educating Lawyers: Preparation for the Profession of Law," and "Best Practices for Legal Education: A Vision and a Road Map," a collaborative report supported by the Clinical Legal Education Association. In addition to her planning efforts, Professor Miner facilitated the concluding session of the conference.

Professor Miner continued to teach both externships and the public interest in-house clinics. Under her supervision, students represented a number of clients appealing adverse decisions on claims for Social Security disability benefits and unemployment

Professor Miner updated the *Legal Aid Handbook* Family Law Section, which provides an extensive, detailed overview of New York law governing divorce, custody and visitation, domestic violence, support, and paternity.

insurance benefits. She also updated the *Legal Aid Handbook* Family Law Section, which provides an extensive, detailed overview of New York law governing divorce, custody and visitation, domestic violence, support, and paternity.

Professor Miner serves on the board of directors of the Advocacy Center, which provides services to adult and child victims of domestic violence and sexual assault. In addition, she serves on the board of directors of Legal Assistance of Western New York, which provides free legal services to residents of several counties, including Tompkins County. She continues to serve as a presenter for the Parents Apart program, which provides education for separating and divorcing parents. In the summer and fall, Professor Miner assisted in the Neighborhood Legal Services pro se divorce clinic, providing information to a number of low-income individuals representing themselves in divorce cases.

Faculty

Professor Mollenkamp's presentation, "Beyond PowerPoint: A Beginner's Guide to Podcasts, Clickers, and Digital Video," reflects his continued interest in and focus on the effective use of technology to improve legal pedagogy.



Associate clinical professor of law **John Mollenkamp** presented "Beyond PowerPoint: A Beginner's Guide to Podcasts, Clickers, and Digital Video" at the Southeast Legal Writing Conference in Fort Lauderdale in September. Professor Mollenkamp presented on the same topic at the Central States Legal Writing Conference in Kansas City in October and also served on the planning committee for that conference. The presentation reflects Professor Mollenkamp's continued interest in and focus on the effective use of technology to improve legal pedagogy.



Trevor W. Morrison was a visiting professor at New York University School of Law during the fall semester. During that time, he completed work on his article "Suspension

and the Extrajudicial Constitution," which appeared in the November issue of the *Columbia Law Review*. The article continues Professor Morrison's work on the effect of a valid suspension of the writ of habeas corpus and on the content of the political branches' obligation to obey the Constitution even when the courts are closed. During the fall semester, Professor Morrison presented the article at law faculty workshops at Duke University, New York University, the University of Pennsylvania, Seton Hall University, and Temple University.

Professor Morrison also worked on a number of other projects during the second half of 2007. In July, he participated on a panel entitled "Executive Power in Context" at the Law and Society Association's annual meeting in Berlin. On that panel, Professor Morrison presented early research towards a book chapter examining *United States v. U.S. District Court* (otherwise known as the Keith decision), the Supreme Court's first and still most important examination of constitutional constraints on the government's authority to engage in warrantless electronic surveillance in the interests of national security. Professor Morrison presented a draft of the chapter at a conference at Duke in September. The final version will appear in a forthcoming book entitled *Presidential Power Stories*, to be published by Foundation Press. Also during the fall, Professor Morrison finished work on a short chapter entitled "The State Attorney General and Preemption," which will appear in a forthcoming book on the law of preemption to be published by Cambridge University Press.

Professor Morrison's various other appearances during the fall included panels at the American Society of Comparative Law Conference at Cornell, the Conference on Empirical Legal Studies at New York University, and a symposium on the rule of law hosted by the *New York University Journal of*

Law and Liberty. He also spoke about recent trends on the Supreme Court at Cornell alumni events in Washington, D.C., and Westchester, New York.



In September, **Muna B. Ndulo**, professor of law and director of Cornell's Institute for African Development, presented a paper at an Institute for African Development seminar series on the theme "South/South Relations and Africa: Trade, Foreign Direct Investment, and Development." Professor Ndulo's paper was entitled "China/Zambia Investments: The Challenges and Economic Development." He expressed the view that increased Chinese investments in Africa are a welcome development. They will help reduce the capital deficit in Africa which is one of the major obstacles to the continent's development. He observed that Chinese investments, like any other investments, do have their problems that need to be addressed to ensure that they are beneficial to Africa.

Also in September, Professor Ndulo attended a policy seminar held in Cape Town, South Africa, organized by the Center for Conflict Resolution on the theme "Crouching Tiger, Hidden Dragon? China and Africa: Engaging the World's Next Superpower." The conference was attended by a large number of scholars and policy makers from China and Africa. It discussed the political, economic, and military dimensions of China's relations

with Africa. Professor Ndulo presented a case study on Zambia, discussing the role of Chinese investments in Zambia.

In October, Professor Ndulo attended a conference in Accra, Ghana, on the topic "Democratization in Africa: What Progress toward Institutionalization." The conference, organized by the Ghana Center for Democratic Development, the U.S. Department of State, and the Hoover Institution, assessed the state of progress of democracy in Africa some fifteen years after the political opening of the early 1990s, with a particular focus on the nature and functioning of political institutions. Professor Ndulo presented a paper entitled "The Judiciary: Constitutionalism and Human Rights." In his paper, he observed that African courts have disappointingly mixed records in operating effective checks on governments and in guaranteeing human rights. He identified what, in his view, are some of the factors that negatively impact the effectiveness of African judiciaries.

Also in October, Professor Ndulo presented a keynote address at the Starr Foundation workshop "Tapping into the World of Electronic Legal Knowledge." The workshop took place at Cornell Law School and was cosponsored by the Starr Foundation, New York University School of Law Library, and Cornell Law Library. In his address, Professor Ndulo discussed the topic of new information technologies and their importance to legal research and education.

Professor Ndulo was a speaker at an October conference, "African Transitions in a Global Age," organized by the department of government at Carleton University in Canada. The conference was held in honor of Dr. Douglas Anglin and his fifty years of scholarship in the field of African politics. The conference also marked the establishment of an Institute

of African Studies at Carleton University. Professor Ndulo presented a paper on the constitution-making process in Zambia. In his presentation, he explained the various efforts that Zambia has made to draw a durable constitution since independence forty years ago. He attributed the failure of successive initiatives to the determination by the various governments of the day in Zambia to determine the outcome of each of the processes that have taken place.

Professor Ndulo participated in a conference in November on the topic "Human Rights at War: A Comparative Study of the Effectiveness of the Geneva Conventions," held at Cornell and organized by the Cornell Peace Studies Program. He made a presentation on peace-keeping and the Geneva Conventions' rules of engagement and compliance with laws of war.

A paper by Professor Peñalver, "The Problem with Land," explores some of the problems with narrow economic approaches to questions of land use and conservation.



In July, **Eduardo M. Peñalver** presented a paper entitled "The Problem with Land" at the

joint Cornell-London School of Economics "Techniques of Ownership" conference, held at the London School of Economics. The paper explores some of the problems with narrow economic approaches to questions of land use and conservation. A week later, he presented the same paper at the Law and Society annual conference, in Berlin. In September, he served as a commenter on a panel discussing the role of the state in fostering economic justice, sponsored by the *Journal of Catholic Social Thought*, at Villanova University School of Law. And in November, he was a guest blogger at PrawfsBlawg, where he wrote a series of posts about adverse possession, takings law, and the death of Eval Kneival.



During the summer, **Jeffrey J. Rachlinski** taught international environmental law in Cornell's Summer Institute of International and Comparative Law in Paris. Professor Rachlinski also moderated a weeklong conference on the role of unconscious processing on legal institutions in Frankfurt.

During the fall semester, Professor Rachlinski published a paper entitled "Blinking on the Bench: How Judges Decide Cases" in the *Cornell Law Review*. The paper reviews evidence that judges use two distinct processes for making decisions: an intuitive system that is rapid, highly emotionally laden, and imprecise, and a system that is slow, rational, and

Faculty

"Blinking on the Bench: How Judges Decide Cases," by Professor Rachlinski, reviews evidence that judges use two distinct processes for making decisions: an intuitive system that is rapid, highly emotionally laden, and imprecise, and a system that is slow, rational, and calculating. Judges rely heavily on their intuition, even though it can lead them astray. The paper suggests methods judges can use to identify ways to avoid common errors that reliance on their intuition might otherwise induce them to make.

calculating. Judges rely heavily on their intuition, even though it can lead them astray. The paper suggests methods judges can use to identify ways to avoid common errors that reliance on their intuition might otherwise induce them to make. Professor Rachlinski also presented this paper at invited lectures at the University of Zurich and the University of Heidelberg.

Also during the fall semester, Professor Rachlinski presented a paper on unconscious bias and judges at the annual Conference on Empirical Legal Studies. The paper presents research on trial judges that reveals that, like most adults, trial judges harbor invidious unconscious associations concerning women and minorities. Professor Rachlinski's research indicates that these implicit attitudes do not directly affect the decisions that these judges actually make when race or gender is identified explicitly. The influence of these biases emerges,

however, when judges are induced to think about the race of a defendant in unconscious ways. Professor Rachlinski also presented this work in workshops at the Notre Dame Law School and at the University of Zurich.



Annelise Riles, the Jack G. Clarke Chair in Far East Legal Studies, director of the Law School's Clarke Program in East Asian Law and Culture, and professor of anthropology, published a special issue of the journal *Political and Legal Anthropology Review*, coedited and with an introduction authored by herself and Marie-Andrée Jacob, entitled "Documenting Ethics, Papering Consent: The New Bureaucracies of Virtue." The issue concerns the bureaucratization of ethics in the United States and elsewhere and focuses in particular on the problem of informed consent. She also co-organized with Professor Lasser the annual meeting of the American Society of Comparative Law held at Cornell Law School in November on the topic of Comparative Law and Culture.

Professor Riles presented a paper at that conference on legal fictions. She also presented a paper on legal fictions at the International Hope Studies Conference convened at the Institute of Social Science, University of Tokyo, in December. The conference marked the initiation of a new collaborative research agreement between the University of Tokyo

Institute of Social Sciences and a consortium of Cornell University units which includes the Law School's Clarke Program in East Asian Law and Culture. Her visit to Tokyo also included meetings with numerous legal academics and with alumni. Finally, Professor Riles served as a discussant of a panel of papers presented in honor of professor Dame Marilyn Strathern's retirement at the American Anthropological Association's annual meeting in November.



An "unbook" project by **E. F. Roberts**, the Edwin H. Woodruff Professor of Law Emeritus, has bogged down as he tries to come up with answers to several questions. Some examples: What if we were to look on the Supreme Court as a pontifex maximus and their opinions as secular theology, and then were to apply to the last half century of their work product Ockham's dictum, "Pluralitas non est ponenda sine necessitate?" Recall that the Brits used to propose that, post World War II, they should act the role of Athens to the new American Rome. But now they have taken to suggesting that, whereas the twentieth century was the American century, the twenty-first century will be that of China. Does this help explain the boom in pilgrimages to Peking by American academics? Speaking of decline and fall, does the American system begin to show signs of structural fatigue, witness the arrival of street gangs in Shangri-La, a.k.a. Ithaca.



In October, **Stewart J. Schwab**, the Allan R. Tessler Dean and Professor of Law, presented a chapter on “Employer Retaliation in Violation of Public Policy” to the Council of the American Law Institute. The chapter is part of the first Restatement of Employment Law, and Dean Schwab is working with fellow reporters Samuel Estreicher of New York University School of Law and Michael Harper of Boston University School of Law. The Council approved the draft for consideration by the membership at the May meeting.

Later in October, Dean Schwab and Justice Sandra Day O’Connor presented a paper they are coauthoring on “Affirmative Action in Higher Education in Twenty-five Years” at a Cornell faculty workshop. The workshop was one of the events during Justice O’Connor’s time at Cornell as the Distinguished Jurist in Residence.



Emily L. Sherwin published a book chapter (coauthored with Larry Alexander of the University of San Diego) entitled “Judges as Rule Makers” in *Common Law Theory* (Douglas Edlin, ed., 2007). She also participated in the annual meeting of the advisory committee to the American Law Institute’s Restatement (Third) of Restitution and Unjust Enrichment.



During this past semester, **Robert S. Summers**, the William G. McRoberts Professor of Research in the Administration of Law, continued his work drafting a code of contract law for the legislature of the African nation of Rwanda. As part of this work, he hosted a small conference on the project at Cornell Law School in November. Participants included Swithin J. Munyantwali, executive director of the African Center for Legal Excellence in Uganda and Rwanda; Don Wallace from Georgetown University and chair of the International Law Institute; and Professors Ndulo and Taylor. Four of Professor Summers’s research assistants also attended and participated in the meetings: Jonathan D. Grossberg ’08, along with members of the class of 2009, Brian J. Boyle, Sapna Desai, and Ryan L. Juliano.

Professor Summers is also engaged in the planning for the fortieth anniversary celebration of the founding of the CLEO program. CLEO, the Council on Legal Education Opportunity, was established forty years ago to increase minority enrollment in American law schools, and thus, as it was then put, “to help remedy the racial imbalance in the legal profession.” Professor Summers was one of the cofounders and one of the principal coadministrators of CLEO in its early years. A forthcoming issue of the *Forum* will recount his early efforts in support of the CLEO program.

Professor Summers’s recent publications include the third volume of the fifth edition of *The Uniform Commercial Code*, with James J. White (Thomson/West); *Principles of Secured Transactions*, with James J. White, Concise Hornbook Series (Thomson/West); and *Instrumentalism in Encyclopedia of Law and Society* (Sage Publications).

Professor Wendel’s paper “Lawyers as Quasi-Public Actors” will be published in a forthcoming issue of the *Alberta Law Review*.



During the fall semester, **W. Bradley Wendel** was an invited participant in an academic conference to celebrate the hundredth anniversary of the Law Society of Alberta, held in Edmonton. He participated in the legal ethics conference with several Canadian scholars, as well as professors from the United States, the United Kingdom, and New Zealand. His conference paper, “Lawyers as Quasi-Public Actors,” will be published in a forthcoming issue of the *Alberta Law Review*.

Professor Wendel also participated by invitation in a panel discussion on legal ethics at the International Association for Philosophy of Law and Social Philosophy World Congress in Kraków, Poland. The legal ethics panel brought together scholars from Japan, Germany, Poland, Spain, and the United States to talk about issues of ethics and professional responsibility in a comparative context. Finally, Professor Wendel also presented several draft chapters of a forthcoming book at faculty work-in-progress presentations at Duke University, Suffolk University, the University of Texas, and the University of Denver law schools. ■

FACULTY PROFILE

Barbara J. Holden-Smith

A picture may be worth only a thousand words, but three images on the walls of Barbara J. Holden-Smith's office in Myron Taylor Hall tell volumes about what matters most to her and drew her to the study of law.

Opposite her desk is a black-and-white photograph of a young Thurgood Marshall, taken around the time he successfully argued *Brown v. Board of Education* before the U.S. Supreme Court, leading to the landmark 1954 decision to desegregate public schools.

Next to it is a Norman Rockwell illustration of a very small but determined black girl being escorted to school in Little Rock, Arkansas, by a cadre of poker-faced federal marshals. The wall behind them is spattered with rotten fruit.

And near her desk is a photograph of Hon. Ann C. Williams, now with the U.S. Court of Appeals for the Seventh Circuit, whom Professor Holden-Smith clerked for from 1985 to 1987.

Like the people in the pictures, Professor Holden-Smith carries herself with a certain moral purposefulness, as if, along with her day-to-day responsibilities as an educator, she is always aware of societal wrongs that still need righting and is prepared to do her part.

An expert in civil procedure and the history of the U.S. Supreme Court during the era of slavery, she joined the Law School's faculty in 1990. She was made full professor in 2000, and has been associate dean for academic affairs since 2005. Subjects she teaches also include human rights litigation, race and the law, and conflict of laws.

Barbara J. Holden-Smith carries herself with a certain moral purposefulness, as if, along with her day-to-day responsibilities as an educator, she is always aware of societal wrongs that still need righting and is prepared to do her part.

"I love teaching," she says. "I do a lot of questioning in class. I've been told that I'm tough, but I want students to be challenged."

As a young girl growing up in Washington, D.C., in the 1960s she faced her own share of challenges. After both parents died, she and four siblings were raised by great-grandparents. "I was the rebel, the one who talked back," she recalls. A good student who believed that if she stayed in school long enough she'd know everything, she also acquired a sense of social justice early on. "From the time I was a junior in high school I thought my generation could bring about a fairer society for minorities and poor people. I was influenced by the civil rights lawyers, and seeing what they were accomplishing," she says.

After high school, she enrolled at Lake Forest College in Illinois, where she majored in political science, graduating in 1973. She considered law school but instead joined forces



Barbara J. Holden-Smith is recognized for her groundbreaking work in Supreme Court history and practice, and currently teaches federal courts, civil procedure, advanced civil procedure, conflict of laws, and African Americans and the Supreme Court. She joined Cornell Law School's faculty in 1990.

with classmates who wanted to reform K-through-12 education for black students. "Fifteen of us went back to D.C., raised money, and started a school of our own, Black Seeds."

But she disagreed with the group's black separatist educational philosophy, so she left to pursue her goals for equality in another arena. "I joined the fair food movement. Prices were higher in D.C. inner city supermarkets in the Adams Morgan area, and the fruits and vegetables were days old," she explains. "We organized a boycott and sold food at better prices at worker-managed stores."

She also studied respiratory therapy and worked at an emergency room and burn unit in Washington and a neonatal intensive care unit in New Orleans.

Then, during a four-month stint in Cuba laying bricks and shoveling rocks in the company of other inexperienced, idealistic volunteers in the late 1970s, "I had this epiphany," she says. "Suddenly I understood that we had been fooling ourselves to think we could change society from the inside out. If I wanted to do something it needed to be achievable and in my own country."

Losing her ideals felt heartbreaking, recalls Professor Holden-Smith, but the more pragmatic direction her life took produced its own set of rewards. Enrolling at the University of Chicago Law School in 1981, she found that she "loved the intellectual part and really enjoyed civil procedure. It's one of the most important areas of law," she comments. "Without a strong, fair procedural system, those substantive rights cannot really be vindicated."

Following her degree, she worked as an associate at prominent law firms in Chicago and Washington, D.C., for several years, handling a range of cases from antitrust to litigation to food and drug law. She also clerked in the U.S. District Court for Northern Illinois for Judge Williams, who called her "an extraordinary law clerk, excellent at analyzing legal issues and dedicated, always going the extra mile, and a wonderful human being. It was clear she had the makings of an outstanding scholar and teacher."

Now entering her eighteenth year as a Cornell Law School faculty member, Professor Holden-Smith says, "Teaching is the most rewarding part of my day, and our students are the school's greatest asset—hardworking and respectful of each other and their professors."

Some have told her she has made a difference in their lives. Among them is Gitanjali S. Gutierrez '01, now defending Guantánamo detainees with the Center for Constitutional Rights, who says: "Professor Holden-Smith shared my commitment to civil and human rights and demonstrated to me that I could excel as a student and lawyer and still sustain my passion for justice."

"Barbara is a powerhouse," says Cornell law professor Winnie F. Taylor, who praises Professor Holden-Smith for working tirelessly to make the Law School an intellectually exciting place.

Adds Anne Lukingbeal, associate dean and dean of students: "Barbara is an extraordinary academic dean, upholding the school's rigorous academic standards while at the same time working sensitively with students who require creative approaches to their programs."

Professor Holden-Smith has spent the past three summers in Suzhou, China, as director of the Law School's Summer Law Institute there. "One of our aims is to get the Western and Chinese students who attend to start talking across cultures so they can see how they're different but the same," she says. Her

Profiles

son, Damian, who is eighteen and nearly fluent in Mandarin, tutors her in the language.

Her scholarship also has drawn international interest. This winter she presented at Bucerius Law School in Hamburg, Germany, on her comparative study examining why some nations have apologized for past wrongs while others have refused to.

For example, the United States ended its slave trade in 1808 and banned slavery in 1863, but as late as the 1990s Bill Clinton chose not to apologize for slavery when he was president. "I just wonder why," asks Professor Holden-Smith. "It's not costly, and we need all the racial healing we can get."

She is pleased that a strong black middle class has emerged since the civil rights gains in the 1960s for African Americans. But it troubles her that the United States is still so divided on the subject of race and class. "A huge percentage of people are trapped in inner cities without hope or opportunity. I had hoped that by now we would have a stronger social safety net; a health care system in which no one goes without adequate coverage; less income inequality; and tools like Affirmative Action for bringing a larger percentage of black people into the mainstream economy," she says.

Asked about her hopes for the future, she says: "I want our K-through-12 public school system to become a place where the majority of kids get a good education rather than have school be a place that deters hope. I would like to see the U.S. stop being this international bully and regain its reputation as a beacon of hope and opportunity."

~ LINDA BRANDT MYERS



ALUMNI PROFILES

Eric H. Blinderman '99

The first time Eric H. Blinderman '99 saw Saddam Hussein sitting in the dock on trial for crimes against the Iraqi people, he looked like "this frumpy old guy in a suit, holding his Koran, and being cordial to the people around him."

Yet "this was the same person who ordered pistol shots to the heads of thousands of women and children in mass graves south of Mosul," says Mr. Blinderman. As chief legal counsel and associate deputy to the Regime Crimes Liaison Office in Iraq, he helped make the case against Mr. Hussein that led to his eventual execution in December 2006.

Mr. Blinderman worked in the secure Green Zone in Baghdad on and off from March 2004 to December 2006, initially as associate general counsel under U.S. presidential envoy Paul Bremer, and says he felt safer than others. "Indirect fire from mortars would occasionally hit the outside of our building, and once a

150-pound rocket hit an office near mine, but we were lucky," he reports. He told his worried parents that the biggest danger he faced was high cholesterol from all the chicken nuggets he was eating.

But in other areas of the city and country, "the moments of absolute joy and hope after the elections" soon gave way to pervasive violence and factional fighting. "It struck me that here were our soldiers, some of them eighteen-year-old kids from all over the United States, taking immense risks, whatever their politics," says Mr. Blinderman. "And here were our Iraqi staff members, who came to work every single day to help our mission, risking kidnappings and murder to do so."

Now an international litigation counsel at Proskauer Rose, Mr. Blinderman helped launch a large pro bono project at the law firm aiding Iraqi translators and others whose lives are threatened as a result of their past work with the U.S. mission in Iraq. "To be known to have associated with the United States is a death sentence for many," Mr. Blinderman

Mr. Blinderman worked in the secure Green Zone in Baghdad on and off from March 2004 to December 2006, initially as associate general counsel under U.S. presidential envoy Paul Bremer, and says he felt safer than others. “Indirect fire from mortars would occasionally hit the outside of our building, and once a 150-pound rocket hit an office near mine, but we were lucky,” he reports. He told his worried parents that the biggest danger he faced was high cholesterol from all the chicken nuggets he was eating.

warns. Volunteers help them secure visas and resettle in the United States and other countries. Close to a hundred lawyers have signed up for the project so far, which is being done in partnership with another law firm, Holland and Knight, and an entity called the List Project. “One Iraqi who got refugee status is now working as a paralegal with our law firm,” notes Mr. Blinderman.

He also helped resettle Ra’id Juhi Hamadi Al-Sa’edi, the investigative judge in Baghdad with whom he worked to document the case against Mr. Hussein. Now the first Clarke Middle East Fellow at Cornell Law School, Judge Ra’id is working on a book with Mr. Blinderman about their Iraqi tribunal experience. He hopes eventually to return to Iraq to improve human rights under the legal system.

In addition, Mr. Blinderman got medical help in the United States for a young girl with a life-threatening congenital heart condition who is the daughter of another Iraqi judge.

The unanticipated chain of events that brought Mr. Blinderman to Iraq in the first place—an AUDIX message from a Cornell Law School classmate listened to late one night after a holiday office party, a résumé faxed before daybreak, an interview with staffers working for Paul Wolfowitz two weeks later—were first recounted in a *New York Times* article about him in May 2006.

But the story behind the story began in Myron Taylor Hall eight years earlier.

“I was associate editor of *Cornell International Law Journal*,” says Mr. Blinderman. While in China the previous summer studying law, he had backpacked across Southeast Asia to Hong Kong to see the British transfer sovereignty to the Chinese. He argued that the historic event should be the subject of the journal’s next symposium, but the editor in chief insisted that it be about the International Criminal Court (ICC). “She won,” recalls Mr. Blinderman.

As a result, at the symposium he met Charif Bassiouni, a renowned legal scholar who was later nominated for the Nobel Prize for his work in international criminal law. “He asked me to work with him in Europe on ICC rules of evidence and procedure, and I said yes,” says Mr. Blinderman. “Everything I learned there translated directly to Iraq.”

In a sense, Mr. Blinderman had been preparing for his role in Iraq since boyhood. Growing up in Woodmere, New York, on Long Island he remembers “being fascinated by the Nuremberg trials,” in particular, the figure of the chief prosecutor, whose eloquence he sought to emulate in Iraq.

As an undergraduate in the College of Arts and Sciences at Cornell, Mr. Blinderman majored in communications and minored in government, took classes with a law compo-

nent, and studied in Geneva, Switzerland, his junior year. “I was interested in the way states operate in the international playing field, how foreign policy gets made,” he says.

Between college and law school he took an uncharacteristic break. “I drove out to Colorado in a beat-up Ford Bronco and was a ski bum for a year in Vail. I had the naïve notion I was going to join the Olympic ski team,” he says. When reality finally set in, he applied to ten law schools, but “once Cornell came through, that was it for me.” He discovered international law under professors David Wippman and Muna B. Ndulo, and visiting professor Monroe Price, who encouraged him to do a clerkship before settling in as a Proskauer Rose associate.

“Eric was an engaged and talented student who showed a deep interest in international law issues,” says Vice Provost Wippman, Cornell vice provost for international relations and professor of law. “He has since done remarkable things to support war crimes prosecutions in Iraq and help rebuild the Iraqi legal system.”

“Eric was a terrific student to have in class, always concerned about promoting human rights and ensuring the effectiveness of the international criminal justice system,” recalls Professor Ndulo, professor of law and director of Cornell’s Institute for African Development.

In 2000–01 Mr. Blinderman clerked for Hon. Lawrence Kahn, U.S. district judge for the Northern District of New York. “It was the first time I got to see the nuts and bolts of practicing law in a busy federal court,” he says.

He acquired further expertise at Oxford University, where a Ford Foundation fellowship enabled him to study again under Professor Price, who recalls: “Eric was a star in a course I taught at Cornell and did brilliant work

with me at Oxford.” Now at the University of Pennsylvania’s Annenberg School for Communication, he asked Mr. Blinderman to contribute a key chapter to his book on the international law of media intervention.

But perhaps the most unusual move Mr. Blinderman has made so far has been to open a restaurant in Greenwich Village in New York City, an endeavor that inadvertently coincided with his appointment in Iraq. On the eve of his departure, “he was cleaning grease traps and putting the finishing touches on the restaurant,” the May 2006 *New York Times* story stated.

The restaurant, Mas, which resembles a French-inspired farmhouse, offers fresh, organic food and a menu that changes daily. It began when Mr. Blinderman encouraged a friend who kept talking about starting a restaurant to go ahead and do it. “The plan was to get my friend to succeed,” he explains. “Over many weekends we wrote a business plan, then looked at real estate and visited banks. I got my Proskauer check and rolled it over to the restaurant. Finally we signed a lease and did the construction.” He cheered from Iraq over the phone when the restaurant opened to rave reviews in 2004. Customers now wait a month to get in.

“Nobody multitasks like Eric,” comments Gregg Mashberg, a partner at Proskauer Rose. “He is the most eclectic person I know. He has made a major contribution to international human rights—while exposing himself to personal risk. He’s a scholar, an accomplished commercial litigator, and a successful restaurateur. And he is completely unassuming and witty—a unique and wonderful person, from whom the world will be hearing much more in the years to come.”

~ BY LINDA BRANDT MYERS

ALUMNI PROFILES

Eve L. Hill '89

Eve L. Hill '89 is a hero to thousands of poor people in the Los Angeles County area. Thanks to her, they or their family members with disabilities are able to live normal lives in their own homes and communities.

As director of the Disability Rights Legal Center at Loyola Law School from 1998 to 2007, she helped file a class action suit, *Rodde v. Bonta*, on behalf of low-income patients at Rancho Los Amigos Rehabilitation Center to prevent Los Angeles County from closing it. The only rehabilitation hospital in the county serving people with disabilities, the center treated people with impairments ranging from spinal cord injuries to post-polio muscle atrophy. Many of them would have been institutionalized in nursing homes if the place had closed.

“People thought we were tilting at windmills,” says Ms. Hill, “but the Ninth Circuit appeals court ruled in our favor.” In 2003, a court-ordered preliminary injunction kept the county from closing the facility. The Ninth Circuit Court of Appeals upheld the order in 2004, and the center is still open.

Another achievement: As one of the lawyers representing class action plaintiffs, among them Santa Monica attorney David Geffen, who is paralyzed from a spinal cord injury, she won a 2006 settlement in *Miles v. County of Los Angeles* requiring Los Angeles County to make all forty-eight of its courthouses more accessible to the disabled.

Mr. Geffen himself litigates disability, employment, and personal injury cases, which dovetails with Ms. Hill’s drive to open the legal profession to more people with disabilities. She chaired the California bar’s standing

committee on legal professionals with disabilities in 2001. Her efforts there won her the State Bar of California’s first Diversity Award in 2002 and helped earn her a spot on the American Bar Association’s Commission on Mental and Physical Disability Law in 2005-07.

Another victory in which she played a role is the installation of TTYs/TDDs (text telephones) for the hearing impaired at public safety call boxes linked to the sheriff’s department in several California counties.

And in a win especially dear to the hearts of Los Angelenos, thanks to Ms. Hill and colleagues, people with disabilities now get appropriate seating at the Kodak Theatre, home to the glitzy annual Academy Awards ceremony.

“Eve Hill understands the issues that people with disabilities face and has been a dynamo in terms of working with government and the private sector to ensure that their needs are met in a way that’s acceptable to all constituencies,” says Cornell classmate Gina R. Snyder '89, now executive director of East Falls Development Corporation in Philadelphia.

“I’ve worked with Eve Hill for over a decade,” says Michael Collins, executive director of the National Council on Disability. “During that time she has been a tireless advocate for people with disabilities and is well-respected by her peers. She also is highly organized, and everything she does is first class.”

Ms. Hill first became involved with disability rights when, fresh out of Cornell Law School, she was working as a litigator with the Washington, D.C., law firm of Pierson, Semmes & Bemis. The year was 1990, and the Americans with Disabilities Act (ADA) had just been signed into law. The new series of statutes, which protects people with disabilities from discrimination in employment, government



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services, and private businesses, piqued her long-standing interest in civil rights. She trained to take on ADA cases pro bono, an effort that led to her appointment in 1993 to the U.S. Department of Justice's Civil Rights Division, where she supervised the investigative unit for ADA compliance and mediation for five years.

"I loved that job," she says. "I got to really learn about the law and work with some terrific people."

The benefits of including people with disabilities in government and private enterprises seemed self-evident, says Ms. Hill. But she and her team of investigators had their work cut out for them convincing government agencies and business owners. "People either didn't know anything about the ADA and

didn't want to, or they were resistant to change and would say things like, 'compliance costs too much money.'"

As a student at Cornell Law School under now professor emeritus Robert B. Kent, she had written a paper about mediation and other alternatives to litigation for resolving legal disputes. In the Department of Justice's Civil Rights Division she launched the ADA Mediation Program and became its alternative dispute resolution coordinator, which earned her the John Marshall Award, the department's highest honor for excellence in legal performance, in 1997.

Last October, she left her job at Loyola Law School's Disability Rights Legal Center, where she also taught, to become the first director of the Office of Disability Rights for the District of Columbia, a new position established by

Washington, D.C., mayor Adrian Fenty. "The district is home to about 650,000 people, and D.C. government includes about fifty agencies," notes Ms. Hill. "Our new mission is to make it a leader and model for disability inclusion." The job is "a wonderful opportunity that I couldn't pass up," she adds.

One inspiration for Ms. Hill has been her father, who is Native American. "He was a carpenter who worked for a human services agency insulating poor people's houses. He made less than he would have if he worked for a for-profit but he got satisfaction out of doing good," she says. Her mother's death from breast cancer also motivated Ms. Hill, who oversaw a national call-in line at Loyola Law School's Cancer Legal Resource Center which counsels people being treated for cancer about their legal rights.

Profiles

A coauthor of the handbook *Disability Civil Rights Law and Policy*, published by Thomson/West in 2003, Ms. Hill says: “We found that public acceptance and inclusion of people with disabilities into society is driven as much by political, social, economic, and attitudinal factors about what constitutes disability as by law and policy.”

She warns, “We’re now experiencing a backlash in business and government against the ADA. Initially the law said you’re covered under the ADA if you have a mental or physical substantial limitation on your life. But now the courts have cut back on that definition and said you may not be covered if you have mitigated your disability with medication or devices.” There’s a legislative movement afoot in the form of the ADA Restoration Act to broaden that definition again, she notes, but overall progress has been slow, with the public remaining “unaware of the issues at stake.”

The good news, Ms. Hill says, is that people with disabilities are better off now than before the passage of the ADA and the Supreme Court’s *Olmstead* decision of 1999, which mandates that people with disabilities must be integrated into, and treated in, their communities, instead of being institutionalized.

“I think things are going to continue to improve as we start to see disabilities as a natural part of life,” she says. “But public acceptance will also continue to go back and forth, three steps forward, one step back.”

~ LINDA BRANDT MYERS



ALUMNI PROFILES

Leonard J. (Len) Kennedy '77

Friends of Len Kennedy '77 must have wondered about his sanity when, eight years ago, he resigned as partner at the prominent telecommunications law firm of Dow, Lohnes & Alberston and took a big pay cut to become senior vice president and general counsel at Nextel Communications, Inc.

The company was \$13 billion in debt at the time. “It was growing explosively but it wasn’t profitable, and some wondered if it would ever be,” he recalls.

But Mr. Kennedy, who had made a name for himself at Dow Lohnes working with Nextel and other clients in the then-nascent field of wireless communications, had become fascinated with the possibilities the firm represented.

After he got the offer from Nextel, “I sat down in a Barnes & Noble bookstore with a large

latte and a yellow legal pad and outlined the pros and cons,” he says. “I knew that the company had incredibly passionate, dedicated, and interesting people.” Even more important, “it had both ‘spectrum’ [radio waves] and \$6 billion in marketable securities—which meant it could pay its bills and execute its business plan,” says Mr. Kennedy.

He joined Nextel in January 2001. Within a year, the dot-com bubble had burst and the company’s stock dropped from \$22 to under \$3 a share.

But Nextel survived the closed capital markets that followed and rose to become the United States’ third largest mobile phone company after it merged with Sprint in mid-2005, propelling its customer base to well over 50 million. Mr. Kennedy’s legal team oversaw all legal aspects of the merger, which was the largest in the United States that year. “We made sure our SEC [Securities and Exchange Commission], DOJ [Department of Justice],

Len Kennedy joined Nextel in January 2001. Within a year, the dot-com bubble had burst and the company's stock dropped from \$22 to under \$3 a share. But Nextel survived the closed capital markets that followed and rose to become the United States' third largest mobile phone company after it merged with Sprint in mid-2005, propelling its customer base to well over 50 million. Mr. Kennedy's legal team oversaw all legal aspects of the merger, which was the largest in the United States that year.

state and Federal Communication Commission (FCC) filings were state of the art," he says proudly.

Because the merger was one of equals, combining the two companies has had its challenges, says Mr. Kennedy. "We've had to redesign our systems, processes, networks, and businesses to operate as one business. Reengineering is sometimes more difficult than building from scratch. But once it's done, the magic will come," he predicts.

The business press has been critical of Sprint Nextel, partly because "business results haven't yet been at as high a level as people were expecting nor have they come as quickly," concedes Mr. Kennedy.

But the company is a leader in mobile broadband and is now on track to deliver an innovative mobile communications product—WiMAX—that allows users to see the people they are talking to on the phone as well as link to the Web, manage their e-mails, and watch TV and movies, all on a tiny screen with a high-quality picture. "Within a few years it will be as ubiquitous as television and computers and will network consumer electronics," says Mr. Kennedy.

He is proudest of assembling a first-rate legal team at Sprint Nextel "to support and advance business-minded results" and dramatically reduce the number of litigation cases the firm faces. "It doesn't always come across in law

school, but lawyers must do their jobs with great creativity that stimulates business growth," he says.

In a sense, Mr. Kennedy has been preparing much of his adult life for the position he now holds. "My career is really an extension of what I'd been doing in college and law school and I have been refining and adding to it over time," says Mr. Kennedy.

As an undergraduate at Cornell, he studied microeconomics and was influenced by the thinking of such Cornell economists as professor emeritus Alfred E. Kahn, a strong proponent of industry deregulation who went on to introduce competition to the airline industry under former U.S. president Jimmy Carter.

Deregulation, economic efficiency, and the benefits of competition became the theme running through Mr. Kennedy's career. "One reason we have a vibrant Silicon Valley today, notwithstanding the downturn earlier this century, is our strong commitment to allow capital and ideas to flow to areas of opportunity perceived by entrepreneurs," he asserts.

Not surprisingly, his big area of interest became antitrust law. One reason he chose Cornell Law School over competing programs, following his undergraduate degree, was the chance to study and work with an expert on that subject, Donald I. Baker, then a visiting professor, who went on to become U.S. assistant attorney general for antitrust.

A summer job with a large Baltimore-based corporate law firm, now called Venable, led Mr. Kennedy to a position in its litigation department after law school. "It was my best opportunity to get involved in antitrust cases," he says.

But when a friend called and invited him to join the legal team at the nonprofit Children's Television Network in New York City, home to *Sesame Street*, Mr. Kennedy, a former scholarship kid from Brooklyn, was touched by the idea that his efforts might lead to more opportunities for urban kids with backgrounds similar to his own and took the job.

He returned to the Washington, D.C., area in the early 1980s to do economic deregulation work with the FCC. An assignment: helping to rewrite the rules of engagement in the U.S. telecommunications industry to promote greater competition and innovation following what Mr. Kennedy calls "the big bang"—the breakup of the Bell telephone monopoly in 1984. While there, he began to "understand emerging information and technology services and the engineering and operations of the telephone system, as well as the economics of networks," he recounts.

But one highly competitive arena today almost didn't happen. "The original proposal in 1984 was to make the cellular business a monopoly," he recalls, "but the FCC decided not to do it. Ultimately it made spectrum available for new competitors."

In 1986, he was asked to become legal adviser to FCC commissioner Patricia Diaz Dennis. A Democrat appointed by then president Ronald Reagan, Ms. Dennis was one of five advisers to the president on domestic and international communications policy. "It was a great opportunity to work at one of the highest levels during a time of dramatic

change and set a policy direction for American industry and consumers,” Mr. Kennedy says.

He left government to join Dow Lohnes in 1989, representing cable, wireless, and long-distance companies seeking to compete in new markets, and then returned for a second stint, as senior legal adviser for commissioner Ervin S. Duggan. Following that, he built a legal practice that led him to become a principal counselor and adviser to Nextel.

Mr. Kennedy’s professional values of systemic change, fairness, and opportunity for all match his personal ones. “I’m very grateful for the support I received at Cornell, and its role in my success is very significant,” he says. One way he gives back is by supporting the Law School. Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law, introduced him when he spoke on the future of the telecommunications industry at a Cornell Entrepreneur Network event in Washington, D.C., in 2005. And he was involved in his twenty-fifth Law School Reunion in 2002, where he discussed the corporate counsel/outside counsel relationship.

Mr. Kennedy also is a board member of the Washington, D.C., branch of the Appleseed Foundation, a nonprofit network of public interest organizations that works to promote systemic change and eliminate barriers to opportunity.

In his spare time he reads (most recently, the letters of Roman philosophers Seneca and Epictetus) and is a longtime practitioner of T’ai Chi Ch’uan, a Chinese martial art and meditation practice that, he says, helps him remain calm, rooted, and focused, even on his roughest days.

~ LINDA BRANDT MYERS

STUDENT PROFILE

David A. Kagle '08

David A. Kagle '08 planned to become a biologist. “I found molecular biology to be a fascinating and powerful procedural microscope into the intricacies of the stuff that makes us who we are,” he says.

As an undergraduate biology major at Swarthmore College, Mr. Kagle planned to teach biology.

“I was interested in helping kids and families,” he explains. “At Swarthmore, I brought high school students into the biology labs to give them a taste of the college experience. This program allowed Swarthmore students to share fields in which they were particularly interested with promising inner city high school students who would hopefully progress to a college education.” Ultimately, however, Mr. Kagle says, “I realized that if I wanted to help people have a healthier and stronger life, law would give me the tools I needed.”

When his wife came to Cornell for a Ph.D. in microbiology, Mr. Kagle took a job with Gene Network Services (GNS) in Ithaca. “We took turns going to school,” he explains. At GNS, Mr. Kagle recalls, “I wasn’t making enough change in the world. I really wanted to have a chance to improve some of the inequities I saw in various parts of society. Law is a broad, powerful tool of equity.”

To learn more about the practice of law, Mr. Kagle became an intake paralegal for Chemung County Neighborhood Legal Services in Elmira, New York. After a year of assisting clients and helping to write briefs with staff attorneys, he decided that law school at Cornell was the right choice for him. However, he didn’t get into Cornell right away.

David A. Kagle believes that while not the solution to all of society’s struggles, law is integral to the engines of change.

“The very structure of law, from legislation to its interpretation in the courts, is founded on fairness. The role of the public interest lawyer is, therefore, to highlight the equities which favor judicial and legislative action on behalf of low-income clients.”

“I spent my first year of law school at the Cardozo School of Law at Yeshiva University,” Mr. Kagle says. “I really enjoyed it, but the downside was that I was away from my wife and son, Arthur. I was lucky my wife was so supportive.” His wife, Jeanne Kagle, now teaches microbiology at Mansfield University in Pennsylvania. Mr. Kagle notes that while he was away, Dr. Kagle faced a daunting job of working towards tenure while also caring for their son. Without her efforts, Mr. Kagle says that he never could have succeeded either at Cardozo or Cornell. The couple now has two



children, a boy five years old and a girl born in June 2007. Mr. Kagle was accepted to Cornell Law School as a transfer student in 2006.

Cornell has the merit of being close to Mansfield University, but, Mr. Kagle adds, "It's a fantastic school with a diversity of classes. And Cornell has some of the hardest-studying law students in the country." The Law School also offers a strong Legal Aid Clinic, where Mr. Kagle has interned for several semesters. "JoAnne Miner has been very supportive," he says. "She helped me learn how to interact with clients—to draw them out and develop relationships. She also takes a multifaceted approach to the cases, describing the background concerns involved in each case."

"I'm particularly interested in unemployment law," Mr. Kagle notes, adding that many of his cases at the Legal Aid Clinic were in that area. "The law itself is very complicated, and some really obscure element can mean someone is denied benefits. People need more advocacy to help them navigate the system."

In the summer of 2006, Mr. Kagle interned with Hon. Peter C. Buckley at Chemung County Court. "Judge Buckley gave me a huge amount of responsibility," Mr. Kagle says. "I wrote several opinions that became the

primary decision of the court, and one was published in the *New York State Reporter*. It was a great opportunity for me. Once, I was just handed a box of the entire record, including video, of a criminal case that was being appealed. I went through it argument by argument and wrote the decision. I got a strong sense for how judicial decision making really works."

The following summer, Mr. Kagle worked for Southern Tier Legal Services in Bath, New York, which is a division of Legal Assistance of Western New York, Inc. There he discovered many problems with housing law, along with the serious effects those problems can have on low-income tenants. "A lot of people buy homes as investment properties but then default on the mortgage," he explains. "These are often out-of-town landlords who don't take care of the property. As a result, tenants can become defendants in a foreclosure, or just end up out on the street." Although there are plenty of good landlords, Mr. Kagle says, too many people become landlords without knowing their responsibilities. "There's not much of a barrier to becoming a landlord," he explains. "Minimally, the state should offer stronger guidelines for what is more than a convenient source of income. Landlords have

the critical responsibility of providing one of the most basic of human necessities, shelter."

Mr. Kagle hopes to put his commitment to public interest law into service in the Southern Tier of New York. He is just beginning his search for a job which will allow him to continue to push for the most basic rights of the poor and others who have complex and challenging legal problems but little access to the legal system. Though he has lived here a relatively short time, Mr. Kagle feels more committed to and concerned about the community as he gets to know more of its members.

Mr. Kagle believes that while not the solution to all of society's struggles, law is integral to the engines of change. "The very structure of law, from legislation to its interpretation in the courts, is founded on fairness. The role of the public interest lawyer is, therefore, to highlight the equities which favor judicial and legislative action on behalf of low-income clients. Such actions will ultimately bolster a more just and therefore healthier society."

~JUDITH PRATT

Profiles



STUDENT PROFILE

John R. Mills '08

John R. Mills '08 is a traveler, both around the world and among the laws and beliefs that affect social justice. In fact, our interview took place while he was in India visiting his girlfriend, who is a medical student working there in a rural health clinic.

Mr. Mills even remembers when his two passions began. "My first trip overseas was as an eighth grader, on a mission trip to Suriname in South America," he recalls. "We went to a small jungle town where the school needed repair. Seeing the contrast between the life I was living and how people were living in Suriname caused me to think about the vagaries of globalization. Hundred-year-old trees were being hauled out of the jungle there, while at home we had nice big stacks of paper."

Mr. Mills grew up in Florida, the son of a Baptist minister and a middle school teacher. Although he majored in religious studies at Stetson College in Florida, he notes that it

"I really like the cooperation between Lambda and the National Lawyers Guild on protesting the 'Don't Ask Don't Tell' law, as well as the Solomon amendment, a piece of legislation that ties school funding to allowing military recruiters on campus," says John R. Mills. "Living in a society that is open and pluralistic is important to me."

was an "academic pursuit" rather than a plan to follow in his father's ministerial footsteps. "I'm interested in the impact of what people believe on what they do," Mr. Mills explains. That led him to spend a semester at Oxford University, where he studied Latin American liberation theology, black liberation theology, and environmentalist theology. "If a theology emphasizes that you're only here for a tiny

fraction of your existence, then it's less important to change life on earth for the better, but if it emphasizes stewardship and responsibility, then a respect for the environment would follow," he says.

Before and after his term at Oxford, Mr. Mills traveled all through Europe and had previously taken the opportunity to visit a classmate in

Melbourne, Australia. Before graduating from Stetson, he decided that law would give him the most opportunities to fight for social justice. Upon graduation from Stetson, he took a year off to work for the Kerry/Edwards campaign. Between the election and law school, he took a job with Amnesty International, in San Francisco, and then spent a summer in Mexico to sharpen his Spanish.

He chose Cornell because of the small campus and the openness of the faculty. "I was able to meet professors when I came to visit, and everyone was very welcoming," Mr. Mills says. The Public Interest Low Income Protection Plan also drew him. "It would be nice to have even more help for people committed to doing public interest work," he notes.

In his second year at the Law School, Mr. Mills was part of the Capital Appellate Defense Clinic with professor John H. Blume. "He is an inspiration to me as well as to a lot of students," says Mr. Mills. "It's great to hear him talk about habeas corpus law and explain it in plain, compelling terms understandable to first year law students." Mr. Mills researched and wrote memos to prepare Professor Blume for his oral argument on *United States v. Fell* on direct appeal in the Second Circuit. It was the first death penalty case in Vermont in over forty years.

This past fall, Mr. Mills followed up on his interest in habeas corpus law while interning at the Oregon Capital Resource Center in Portland. "I came to law school because I wanted to work with people with the least amount of advantages and who are facing really strong opponents—including the U.S. government," Mr. Mills explains. "In law school, I learned a lot more about the forces facing these people, both the social and legal hurdles." In Oregon, Mr. Mills says, he also

learned that he preferred legal research and writing to trial-level litigation. "I like presenting the law and the facts, developing a theme and the story," he notes.

Mr. Mills also interned for the Public Defenders Office in San Francisco, where he participated in negotiations in judges' chambers, as well as for Van Der Hout, Nightingale, & Brigagliano LLP, also in San Francisco, where he focused on immigration law for people facing deportation.

Meanwhile, at the Law School, Mr. Mills served for two semesters as a research assistant to Stephen W. Yale-Loehr, reading, summarizing, and coding immigration cases decided by the Administrative Appeals Unit, for publication on LexisNexis.com. In the spring semester, Mr. Mills is serving as a teaching assistant (T.A.) for Professors Sheri Lynn Johnson and Blume. "Being able to work with them is exciting," says Mr. Mills. "I enjoy being their T.A. It is a great opportunity to practice what Professors Johnson and Blume can do so well—explain complex legal issues in plain terms."

Mr. Mills's activities at Cornell include serving on the Moot Court Board and as an officer for the Public Interest Law Union, the National Lawyers Guild, and Lambda. Among his many interests, he says, "I really like the cooperation between Lambda and the National Lawyers Guild on protesting the 'Don't Ask Don't Tell' law, as well as the Solomon amendment, a piece of legislation that ties school funding to allowing military recruiters on campus. Living in a society that is open and pluralistic is important to me."

In fact, Mr. Mills received the 2007 Freeman Award for Civil-Human Rights, established from the estate of professor emeritus Harrop A. Freeman '30, J.S.D. '45, to provide a cash

prize to a Cornell Law School student or students who have made the greatest contribution during their law school career to civil-human rights.

Because of his interest in public service and social justice, serving as acquisitions editor for Cornell's *Journal of Law and Public Policy* was a perfect fit for Mr. Mills. "Sifting through hundreds of articles and weeding them down to a dozen was very difficult," he says. "Making the call on which articles to publish was incredible—a second year law student choosing among professors' articles is a lot of responsibility. In law school, that's considered normal, but my friends in other professions don't understand it. But it works for us, because after we choose, we edit and look at all the citations with a higher level of rigor than more professional editors, like those in other fields, would have time for."

Mr. Mills says, "I'm open to a lot as far as what my career is going to include. In the immediate future I am very excited to be doing death penalty defense with the Habeas Corpus Resource Center. I have a passion for social justice. To do anything besides that would be forgetting why I came to law school."

~ JUDITH PRATT

STUDENT PROFILE

Angela C. Winfield '08

When she was a child, people would ask Angela C. Winfield '08 what she wanted to be when she grew up. "A lawyer," she would answer. Not that she understood what that meant, she explains: "On the *Cosby Show*, Clair Huxtable was a lawyer, and although they never showed her working, I still wanted to be like her!"

During high school and college, Ms. Winfield tested out other possible careers. "I interned with a physical therapist, and considered psychology and psychiatry," she says. "My parents are both teachers, my sister is a teacher, and my mom has six brothers and sisters, all in the education field." Then she attended a pre-college program at Columbia. There, she recalls, "I could choose between visual art and constitutional law. I wanted to do something fun and different, so I chose visual art. But I discovered that it wasn't interesting. I switched to the law and I thought —this is for me."

Ms. Winfield went to Barnard College where, in her all-women seminars, she says, "I could participate in class. In high school, I never got to participate. I was always painfully shy growing up." At Barnard, Ms. Winfield studied political science and human rights, with a minor in religion. Her thesis was titled "One Nation Under God: Religious Freedom, the Constitution, and Democracy." In her sophomore year, after many years with an acute vision impairment, Ms. Winfield became completely blind. Her response was to talk with all her teachers to find ways to continue studying, to work as a paralegal intern for a civil rights attorney—and to spend spring semester of her junior year at Queen Mary College in London.

Angela C. Winfield attended a pre-college program at Columbia. There, she recalls, "I could choose between visual art and constitutional law. I wanted to do something fun and different, so I chose visual art. But I discovered that it wasn't interesting. I switched to the law and I thought —this is for me."

"My family is a great support system," she says. "The reason why I am what I am is because of my parents. The school system wanted to put me in special education; my parents said no. I didn't know I was different until I got out into the world." Still, Ms. Winfield says, "My mom is a worrywart, and I know how strong she was to let me go. I'm really looking forward to my graduation from the Law School. I can't think of anything better to give her."

Ms. Winfield chose Cornell after applying to several other law schools. "I knew I could go to school in a large city, but I had never lived in a small rural area. I visited and really liked it. After I visited, they sent me an e-mail, and several people called." Her boyfriend lives in Auburn; however, Ms. Winfield says, he didn't want that to influence her decision about law school. "But the only one that thrilled me was Cornell," she says. "I was so excited. Then, of course, in my first year I was questioning everything! Then, and all through law school, my boyfriend has been a much needed and important source of emotional support."

At the Law School, Ms. Winfield served on the University Committee on Web Accessibility and, as a summer editor for the *Legal Information Institute Bulletin*, also worked with them on Web accessibility issues. "I used the LII before I even got into law school, and they're actually accessible," she recalls. "Electronic law information really reaches people." Web accessibility means coding Web pages so that the software used by the visually impaired can read them. "The community is trying to come up with a plan to make academic Web sites accessible. That kind of universal design, whether on Web sites or in architecture, helps everybody."

Ms. Winfield uses software called JAWS (Job Access with Speech) to convert electronic text to synthesized speech. "Everything I type is read to me," she explains. "That's the way I process everything. Braille is not efficient for me." She also has a guide dog named Ogden. "He's my first dog and he's a wonderful partner," she says. "He's my lifeline, my pet, and my tool. When I had a cane, it was rare that people would say hello. Ogden breaks the



ice.” Ms. Winfield talks easily about her disability, but, she says, “I don’t feel comfortable explaining all the time, only when people ask. And people see me come to class every day, taking notes, doing Moot Court and doing well at it. I can’t always be the one educating, but I can teach through example.” She adds that all of her professors have been very supportive. “I’ve been treated like a regular law student,” she says.

During her time at Cornell, Ms. Winfield has been a law intern with the Cornell Legal Aid Clinic; participated with BR Legal, a student group that provides legal services to start-up businesses; and clerked with Hon. Mark H. Fandrich, the surrogate court judge and acting Supreme Court justice in Auburn. “As an advocate, you can be creative, but when you

sit in the clerk’s chair, you have to figure out exactly where the law is and try to get it right,” Ms. Winfield says. “It’s an unusual dynamic. I couldn’t be a judge, but I can take that experience to my practice with me.”

Ms. Winfield has also been very active with Moot Court competitions, and served on the Moot Court Board. During her first year at the Law School, Ms. Winfield reached the quarterfinals in the Langfan Family First-year Moot Court Competition and, during her second year, reached the semifinals in the Cuccia Cup Moot Court Competition. She enjoys the courtroom because, she says, “I am a much better advocate for other people. I’ve always been better taking on a voice for somebody else.” Following up on her talent for litigation, she served as a summer associate with Hiscock & Barclay in Syracuse and

has accepted a job with them in torts and products defense litigation. “Law is a service industry,” she notes. “I’ll always do pro bono work, but I don’t think I could do public interest law full time. I find it very emotional. It takes a toll. Corporate clients need help, too. I’m just as passionate, but I can focus on the issues.”

“I do like to argue,” she admits. “Not conflict, but argument. I enjoy a challenge—and I like proving people wrong!” Considering all the people Ms. Winfield has proved wrong about her disability, her career in litigation will be a brilliant one. ■

~ JUDITH PRATT

Alumni



LEFT to RIGHT:

Jack G. Clarke, LL.B. '52

Myron Taylor Hall

Kristine S. Hoffmeister

Business Law Institute Attracts Major Gifts

Thanks to the contributions of prominent alumni, the new Jack G. Clarke Institute for the Study and Practice of Business Law will soon deliver comprehensive instruction and cutting-edge scholarship in business law subjects to Cornell law students. In addition to the foundational gift of Jack G. Clarke, LL.B. '52, alumni have contributed major gifts that provide the Clarke Business Law Institute (BLI) with both endowment and current-use funds. Mark A. Underberg '81 pledged last September to endow the Mark A. Underberg Business Law Institute Fund. In November, Jack L. Lewis '69 pledged to endow the Barbara B. and Jack L. Lewis Discretionary Fund. Both gifts are structured as Funds Functioning as Endowment, which gives the dean of Cornell Law School discretion to use the principal, if needed, to cover immediate costs in support of the institute.

"We're very grateful to Jack Lewis and Mark Underberg for including a flexible-use option in their respective gifts," said Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law and leader of the effort that has made the BLI a reality. "Discretionary funds are always extremely useful. They're critical to our ability to allocate money where it's needed most, when it's most needed. With gifts like the Underberg Fund and the Lewis Discretionary Fund added to Jack Clarke's magnificent contribution, the BLI is closer to bringing Cornell law students a complete education in contemporary business law."

Jack Lewis, a partner in the northern Virginia office of Morrison & Foerster, noted the dean's initiative. "Dean Schwab got my attention in explaining what he was trying to do with the BLI and the important purpose it

Thanks to the contributions of prominent alumni, the new Jack G. Clarke Institute for the Study and Practice of Business Law will soon deliver comprehensive instruction and cutting-edge scholarship in business law subjects to Cornell law students.

would serve," said Mr. Lewis. "I got an outstanding business law education when I was at the Law School, and I want others to have the same opportunity." Mr. Lewis focuses his advice and consulting work in the areas of the Internet, e-commerce, and information technology. He has been a trailblazer in defining the venture capital and emerging-companies practice for technology firms in the Mid-Atlantic region. He said, "Anything that improves the business law curriculum is something of which I'm very much in favor." A consistent supporter of Cornell Law School, Jack Lewis has contributed regularly to the Annual Fund in addition to making a series of gifts in support of special projects, including the Legal Information Institute and the renovation of Myron Taylor Hall. He has been a member of the Law School's Advisory Council since 2000. In supporting the BLI, Mr. Lewis said he wanted to set an example. "My hope is that the contribution I've been able to make to the institute will inspire others to do the same."



In speaking of his interest in the BLI, Mark Underberg said that a greater emphasis at the Law School on corporate matters would benefit students in a variety of ways. "The institute will not only provide students with a solid grounding in basic principles of corporate law but will serve as an incubator for new ideas in rapidly evolving areas, such as corporate governance, business ethics, and the globalization of the securities marketplace. The white paper Dean Schwab prepared on the mission of the BLI resonated with me," he said. "I agree that the institute can help establish Cornell Law School as a focal point for students wanting to enter the field, as well as for scholarly work in the discipline." A partner in the corporate department of Paul Weiss Rifkind Wharton & Garrison, LLP, in New York, and chair of the firm's Professional Development and Training Committee, Mr. Underberg emphasized the need he saw for young attorneys to obtain more advanced corporate training while in law school. He also spoke of his personal interest in an academic institute devoted to business law. "My father was a corporate lawyer in Rochester and had a serious intellectual interest in corporate law issues, and he imparted that interest to me. It helped shape my career." Building on the foundation Jack Clarke provided, the contributions of Mark Underberg and Jack Lewis will ensure that the business law institute will help to shape many corporate legal careers hereafter.

Walter and Joan Relihan Quadruple Scholarship Endowment

Justice Walter J. Relihan '59 and his wife, Joan, achieved a fourfold enrichment of their scholarship fund last fall by designating Cornell Law School the beneficiary of their charitable remainder trust. This instrument of planned

The provisions of a charitable remainder trust allow the donor to enjoy the use of all income earned from investments held by the trust for as long as he or she lives.

"It's a convenient and appealing way to give something back to the Law School," said Justice Relihan. "Ultimately, your contribution is larger and achieves a greater good."

giving offers perhaps the best means of realizing one's philanthropic goals while retaining control of one's assets—and increasing the value of both.

Originally established in 1999, the Justice Walter J. Relihan Jr. Scholarship Fund defrays tuition costs for meritorious Cornell law students with demonstrated financial need. "The cost of attending law school is so high that it's a problem for virtually every student," said Justice Relihan. "When I also considered the important role scholarships play in enabling Cornell to enroll the best students, it made sense to me that a scholarship was the best way to contribute." Cornell Law School awards one Relihan Scholarship each year at the discretion of the dean.

"The Relihan Scholarship is an excellent gift," said Dean Schwab. "It's the kind of gift we need, especially under its new provisions. I'm very grateful to Justice and Mrs. Relihan for remembering the Law School in this way."

The provisions of a charitable remainder trust allow the donor to enjoy the use of all income earned from investments held by the trust for as long as he or she lives. The trust can sell shares of held securities tax free and reinvest the proceeds to greater advantage. At the end of the donor's life, the principal of the trust passes to the named institution.

"It's a convenient and appealing way to give something back to the Law School," said Justice Relihan. "Ultimately, your contribution is larger and achieves a greater good."

Kristine S. Hoffmeister Joins Alumni Staff

Kristine S. Hoffmeister has joined the staff of alumni affairs and development as the associate director for Cornell Law School. Kristine began her career in the field of alumni relations at Canisius College in Buffalo, New York. Serving as assistant to the director of alumni relations for this private Jesuit institution, her responsibilities included event planning and volunteer management. While serving full-time in this capacity, she continued her education and graduated from Canisius College with a bachelor of science degree in business management (1998) and later earned a master of business administration degree (2004). In addition to her business degrees, she holds an associate in science degree from Erie Community College (ECC), a member school of the State University of New York system.

In 1999, Ms. Hoffmeister was appointed Erie Community College's first full-time director of alumni affairs. Under her leadership, ECC realized a comprehensive alumni program, which enhanced the ECC Foundation's fundraising efforts.

After developing a process through which to identify the over seventy thousand ECC

alumni, Ms. Hoffmeister designed programs and services to best suit the needs of this diverse population. Such efforts included recognition programs, reunions, departmental chapters, and integrated marketing communications. Since the strategic implementation of ECC's alumni program, alumni giving increased nearly 50 percent.

Between March 2003 and January 2004, Ms. Hoffmeister was appointed interim director of the ECC Foundation. During this time, she was responsible for the stewardship of the foundation's assets as well as seeking and securing funds for student scholarships and academic programs.

Ms. Hoffmeister has also held positions at Presbyterian Homes of Western New York and the Western New York Event Centre. She has been an active volunteer for Meals on Wheels and the Erie County SPCA, and has served on various volunteer boards.

Ms. Hoffmeister can be reached at ksh54@cornell.edu or by phone at 607-255-3037.

Class Notes Moving Online

The alumni affairs and development office is pleased to announce that future class notes will be available and archived online. After this issue of the *Forum*, all of the class notes will be available on the Law School's alumni affairs Web site and will be sent to alumni via e-mail. To receive these updates and make sure we have the most current information about you, please send an updated address and a current e-mail address to alumni@lawschool.cornell.edu. This will enable us to provide more timely and exciting news about our alumni. We plan to send class notes via e-mail three to four times a year, depending on the submissions.

We would love to hear from you! To submit news about something at work, a new promotion, a wedding, and/or family news, please e-mail alumni@lawschool.cornell.edu or send it to Alumni Affairs Office, 382 Myron Taylor Hall, Ithaca, New York 14853. You can also fax it to 607-255-7031.

CLASS NOTES

30 Retired Army colonel **Howard S. Levie** has attended many notable events during his remarkable life. On December 19 he participated in yet another memorable occasion, his 100th birthday celebration. During this past century, Colonel Levie served twenty years in the Army, helped author the 1953 Korean Armistice Agreement, participated in NATO meetings regarding prisoner-of-war matters, worked pro bono as a lecturer at the Naval War College, and was a faculty member for ten years at Saint Louis University School of Law. He authored seven books about law and war, edited thirteen others, and wrote too many published articles to count. His last article was published in 2002 when he was ninety-five years old. His book *Terrorism in War: The Law of War Crimes*, published in 1993, is still used today as a teaching tool.

44 The employee benefits committee of the American Bar Association's tax section honored **Alvin D. Lurie, LL.B.**, with its Lifetime Achievement Award. The citation notes Mr. Lurie's "dedicated service and contributions to improving employee benefits law;" it is the first time this award has recognized work in this area. Mr. Lurie received the award at the May 2007 meeting of the tax section, in Washington, D.C.

The employee benefits committee of the American Bar Association's tax section honored Alvin D. Lurie, LL.B. '44, with its Lifetime Achievement Award.

50 Jonathan "Jake" Crossley submitted a *Central New York Magazine* article about **Hon. Stewart F. Hancock Jr., LL.B.**, who continues to practice at the Syracuse firm of Hancock and Estabrook, LLP. The article notes that Judge Hancock retired from the judiciary in 1993, having served as an associate justice of the New York Court of Appeals for eight years and as a State Supreme Court and Appellate Division justice for fifteen years. Mr. Hancock specializes in appellate practice, mediation, and domestic and international arbitration; teaches case analysis and appellate advocacy as a visiting professor at Syracuse University College of Law; and represented New York State in a separation-of-powers case against then governor George Pataki.

55 **Hon. Richard M. Rosenbaum** has rejoined his former firm of Nixon Peabody as senior counsel and, as a judicial hearing officer, does mediations. His wife, Judy Kanthor, is a Cornell "Aggie," class of '55, and daughters Julie and Jill are Cornell alumnae. The Rosenbaums' son, Matthew, is a justice of the State Supreme



Cornell Law School and the Law Association held a luncheon at the Genesee Valley Club in Rochester on October 30, featuring Professor Germain (left) with Duncan W. O'Dwyer '63. Professor Germain discussed the new partnership between Cornell Law School and the Cour de cassation, the highest court in the French judiciary, and provided an overall update on the Law School.



A table of alumni enjoying Professor Germain's presentation at the alumni luncheon in Rochester in October

Court. **Julie F. Rosenbaum Skolnick '96** is a lawyer, and Jill is a veterinarian. Their eldest daughter, Amy, is a teacher. Mr. Rosenbaum has served as Reunion class chair every year since graduation and is class agent, as well. He has served on the New York State Supreme Court and, later, as chair of the New York State Unemployment Insurance Appeal Board.

61 Last fall, **William M. Aukamp, LL.B.**, became of counsel to Archer & Greiner, PC, at the firm's office in Wilmington, Delaware. Mr. Aukamp practices mainly in the areas of banking and corporate law. Archer & Greiner's home office is in Haddonfield, New Jersey.

62 The *Rochester Democrat and Chronicle* featured **Justin E. Doyle, LL.B.**, and his wife, Deborah S. Doyle, in a "Connections" story that recounted the couple's career change. Having practiced law with the Rochester firm

of Nixon, Hargrave, Devans & Doyle (now Nixon Peabody), Mr. Doyle joined the U.S. Foreign Service in 1992 and traveled with his wife (who had retired from her job as a history teacher) to his first assignment in 1993 with the USAID mission to Cairo, Egypt. In 1998, Mr. Doyle was reassigned to Botswana, and after mandatory retirement from the Foreign Service in 2000, took a job with the Multinational Force & Observers in the Sinai Peninsula. Despite the 9/11 attacks, the DoYLES stayed on in the Sinai until Mr. Doyle faced mandatory retirement again. He and Mrs. Doyle returned to the United States in April 2007 after having lived abroad for fourteen years.

Last October, **Richard S. Fisher**, head of the estate department at the Stamford, Connecticut, firm of Cacace, Tusch & Santagata, was selected as a Connecticut Super Lawyer in the estate planning and probate category, and was one of four Connecticut lawyers chosen for *The Best Lawyers in America* in the elder

law category. Mr. Fisher continues to practice full-time and to serve as treasurer of the Connecticut chapter of the Alzheimer's Association.

63 Facing mandatory retirement, **Judge George H. Hancher** closed the door of his chambers at Courtroom No. 5 in Butler County on December 19. In recent years, Judge Hancher has been one of two county judges assigned to the Criminal Division of Common Pleas Court and handled a range of legal cases, from divorce and child custody, to civil suits, to criminal cases of all magnitudes. Judge Hancher looks forward to more free time with his family and doing things such as traveling, maintaining the family farm, and restoring antique vehicles. He is also looking forward to reinvigorating his private law practice with his wife, Darla, who also is an attorney.

64 **M. Anthony Vaida, LL.B.**, of counsel with McEroy, Deutsch, Mulvaney & Carpenter, LLP, published "Estate Planning Considerations When One Spouse is a Resident Alien" in *The Colorado Lawyer*, vol. 36, No. 8 (August 2007), pp. 101-107. The head note explains that the article "addresses estate planning for a resident alien-U.S. citizen couple," analyzes applicable law, and "makes recommendations for drafting the couple's estate plan."

65 Professor **Frank L. Wiswall Jr.** delivered the oration for the award of the honorary degree of Doctor of International Maritime Law to the Right Honorable the Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales, in March 2007. Professor Wiswall had himself received the title of Honorary Professor of International Maritime Law in 1999.

Alumni



LEFT to RIGHT:

R. Franklin Balotti, LL.B. '67

Robert D. Hunter '76

66 A story in the *Portland Press Herald* last August noted that **Justice Howard H. Dana, LL.B.**, recently retired from the Maine Supreme Judicial Court after fourteen years of presiding with six colleagues over every conceivable variety of legal dispute, had returned to practice at Verrill Dana, the firm he originally joined in 1967.

67 The *International Financial Law Review* listed **R. Franklin Balotti, LL.B.**, director of Richards, Layton & Finger, P.A., in its 2007 *Guide to the World's Leading Corporate Governance Lawyers*. Mr. Balotti is a member of the corporate department at Richards, Layton & Finger and a member of the Cornell Law School Advisory Council, as well as an adjunct professor at Cornell University.

A November e-mail notes that *The Law of Higher Education* (fourth edition), coauthored by **William A. Kaplin** and Barbara Lee, was published by Jossey-Bass/Wiley in 2006. The authors' one-volume student edition appeared in 2007, and their volume of teaching materials keyed to the books, as well as periodic updates, appear at www.nacua.org/publications/lohe/index.asp, a Web site sponsored by the National Association of College and University Attorneys. Mr. Kaplin is the Distinguished Professional Lecturer and Senior Fellow at the Center for Excellence in Higher Education Law and Policy at Stetson University, and Research Professor of Law at the Catholic University of America.

Intellectual property law firm Sheldon Mak Rose & Anderson, PC, announced in October that **Robert A. Schroeder** had joined the firm as a partner in the Pasadena office. Mr. Schroeder was previously a partner of Bingham McCutchen, where he served as practice

Donald G. Glascoff Jr. '70 reports that his growing interest in human rights and public interest led to his co-producing *Taxi to the Dark Side*, a documentary about the experiences of victims of torture at Guantanamo Bay, Bagram, and Abu Ghraib.

group leader for intellectual property litigation.

68 The Giraffe Heroes Project, a national nonprofit organization that urges people "to stand tall and take responsibility for making the world a better place," named **Peter D. Coppelman** a Giraffe Hero for "a lifetime of sticking [his] neck out for the common good." About one thousand Giraffe Heroes have been named since 1982.

70 A letter from **Donald G. Glascoff Jr.** reports that his growing interest in human rights and public interest led to his co-producing *Taxi to the Dark Side*, a documentary about the experiences of victims of torture at Guantanamo Bay, Bagram, and Abu Ghraib. The film's director and co-producer is Alex Gibney, who made *Enron: The Smartest Guys in the Room*. *Taxi to the Dark Side* won Best Documentary at

the Tribeca Film Festival and, in February, an Academy Award for Best Documentary Feature. The documentary is scheduled to be shown in theaters and is slated to appear on BBC and the Discovery Channel. Having retired after a forty-year career at Cadwalader, Wickersham & Taft, Mr. Glascoff continues to do pro bono legal work as a board member of the International Senior Lawyers Program and has developed business interests in banking and real estate.

71 Last September, **Kenneth R. Kupchak** was selected as one of the Best Lawyers in Hawaii by a nationwide consensus of his peers. Mr. Kupchak is a partner of Damon Key Leong Kupchak Hastert and practices in the areas of commercial litigation, construction law, and corporate law in the firm's office in Honolulu.

Ira M. Shepard reported that the December issue of *Washington Magazine* named him one of Washington's 800 "Top Lawyers." Given that some 80,000 lawyers practice in the metropolitan Washington area, the distinction placed Mr. Shepard in the top 1 percent. Peer recommendations named Mr. Shepard in the category of Civil Defense.

73 U.S. Magistrate **Judge William C. Turnoff** became involved in the case of former Panamanian dictator Manuel Noriega last August when he upheld an earlier District Court ruling that allowed for Mr. Noriega's extradition to France to face money-laundering charges. Mr. Noriega's attorneys had argued that under the Geneva Conventions their client's prisoner of war status prevented his extradition. Judge Turnoff cited District Court Judge William Hoever to the effect that no provisions in the Geneva Conventions or the extradition treaty between the United States and France barred Mr. Noriega's extradition.



Cornell Law School and the Law Association hosted an alumni reception and Continuing Legal Education program "What You Never Learned in Law School: How to Navigate the Hidden Rules of Law Firms" at McGuireWoods, LLP, in New York City. From left to right: Associate Dean Lukingbeal, Jacqueline Duval '92, Yvette G. Harmon '69, Franci J. Blassberg '77, and Laura A. Wilkinson M.B.A. '85/J.D. '86.

Allan H. Weitzman, a partner of Proskauer Rose, LLP, in the firm's Boca Raton office, helped refine and promote FMLA/ADA DecisionMaker, a software product designed to help labor and employment law practitioners, and their clients, with the extensive and complex documentation involved in Family and Medical Leave Act (FMLA) and American with Disabilities Act (ADA) compliance, respectively. The software enables human resource professionals to generate, organize, and track the pertinent forms for their company's employees, and to send comprehensive and searchable files to their attorneys via e-mail.

74 Jay A. Erstling joined the faculty of William Mitchell College of Law last September. Mr. Erstling is an expert on international patents.

75 Thompson & Knight, LLP, announced last July that **Robert F. Brodegaard** had joined the firm's New York office as a partner. Mr. Brodegaard's practice focuses on international dispute resolution and U.S. commercial litigation. His litigation and trial experience includes cases brought under the securities, RICO (Racketeer Influenced and Corrupt Organizations Act), and antitrust laws, as well as professional malpractice, lender liability, and fraud/fraudulent conveyance claims.

In the January 2007 edition of *Chicago Lawyer*, **William G. Schur** spoke of the challenges and professional satisfactions of being an individual solo practitioner. Mr. Schur, who opened his own law office in 1981 and continues his successful practice in commercial collection and commercial litigation, said of solo practice, "You take all the responsibility and you retain all the rewards. ... You better not go into it expecting to make a lot of money for a while because you won't. ... To walk down the street and know you are a lawyer, and know you are not somebody's helper or apprentice, and the money that you make is yours, is a great feeling."

76 Unbridled Energy Corporation announced last September that **Richard J. Day** had been elected as a new director of the company. Mr. Day is a partner of Hiscock & Barclay, LLP, in Buffalo, New York, and focuses his practice on corporate, business, and commercial law. He is chair of the firm's international business practice area.

A news release from the International Association of Defense Counsel (IADC) announced in July that **Robert D. Hunter** had been elected president of the IADC at its annual meeting. Mr. Hunter is the first corporate counsel to hold the IADC presidency in recent history.

Last October, **Marjorie Z. Olds**, the first female judge of the Ithaca City Court, received the Good Neighbor Award from the American

Red Cross of Tompkins County. Judge Olds was recognized mainly for bringing Alternatives to Incarceration and Alternative Dispute Resolution programming, respectively, to what had been Drug Court and afterward became the Ithaca City Treatment Court. In presiding over the Treatment Court, Judge Olds supervises a team of ten community agencies that helps defendants who are impaired by mental illness and/or addiction to get appropriate treatment, housing, education, and employment.

77 Jonathan M. Menn wrote to the *Forum* last October to report that he is now the East Africa Director for Equipping Pastors International. Mr. Menn left the practice of law in 2005 and attended Trinity Evangelical Divinity School, where he earned a Master of Divinity degree. In his new vocation, Mr. Menn travels to Africa several times each year and during the course of a month delivers theological and practical training to pastors and church leaders in Kenya, Tanzania, Uganda, Rwanda, and Burundi.

78 Richard P. Hackett has been named vice chair of the consumer financial services committee of the business law section of the American Bar Association. Mr. Hackett is a partner of Pierce Atwood, LLP, and his practice covers all aspects of state and federal regulation of retail financial products and sales, e-payments, financial service entities, and lending, deposit, and insurance transactions.

The office of the governor of Idaho announced last July that **Patrick H. Owen** had been named to the Fourth District Court. This judgeship was recently created by the Idaho legislature to lighten the heavy caseload in Idaho's most populous judicial district. Judge

Alumni



Donald R. Frederico '79

Owen had been deputy Ada County prosecutor since 1993 and had also practiced law in Alaska.

A news release from the American Bankers Association (ABA), the largest banking trade association in the United States, announced last October that **Bradley E. Rock** had been elected ABA chair for 2007–2008. Mr. Rock has been chair, president, and chief executive officer of the Bank of Smithtown, in Smithtown, New York, for the past seventeen years. Formerly, Mr. Rock's law practice specialized in banking, business, and education. He is the first New York banker in more than twenty-six years to be elected chair of the ABA. Mr. Rock was also the subject of a 3500-word cover story in the October edition of the *ABA Banking Journal*.

79 **Donald R. Frederico** became chair of the board of editors of the *Boston Bar Journal* last September. Mr. Frederico is a partner of Greenberg Traurig, LLP, where he specializes in representing defendants in class actions and mass tort litigation in federal and state courts. He is a fellow of the Boston Bar Foundation and has served on the *Boston Bar Journal's* board of editors since 2004.

A *Business Wire, Inc.*, story noted last August that **Harold O. Levy** had joined Plainfield Asset Management, LLC, as managing director and special counsel. Previously, Mr. Levy was executive vice president of Kaplan, Inc., a leading provider of career and educational services, and was chancellor of the New York City schools from 2000 to 2002. Plainfield Asset Management, based in Greenwich, Connecticut, is an investment advisor with more than \$3 billion of capital under management for institutions, including universities, and high-net-worth individuals.

Susan D. Warshaw Ebner '80 has been named president of Women in Defense (WID), a national security organization affiliated with the National Defense Industrial Association.

A *newsPROs* press release announced last September that **William H. Nichols** had joined the recently combined firm of Reed Smith Sachnoff & Weaver as a partner. Mr. Nichols joined the tax, benefits, and wealth-planning group in the firm's Chicago office. Formerly a partner of Ungaretti & Harris, LLP, also in Chicago, Mr. Nichols has more than twenty years of experience in employee benefits law and a practice that covers all retirement and welfare benefits matters.

80 A press release by Buchanan Ingersoll & Rooney, PC, announced in October that **Susan D. Warshaw Ebner** had been named president of Women in Defense (WID), a national security organization affiliated with the National Defense Industrial Association. At WID, Ms. Warshaw Ebner oversees the professional-development and networking opportunities afforded its membership, which includes both men and women. At Buchanan Ingersoll & Rooney, Ms. Warshaw Ebner advises corporate clients on a full range of government procurement matters.

James D. McFarland was elected to the steering committee of the National Football

League (NFL) Retired Players Association. His three-year term follows his presidency of the Nebraska chapter of the NFL Retired Players Association. Mr. McFarland and his wife, Dr. Kimberly McFarland, live in Lincoln, Nebraska, where he practices law and his wife teaches public health dentistry at the Nebraska College of Dentistry. Their daughter, Jamie J. McFarland, who graduated from Cornell in 1998, serves on the legal staff of the National Hockey League.

82 A press release from the Boston firm of Mintz Levin announced in October that **Neil H. Aronson** had been named a Massachusetts Super Lawyer for 2007. This selection is based on ballots sent by *Law & Politics* to more than 31,000 Massachusetts attorneys with at least five years' practice experience. Independent research on each nominee follows, and the process concludes with a panel review. Only 5 percent of lawyers in Massachusetts won this distinction in 2007.

A Finn Dixon & Herling, LLP, press release reported that **Brett W. Dixon** had been recognized by *Chambers USA: America's Leading Business Lawyers 2007–2008* as one of the top corporate and mergers and acquisitions lawyers in Connecticut. Mr. Dixon's practice deals primarily with law related to federal and state business taxation, especially planning for taxable and tax-free acquisitions and dispositions involving public and private entities. He is one of the founding partners of Finn Dixon & Herling, LLP, which *Chambers USA* named to the top tier of Connecticut law firms in the corporate/mergers and acquisitions category for the fifth consecutive year.

Alan L. Klingenstein is pleased to report on the success of his film *TRUMBO* that premiered in September at the Toronto International Film Festival. After receiving several

Alan L. Klingenstein '82 is pleased to report on the success of his film *TRUMBO* that premiered in September at the Toronto International Film Festival.

offers from major companies, Mr. Klingenstein sold the domestic rights to a partnership of Samuel Goldwyn and Netflix, who committed to roll the film out theatrically in a minimum of fifteen cities this spring preceding its TV and home video runs. In addition, Content International acquired all foreign rights. Mr. Klingenstein is now focusing full-time work on launching a premiere online community, *FilmCatcher* (www.filmcatcher.com), for those who want to discover, discuss, and purchase the best in independent films.

83 *Accounting Today* named **Paul L. Caron** one of its Top 100 Most Influential People for 2007, citing his leadership in using new media in the area of tax law. As publisher and editor-in-chief of *TaxProf Blog*, Professor Caron oversees the content and operation of one of the Internet's most-visited tax blogs. Professor Caron is associate dean of faculty and the Charles Hartsock Professor of Law at the University of Cincinnati College of Law.

An e-mail from **Sterling V. Harwood** notes that he joined the faculty of Lincoln Law School last August. Professor Harwood has

practiced for ten years in California and previously taught at San Jose State University, Illinois State University, Hobart and William Smith Colleges, and elsewhere, and has written four books (two coauthored) on law topics. His practice is mainly in criminal defense, family law, and contracts. He lives with his wife, Tina, and daughters Heather (seven) and Holly (five) in San Jose, California.

In October, the New Jersey Commission on Professionalism in the Law named **Anne M. Patterson** one of four recipients of the Professional Lawyer of the Year award. Ms. Patterson is a partner of Riker Danzig Hyland & Perretti and a member of the board of trustees of the Trial Attorneys of New Jersey and the Association of the Federal Bar Association, respectively. She has served as chair of the New Jersey State Bar Association's product liability and toxic tort section, and speaks on issues related to class actions, expert testimony, and products liability.

The *Anchorage Daily News* reported last September that **Alma M. Upicksoun** had resigned from her position as vice president and general counsel of the Arctic Slope Regional Corporation to pursue new professional interests.

84 As chair of the American Bar Association's Uniform Commercial Code Article 9 Forms Task Force, **Cindy J. Chernuchin** served as editor of the second edition of *Forms Under Revised Article 9*, which is designed to serve private practitioners as a guide to the Article 9 forms that cover the areas a secured-lending transaction attorney is most likely to encounter in daily practice. With significantly more depth than the first edition, the second edition is intended to be a valuable resource for experienced as well as new attorneys.

Kevin M. Rowe joined the New York office of Reed Smith, LLP, in July 2007, as counsel. Mr. Rowe received an LL.M. in taxation from New York University School of Law in 1986 and has more than twenty years of practice experience in corporate, partnership, and international tax law. His advice work includes multinational corporations and many high-net-worth individuals from all over the world, particularly Germany, Switzerland, and Japan. His publications have appeared in premier domestic and international professional journals.

Jan van Zanen, LL.M., had a Law School reunion in miniature last July with **Elizabeth J. Ford, '87**, and her husband, **Stefan P. Ford '85**, in the city of Amstelveen in the Netherlands.

An e-mail from **Leslie A. Wheelock** reports that she has become senior corporate attorney for NANA Development Corporation, the business division of NANA Alaska Regional Corporation. Ms. Wheelock is assigned to Qivliq, LLC, in Herndon, Virginia, although the NANA region is located between the Arctic Slope and the Bering Strait.

85 *Business Wire, Inc.*, reported last July that Proskauer Rose, LLP, had announced that **Stuart Bressman** had joined the firm's New York office as a partner. Specializing in capital markets transactions of all types, Mr. Bressman represents underwriters and financial institutions in public and private offerings, and advises on matters of corporate and securities compliance and reporting. He is recognized as a leading practitioner of alternative financing techniques, e.g., registered direct offerings, and is viewed by Ronald R. Papa, partner and chair of Proskauer's corporate department, as "a key addition to [the firm's] capital markets capabilities."

Alumni



LEFT to RIGHT:

Andrew T. Hahn Sr. '86

Eve L. Hill '89

On December 7 Vernon G. Chu '86 received the third annual Media and Entertainment Counsel of the Year award.

Mark H. Jackson, former associate general counsel of HarperCollins Publishers, became executive vice president, general counsel, of Dow Jones & Company. In announcing the appointment, Dow Jones Chief Executive Officer Les Hinton said: "I'm delighted that Mark will join Dow Jones as general counsel. He has made outstanding contributions to HarperCollins and I know that his considerable experience with all facets of the media industry, combined with his superlative legal acumen, will be valuable assets to Dow Jones."

Last fall, a *Business Wire, Inc.*, story about the growing antitrust practice of Jones Day noted that **Geoffrey D. Oliver** was slated to join the firm's Washington office in November. Formerly head of the anticompetitive practices division of the U.S. Federal Trade Commission's Bureau of Competition, Mr. Oliver comes to Jones Day's antitrust and competition practice as a partner. Before joining the FTC in 1998, Mr. Oliver practiced at the Washington and Brussels offices of O'Melveny & Myers, where he represented clients in mergers and acquisitions and conduct investigations, and in class action and criminal antitrust litigation.

86

On December 7 **Vernon G. Chu** received the third annual Media and Entertainment Counsel of

the Year award. Mr. Chu is vice president for business and legal affairs at BBC Worldwide Americas. The award is presented by the Association of Media and Entertainment Counsel (AMEC), the foremost trade association of general counsel and business affairs attorneys working at media and entertainment companies.

Michael G. Flanagan is president of Video Symphony, the television and film school he founded twelve years ago. Video Symphony, located in Burbank, California, teaches Hollywood-style video and film editing, sound editing and mixing, and motion graphics design to several hundred students each year. It is the third business Mr. Flanagan has founded and operated since graduating from the Law School; he "retired" the first after eleven years and sold the second after four. Mr. Flanagan lives in the hills of Glendale, California.

In naming **Daniel Grunfeld** his deputy chief of staff for policy last August, Los Angeles mayor Antonio Villaraigosa described Mr. Grunfeld as "one of the most passionate and accomplished public interest advocates in the country." He comes to his new post having served as president and chief executive officer of Public Counsel, the largest pro bono public interest law firm in the world. In each of the last ten years, *California Law Business Magazine* has selected Mr. Grunfeld as one of California's top 100 most influential lawyers.

A Seyfrath Shaw press release announced in October that firm partner **Andrew T. Hahn Sr.** had been voted president-elect of the National Asian Pacific American Bar Association (NAPABA). Mr. Hahn is based in Seyfrath Shaw's New York office, where he is a partner in the firm's litigation and employment law practice groups. Mr. Hahn served as the NAPABA's vice president for two

Michael G. Flanagan '86 is president of Video Symphony, the television and film school he founded twelve years ago. Video Symphony, located in Burbank, California, teaches Hollywood-style video and film editing, sound editing and mixing, and motion graphics design to several hundred students each year.

years and will serve as president-elect for all of 2008. In 2009, he will become president of NAPABA.

Andrew C. Pickett writes to say that he is finishing his third year as managing partner of the Boston office of Jackson Lewis, LLP, a national labor and employment law firm. Mr. Pickett reports that he continues to enjoy his practice despite the challenges of managing an office. He and his wife, Donella, "had a great time" at Reunion in June 2007, such that Mr. Pickett encourages any classmate in the Boston area to "look him up."

D'Agostino, Krackeler, Baynes & Maguire, PC, of Albany, New York, has named **Kimberly M. Sack** an associate attorney. During a legal career of more than twenty years, Ms. Sack has practiced personal injury, insurance



Alumni gather for a reception at the law firm of Nicolas Vivien, LL.M. '90, in Paris.



Nicolas Vivien, LL.M. '90

defense, and product liability law, and in the areas of commercial, environmental, corporate, and construction law, respectively, in firms based in Texas, New Hampshire, and New York. She comes to D'Agostino Krackeler from solo practice.

87 **Elizabeth J. Ford** and her husband, **Stefan P. Ford '85**, had the pleasure of meeting last July with **Jan van Zanen, LL.M. '84**, in the City of Amstelveen in the Netherlands. Mrs. Ford is managing director at Goldman Sachs in New York City and was visiting Holland with Mr. Ford (counsel to General Electric Capital) and their two children.

Alfonso Miranda, LL.M., writes from Bogotá, Columbia, to report that he and three other Cornell LL.M. degree-holders constitute half of the partnership of the recently merged firm of Esguerra Barrera Arriaga. The other Cornellians are **Juan Carlos Esguerra, LL.M. '73**, **Juan Pablo González, LL.M. '96**, and **Andrés Flórez, LL.M. '01**.

88 In July 2007, the *Daily Record* of Baltimore, Maryland, profiled **Carolyn Elefant** and her work as a solo practitioner who started representing alternative-energy companies fifteen years ago. Ms. Elefant specialized then and continues to focus on marine energy law and companies that develop renewable ocean-based energy sources, including tidal power, geothermal energy, and wave energy. Ms. Elefant

started a blog about marine renewables in 2003 and was a key participant in the writing of the Marine Renewable Energy Research and Development Act, which at the time of this writing was in Congressional process. If passed, the act would offer more than \$50 million in tax breaks to companies that are developing marine renewables.

Carlos I. Guaia, LL.M., became assistant attorney general of Buenos Aires, Argentina, in December.

The *Olympian* reported in July that **Thomas C. Morrill**, deputy city attorney of Olympia, Washington, since 2005, was appointed city attorney. In addition to serving as primary legal advisor to the city manager and the City Council, Mr. Morrill will oversee all aspects of Olympia's Legal Department, including civil matters and criminal prosecution, plus the city's Victim's Assistance Office.

The Boston firm of Mintz Levin announced in October that **Jeffrey R. Porter** had been selected as a Massachusetts Super Lawyer for 2007. This selection is based on ballots sent by *Law & Politics* to more than 31,000 Massachusetts attorneys with at least five years' practice experience. Independent research on each nominee follows, and the process concludes with a panel review. Only 5 percent of lawyers in Massachusetts won this distinction in 2007.

89 The Boston Bar Association (BBA) announced last December that **Rodney S. Dowell** had become the co-chair of the BBA's solo and small firm section. Mr. Dowell is the director of the Law Office Management Assistance program.

Kathleen Dillon Narko, assistant clinical professor at Northwestern University School of Law, presented "Students' Choice: Teaching Research through Individual Interest" with her colleague Maurine J. Berens at the Rocky Mountain Regional Legal Writing Conference (March 2007) and at the Central Region LRW/Legal Skills Conference (October 2007).

The office of the mayor of Washington, D.C., announced that Mayor Adrian M. Fenty had nominated **Eve L. Hill** to be director of the Office of Disability Rights (ODR). As the executive director of the Disability Rights Legal Center (DRLC) since 1998, Ms. Hill acquired the knowledge and experience of disability rights law that made her a nationally known expert in the field. Before joining DRLC, Ms. Hill served as an attorney with the disability rights section of the U.S. Department of Justice. She has also taught disability rights law and special education law as an adjunct professor of law at Loyola Law School. [see page 52 for Ms. Hill's profile.]

The office of the governor of New York announced in July that **Lai Sun M. Yee** was the new assistant secretary for homeland security.

90 Judge **Amy J. St. Eve** was the subject of a short profile in the *Ottawa Citizen* last December.

Paul D. Warren and Gary W. Morgan have opened the offices of Morgan & Warren to represent injured employees before the Texas Department of Insurance, Division of Workers' Compensation, and in other claim resolution.

91 Catching up: in March 2007, *Jewish Week* published an article by Walter Ruby about **Gideon**

Aronoff, president and chief executive officer of the Hebrew Immigrant Aid Society, and immigration reform. In the article, Mr. Aronoff set forth an argument in favor of grassroots support among Jews for immigration reform that would legalize America's illegal immigrants, most of whom are Hispanic, at a time when the immigration of Jews to the United States is at a low ebb. Mr. Aronoff cited the desperate, often thwarted attempts of European Jews to come to the United States during the rise of Nazism in pointing out, "poverty in Latin America and the Third World are not the same thing as Nazism. Yet extreme poverty causes people to need to flee just as political and religious violence does." The Hebrew Immigrant Aid Society is "the oldest continuously operating migration and refugee resettlement agency in the United States."

Andrew J. Hollander states that he is "in charge of all intellectual property matters at Travelport Inc. and its two dozen portfolio companies, which include Orbitz, Cheap Tickets, and Galileo." Mr. Hollander is a registered patent attorney and lives in Chatham, New Jersey, with his wife, Dorothy Frank (also a Cornellian) and twin sons, Caleb and Sam (four). In saying that he would "love to hear from classmates," Mr. Hollander reports that he enjoyed breakfast a while back with

Of his courtroom practice, John H. Chun '94 is quoted as saying, "I love the thrill of it all. I love listening to clients tell their stories. I love the stenographers and the notebooks and when the bailiff says, 'All rise!' and your heart begins to beat faster."

Peter B. Kunin at a trademark conference in Chicago. Mr. Hollander's e-mail is ajh35@cornell.edu.

Targeted News Service reported in July that **Derrick L. Lopez** had been appointed chief of high school reform for the Pittsburgh public school system. Mr. Lopez, who earned a master's degree in educational administration from Marygrove College in Michigan in 2002, is a Doctor of Philosophy candidate in education policy at Michigan State University. He is also principal of Berkely High School in Berkely, Michigan, a position he first assumed in 2004.

93 The Boston Bar Association (BBA) announced in November that the wetlands, waterways, and water quality committee of the BBA's environmental law section had named **Jeffrey L. Roelofs** its co-chair. Mr. Roelofs was a partner of Anderson Kreiger, LLP, before recently opening his own firm, Law Offices of Jeffrey L. Roelofs, PC, which concentrates on matters of environmental and land use law.

94 **Gabriel Garcia-Angeli**, resident of Irving, Texas, was engaged by Zee TV-Veria USA, Inc., to be general counsel for the company's new health and wellness spa venture, as well as its ongoing South Asia Media business.

Gregory K. Bader of Fort Lauderdale, Florida, was a member of the Gunster Yoakley corporate team that represented First United Bank in its \$55.6 million merger with Equitable Bank in October. With colleague David C. Scileppi, Mr. Bader handled the complex mergers and acquisitions, securities, and bank regulatory issues associated with the merger. Mr. Bader is an AV-rated shareholder in Gunster Yoakley's corporate department and focuses his practice on mergers and acquisitions, Securities and Exchange Commission and banking law compliance, corporate finance and capital market transactions, consumer finance and mortgage lending law, and corporate governance.

Washington Law & Politics did a "Special Focus: Super Lawyers" article on **John H. Chun** in its Summer 2007 issue. Titled "The Friendly Foe," the piece profiles Mr. Chun's exemplary legal career as it has unfolded in three Seattle, Washington, law firms, in each of which he has made partner. Currently with Summit Law Group in the international district, Mr. Chun handles cases involving employment, landlord-tenant law, complex commercial litigation, and international business for clients as distant as Russia, Norway, Korea, and Japan. Of his courtroom practice, Mr. Chun is quoted as saying, "I love the thrill of it all. I love listening to clients tell their stories. I love the stenographers and the notebooks and when the bailiff says, 'All rise!' and your heart begins to beat faster."

President George W. Bush has nominated **Gus P. Coldebella** as general counsel of the Department of Homeland Security (DHS). Mr. Coldebella is presently acting general counsel of the DHS.



The law firm of Esguerra Barrera Arriaga is the result of the integration of two prestigious and renowned law firms founded in Bogotá, Colombia, in 1977 and 1990. The projection of the firm is both multidisciplinary and specialized: one special characteristic is that four of its eight partners received their basic law degree at the Javeriana University in Bogotá and an LL.M. from Cornell. The Cornellians are (from left to right): Alfonso Miranda, LL.M. '87; Juan Carlos Esguerra, LL.M. '73; Juan Pablo González, LL.M. '96; and Andrés Flórez, LL.M. '01.

PRNewswire carried the announcement by Sidley Austin, LLP, that counsel **Mark B. Langdon** had been one of five lawyers in the firm's Washington, D.C., office elevated to partnership in July. In his practice area of healthcare, Mr. Langdon has represented a range of clients associated with that industry on matters of regulatory compliance, fraud and abuse, and reimbursement. He has extensive experience with the federal anti-kick-back statute, the federal physician "Stark" Law, and the False Claims Act.

Sergei V. Onishchenko, LL.M., became an international partner of Chadbourne & Parke, LLP, in September. The PRNewswire story noted that Mr. Onishchenko's practice focuses on general corporate law, international transactions, foreign investments, and real estate finance. He is based in the firm's Kyiv office, and previously taught administrative law at the Kharkiv Law Institute. Mr. Onishchenko is the author of several articles on topics in administrative law and real estate.

95 Gregg R. Donnenfeld has become vice president and general counsel of Marc Ecko Enterprises, which comprises several global fashion and entertainment companies. Mr. Donnenfeld continues to serve as chair of the board of Retorter, Inc., a nonprofit group that serves

the needs of geckos and other animals displaced by Hurricane Katrina.

Ali Goldbach Haffner became a partner of Shipman & Goodwin in Hartford, Connecticut, in September, when she returned to the firm after eight years as an employee benefits and executive compensation attorney at IBM headquarters in Armonk, New York. Ms. Goldbach Haffner began her legal career at Shipman & Goodwin in 1995. She lives with her husband, Rob, and their two children, Lily and Joshua, in Danbury, Connecticut.

A press release from Infinite Public Relations, LLC, reported in November that **Ted W. Harrison** had won the James T. Caleshu Award from the Lawyers' Committee for Civil Rights (LCCR) for his service to the LCCR's Legal Services for Entrepreneurs program (LSE). Mr. Harrison has been a member of the LSE's screening committee since 2002 and from 2003 to 2005 served as co-chair of its advisory board. He has represented LSE clients in his practice at Steefel, Levitt & Weiss, where he is of counsel. Mr. Harrison's practice focuses on asset-based lending and borrowing, acquisitions and dispositions, and leasing and development.

96 Last August, **Charlotte L. Behrendt** announced the birth of her daughter, Ruthie, born in

May. Ruthie's big sister, Abigail, is a year-and-a-half older and reportedly is "tickled pink to have a baby sister."

PRNewswire reported last August that **Peter S. Guryan** had become a partner of Fried, Frank, Harris, Shriver & Jacobson, LLP, in the firm's New York office. Mr. Guryan's practice in the antitrust department focuses on antitrust counseling, government and regulatory review of mergers and acquisitions, and litigation. He has successfully represented major corporations in matters related to merger, joint venture, and civil non-merger investigations before the U.S. Department of Justice and the Federal Trade Commission. Mr. Guryan was previously an attorney in the U.S. Department of Justice's antitrust division, where he was part of the telecommunications task force.

Marie Claire ran an interview last September with **Jennifer L. Justice**, the youngest partner of the entertainment law firm Codikow, Carroll, Guido & Groffman, in which she described how growing up in Washington State during the grunge craze prepared her to represent clients like Velvet Revolver, Jay-Z, and Method Man without being starstruck.

The *Post-Standard* of Syracuse profiled **Timothy M. Lynn** in August, shortly after he had been elected a village trustee of Skaneateles, New York. Mr. Lynn lives in Skaneateles with his wife, Cindy, and their son, Luke.

97 A Simpson Thacher press release announced in November that **Olga Gutman, LL.M. '01**, had been tapped for partnership in the firm. Ms. Gutman is a member of the corporate department in the firm's New York office.

The international law firm of Surana & Surana announced last August that its chief executive

Alumni

LEFT to RIGHT:

Vinod S. Surana,
LL.M. '97

Mary E. Windham '97

Jay H. Ong '00

Ellen K. Eagen '03

Ivan E. Lee '03



officer and partner, **Vinod S. Surana, LL.M.**, had been appointed to three distinct offices: the Confederation of Indian Industry's National Committee on Legal Services; the Institute of Company Secretaries of India (a three-year term); and the executive committee of the International Chamber of Commerce, India chapter. Mr. Surana's legal practice focuses on international trade, investments, dispute resolution, and law practice management. He has also been a visiting faculty member of three law schools in India for public international law, labor laws, and contracts and arbitration; a trustee of the World Environment Law Foundation in Washington, D.C.; and the founder and president of the Cornell Law School Alumni Association of India.

Ruberto, Israel & Weiner, PC, of Boston announced in May 2007 that **Mary E. Windham** had joined the firm as an associate in the litigation and employment practice groups. Ms. Windham concentrates on commercial litigation and employment law and handles cases involving shareholder rights and remedies, contract disputes, business torts, property law, and products liability claims. Ms. Windham was editor of the *Legal Information Institute* at Cornell Law School and the recipient of the 1995 Fredric H. Weisberg Prize. She has taught philosophy at Miami University in Oxford, Ohio, and has been a visiting fellow at Harvard. Her son's name is Emerson.

98 Ruth Ann Keene was married to Charles Reed Ehm, of Portland, Oregon, last September.

Ms. Keene is senior corporate counsel at Autodesk, Inc., in San Rafael, California, and Mr. Ehm is managing director, MIS, at the San Francisco office of Charles Schwab & Co. **Megan Malecek Harry '98** was in the wedding party.

The *New York Times* reported that **Scott D. Litman** married Alexis Louise Luongo on November 10, at Chelsea Piers in New York. Mr. Litman is a managing director and general counsel at American International Group (AIG). Mrs. Litman, a graduate of the Fashion Institute of Technology, works in fabric research and design for Jones Apparel Group.

99 Known to her classmates as Sara, **Dorothy Sara Fowler** writes to say that she has gone by the name of Sara Fowler Getsay since her marriage in 2003 to Richard Getsay. In September, Ms. Getsay became corporate counsel with Community Health Systems, the largest publicly traded hospital company in the country. Previously, she was legislative attorney for the Tennessee General Assembly. Today her practice concerns the legal issues that affect the healthcare industry. Ms. Getsay and her husband became the happy parents of Henry Fowler Getsay on August 1, 2005.

A press release from Baker Botts, LLP, reported in November that **Brian J. Henchey** was made a partner of the firm, effective January 1, 2008. Mr. Henchey concentrates on representing service providers in large-scale outsourcing transactions, technology licensing, and other technology transactions.

Jette A. Schreiber (née Oberloskamp), LL.M., writes to ask that all members of the LL.M. class of 1999 send her their addresses. She also would like her classmates to know that her daughter, Laura Sophie, was born on June 23, 2007.

Simpson Thacher announced in November that **Eric M. Swedenburg** had been elected to partnership, effective January 1, 2008. Mr. Swedenburg concentrates his practice on matters of mergers and acquisitions, corporate and securities laws, and corporate

governance. He is a member of the corporate department in the firm's New York office.

Chisako Takaya, LL.M., authored the feature article, "Labour and Employment Law in Japan," in the April 2007 edition of *AsiaLaw*. Ms. Takaya is a partner of Mori Hamada & Matsumoto and has written many articles on labor law-related topics.

00 An August note from **Marianne L. Bell** reports that she joined the Shelby County District Attorney General's Office in July 2006. In January 2007, Ms. Bell was chosen for the Child Protection Investigative Team, which works with the Memphis Police Department and Children's Advocacy Center, to investigate and prosecute all cases of severe physical and sexual abuse of children in Shelby County, Tennessee. Some 1,900 such cases were reported in Shelby County last year.

Catching up: **Stacey (Miness) Mayer** and **David C. Mayer** are thrilled to announce the birth of their son, Joshua Jack Mayer, on July 27, 2006. Mr. Mayer is assistant legal counsel at ESPN. The Mayers live in West Hartford, Connecticut.

Munsch Hardt Kopf & Harr, PC, announced last August that **Jay H. Ong** presented "Recent Legal Developments and Standards in the Discovery of Electronic Media" at the Lorman seminar on document retention and destruction in Texas in November. Mr. Ong is an associate in the Austin office of Munsch Hardt and practices in its reorganization/corporate finance group. His work focuses on bankruptcy, reorganization, and creditors' rights. Mr. Ong is often a speaker, lecturer, and instructor on issues related to bankruptcy, as well as a highly experienced attorney in representing clients in bankruptcy and large



Jaime M. Previte '02 of Rome, New York, was named deputy general counsel for business and government transactions in the legal department of the Oneida Indian Nation.

business reorganizations, and matters of corporate finance and general litigation.

02 **Avidan Y. "Ari" Cover** received a John J. Gibbons Fellowship in Public Interest and Constitutional Law last summer, which has given him the opportunity to litigate civil rights and social justice issues at the Gibbons law firm in New Jersey. The Gibbons Fellowship is a two-year award. Mr. Cover was previously working at Human Rights First.

"Home sweet Tbilisi," wrote **Sara A. Lulo, LL.M.**, in August, having learned that she would be on secondment to the Ministry of Justice in the Republic of Georgia for three or four months beginning in October 2007. Ms. Lulo expected to be advising the ministry and government on matters related to international commercial and investment treaty arbitration. She reported being "most excited about seeing a new, different part of the world. And I am excited that it is ... a bit random and 'unexplored'—everything will be new and interesting to me." Preparatory to her new adventure, Ms. Lulo was looking for a language tutor.

Jaime M. Previte of Rome, New York, was named deputy general counsel for business and government transactions in the legal

department of the Oneida Indian Nation. Ms. Previte handles the legal aspects of the Oneida Nation's enterprises, including Turning Stone Resort & Casino, SavOn Convenience Stores, Standing Stone Gaming, and Four Directions Media. Previously an attorney in the New York office of White & Case, LLP, Ms. Previte served four years on active duty as an officer in the U. S. Army before attending law school.

03 Hiscock & Barclay, LLP, announced in September that **Ellen K. Eagen** had joined the firm's Syracuse office as an associate attorney. Ms. Eagen's practice is in commercial litigation, First Amendment, and media law. She has represented corporate and nonprofit clients, as well as individuals, in state and federal court and in American Arbitration Association and administrative proceedings. Her pro bono work is usually related to children and education. Ms. Eagen comes to Hiscock & Barclay from California, where she was a litigation associate at Morrison and Foerster, LLP, in San Francisco.

Hodgson Russ, LLP, announced in July that **Ivan E. Lee** had joined the business litigation practice group in the firm's Buffalo, New York, office. Mr. Lee has represented Fortune 500 and Fortune Global 500 companies in high-stakes commercial litigation in state and



Over fifty alumni gathered in Chicago on September 25 to attend a reception and Continuing Legal Education program "Recent Developments in Conflicts of Interest." The featured speaker was Cornell Law School's Professor Wendel. The event was held at Bell, Boyd & Lloyd, LLP. From left to right: GuoHua (Annie) Wu '01, Jeffrey K. Ross '76, Andrew R. McGaan '86, Thomas M. Jones from McDermott Will & Emery, Professor Wendel, Soo M. Choi '01, and Kathleen Dillon Narko '89

federal court, as well as corporate clients in government investigations, securities class actions, and derivative litigation involving allegations of fraud. He also specializes in advice work on compliance issues related to the Bank Secrecy Act, the Patriot Act, criminal money laundering statutes, and Office of Foreign Assets Control regulations. His pro bono work in New York recently garnered Mr. Lee the honorific title of "Empire State Counsel" from the New York State Bar Association.

Jennifer Schultz joined Community Legal Services of Philadelphia in June 2007. As a staff attorney in the consumer-housing unit, Ms. Schultz represents individuals in matters involving predatory lending practices and the loss of their homes by foreclosure.

04 **Elke C. Rehbock** and **Philippe Y. Blanchard '03** were married on July 7, 2007, at the American Church in Paris. The couple lives in Chicago and pursues dual legal careers, Mr. Blanchard as an attorney at Neal, Gerber & Eisenberg, LLP, and Ms. Rehbock as an associate with Skadden, Arps, Slate, Meagher & Flom, LLP.

Barran Liebman, LLP, a boutique employment and labor law firm based in Portland, Oregon, announced in October that **Andrew M. Schpak** had been chosen to participate in

The U.S. Department of the Interior's Bureau of Indian Affairs announced in September that E. Sequoyah Simermeyer '04 has been named counsel to the assistant secretary of Indian affairs, Carl J. Artman.

the American Bar Association's labor and employment section's young lawyers division fellowship program as a member of the Equal Employment Opportunity committee. The two-year term will give Mr. Schpak the opportunity to take part in ABA section activities, including the National Conference on Equal Employment Opportunity Law.

The U.S. Department of the Interior's Bureau of Indian Affairs announced in September that **E. Sequoyah Simermeyer** had been named counsel to the assistant secretary of Indian affairs, Carl J. Artman. Mr. Simermeyer, a member of the Coharie IntraTribal Council, Inc., of North Carolina and related by common ancestors to the Navaho Nation of Arizona, was previously a government affairs group associate with the National Congress of American Indians, for which he provided a broad range of legal services, including in the areas of taxation, gaming, trust reform, energy, environment, and land use.

05 Paul J. Dominski married Kerry Lyn Buske on May 5, 2007, in St. Patrick's Church in Syracuse, New York. Following their honeymoon in Greece, the newlyweds returned to the legal grind. Mr. Dominski is an attorney at Chadbourne & Parke, LLP, in New York City, and Ms. Buske is an assistant district attorney in Kings County, New York.

07 The *St. Louis Daily Record* reported last October that Bryan Cave, LLP, had hired sixteen new associates in its St. Louis office, including **Michael D. Laycob**, who joined the firm's client service groups in corporate finance and securities, technology, entrepreneurial and commercial practice, and transactions.

Paul C. Saindon joined the Wilmington, Delaware, firm of Morris, Nichols, Arsht & Tunnell last August.

In Memoriam

Edward W. Harker '35, LL.B. '37

Robert D. W. Landon '41

Harold Freman Porter Jr. '41

Rae A. Clark '46

Walter C. Wallace LL.B.'51

Bernhard A.
von Falkenhausen '52

Prof. Gordon Baldwin '53

John L. Kirschner '53

Stanley Watsky '53

Francis X. Kenney '64

Hugh J. Leitch '65

John F. "Jack" Murphy '68

Howard M. Bergtraum '69

Hon. Phillip S. Figa '76

David A. Brown '88

FORUM

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Richard D. Geiger
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AND ENROLLMENT

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